

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re

North Pacific Cannery & Packers, Inc.,
Hermiston Foods, LLC, and NPCP Quincy,
LLC,

Debtors.

North Pacific Cannery & Packers, Inc.,
Hermiston Foods, LLC, and NPCP Quincy,
LLC,

Plaintiff,

v.

Syngenta Seeds LLC,

Defendant.

Case No. 19-62584-pcm11
LEAD CASE

(Jointly Administered with Case
Nos. 19-33102-pcm11 and
19-33103-pcm11)

Adv. Proc. No. 20-06035-pcm

**AMENDED NOTICE OF
SETTLEMENT WITH SYNGENTA
SEEDS LLC**

NOTICE IS HEREBY GIVEN that the above-captioned Debtors filed a Motion to Settle and Compromise with Syngenta Seeds LLC Pursuant to Fed. R. Bankr. P. 9019 [ECF No. 17] (the "Motion") on August 24, 2020, seeking approval of a proposed settlement with Syngenta Seeds LLC ("Syngenta") (the "Settlement")¹. The proposed Settlement is attached to the Motion, a copy of which may be viewed at the U.S. Bankruptcy Court, 405 E. 8th Avenue #2600, Eugene, Oregon 97401, or online at <http://www.kcellc.net/norpacfoods/document/list/>.

NOTICE IS HEREBY GIVEN that the basic terms of the Settlement are described as follows:

- Syngenta Seeds LLC ("Syngenta") has asserted claims against Debtors (collectively, the "Syngenta Claims") totaling \$1,020,593.32, with a secured amount of \$887,902.42, and an unsecured amount of \$132,690.90.
- To resolve the Syngenta Claim, Debtors and Syngenta have agreed that the Syngenta Claims will be treated as an allowed secured claim in the total amount of \$650,000 and an allowed general unsecured claim in the total amount of \$100.
- A release of claims as set forth in the Settlement.
- The Settlement is in the best interest of the estates because litigation over the Syngenta Claims will be costly and distracting, and the resolution is fair and

¹ All capitalized terms left undefined in this Notice have the meanings ascribed to them in the Motion.



equitable to Syngenta, Debtors, and other creditors because it properly accounts for the risks and costs associated with litigation.

Debtors and Syngenta assert that the Settlement is in the best interest of creditors and the estates because litigation over Syngenta's Claims will be costly, distracting, lengthy, and have uncertain results. The Settlement is fair and equitable to Syngenta, Debtors, and other creditors because it properly accounts for the risks and costs associated with litigation.

YOU ARE NOTIFIED that unless you file an objection to the Motion not later than twenty-one (21) days after the date below, **and set forth the specific grounds for the objection** and your relation to the case, with the Clerk of the Court electronically or at the U.S. Bankruptcy Court, 405 E. 8th Avenue #2600, Eugene, Oregon 97401, and serve it on Michael W. Fletcher, Tonkon Torp LLP, 888 SW Fifth Avenue, Suite 1600, Portland, OR 97204, the parties will apply for an order consummating the Settlement without further notice or a hearing. If an objection is filed within such 21-day period, then Debtors will request that the Court set a hearing to resolve the objection.

DATED: September 15, 2020

TONKON TORP LLP

By /s/ Danny F. Newman

Albert N. Kennedy, OSB No. 821429
Michael W. Fletcher, OSB No. 010448
Ava L. Schoen, OSB No. 044072
Danny Newman, OSB No. 200518
Attorneys for Debtor

On September 15, 2020, I served copies of the above Notice on all "ECF" parties by electronic means through the Court's Case Management/Electronic Case File system. In addition, pursuant to Rule 2002(a)(3), on the date as set forth on a separately filed certificate of service, Kurtzman Carson Consultants LLC, as noticing and claims agent for Debtors, caused to be served the foregoing on all parties who have filed requests for notice in this case and to all creditors listed on the creditor matrix, by mailing a copy thereof in a sealed, first-class postage prepaid envelope, and depositing the same in the U.S. mail.

TONKON TORP LLP

By /s/ Danny F. Newman

Albert N. Kennedy, OSB No. 821429
Michael W. Fletcher, OSB No. 010448
Ava L. Schoen, OSB No. 044072
Danny Newman, OSB No. 200518
Attorneys for Debtor

009684\00004\11522172v1