

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:	:	Chapter 11
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TOISA LIMITED, <i>et al.</i> ,	:	Case No. 17-10184 (SCC)
	:	
Debtors. ¹	:	(Jointly Administered)
	:	
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ORDER ESTABLISHING BAR DATES FOR FILING PROOFS OF CLAIM AND APPROVING FORM AND MANNER OF NOTICE THEREOF

This matter coming before the Court upon the Application (the “Application”)² of the above-captioned debtors and debtors in possession (collectively, the “Debtors”), pursuant to sections 105, 501, 502 and 503 of the Bankruptcy Code, Bankruptcy Rules 2002 and 3003(c), Local Bankruptcy Rule 3003-1, and the United States Bankruptcy Court for the Southern District of New York’s Procedural Guidelines for Filing Requests for Orders to Set the Last Date for Filing Proofs of Claim, updated as of May 11, 2015 (the “Guidelines”), for an order (this “Bar Date Order”) establishing bar dates for filing proofs of claim in these Chapter 11 Cases and approving the form and manner of notice thereof; and the Court having reviewed the Application and having

¹ The Debtors in these chapter 11 cases are as follows: Trade Prosperity, Inc.; Toisa Limited; United Courage, Inc.; Trade Vision, Inc.; United Journey, Inc.; United Kalavryta, Inc.; Trade Sky, Inc.; Trade Industrial Development Corporation; United Honor, Inc.; Trade Will, Inc.; United Leadership Inc.; United Seas, Inc.; United Dynamic, Inc.; United Emblem, Inc.; United Ideal Inc.; Trade Unity, Inc.; Trade Quest, Inc.; Trade Spirit, Inc.; Trade Resource, Inc.; United Ambassador, Inc.; Edgewater Offshore Shipping, Ltd.; United Banner, Inc.; Toisa Horizon, Inc.; and Trade and Transport Inc.

² Capitalized terms used in this Bar Date Order but not defined herein shall have the meaning ascribed to such term in the Application.



heard the statements of counsel regarding the relief requested in the Application; and the Court finding that (i) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (ii) this is a core proceeding pursuant to 28 U.S. C. § 157(b)(2) and (iii) notice of the Application was sufficient under the circumstances; and the Court having determined that the legal and factual bases set forth in the Application establish just cause for the relief granted herein;

IT IS HEREBY ORDERED THAT:

1. The Application is GRANTED in its entirety.
2. As used herein (a) the term “claim” has the meaning given to such term in section 101(5) of the Bankruptcy Code, (b) the term “entity” has the meaning given to such term in section 101(15) of the Bankruptcy Code and (c) the term “governmental unit” has the meaning given to such term in section 101(27) of the Bankruptcy Code.
3. The forms of Publication Notice and the Bar Date Notice Package, and the manner of providing notice of the Bar Dates proposed in the Application, are approved in all respects pursuant to Bankruptcy Rules 2002(a)(7) and 2002(l), Local Bankruptcy Rule 3003-1 and the Guidelines. The form and manner of notice of the Bar Dates approved herein are deemed to fulfill the notice requirements of the Bankruptcy Code, the Bankruptcy Rules, the Local Bankruptcy Rules and the Guidelines. As such, the Debtors are authorized to serve the Bar Date Notice Package in the manner described in paragraphs 14 and 15 below.
4. Except as otherwise provided in this Order, all entities (including, without limitation, individuals, partnerships, corporations, joint ventures and trusts) that assert

a claim against a Debtor that arose or is deemed to have arisen prior to the Petition Date must file a proof of claim in writing in accordance with the procedures described herein by 5:00 p.m. on August 8, 2017 ("General Claims Bar Date").

5. The General Claims Bar Date applies to all types of claims against the Debtors that arose prior to the Petition Date, including secured claims, unsecured priority claims (including, without limitation, claims entitled to priority under sections 507(a)(4) and 507(a)(5) and 503(b)(9) of the Bankruptcy Code) and unsecured nonpriority claims.

6. Subject to the provisions of paragraphs 10 through 12 of this Order with respect to holders of claims subject to the Rejection Claims Bar Date, the Amended Schedules Bar Date and the Governmental Bar Date, and the exceptions described in paragraphs 8 and 9 below, the following entities must file a proof of claim on or before the General Claims Bar Date:

- a. any entity (i) whose prepetition claim against a Debtor is not listed in the applicable Debtor's Schedules or is listed as "disputed," "contingent" or "unliquidated" and (ii) that desires to share in any distribution to creditors in the Chapter 11 Cases;
- b. any entity that believes its prepetition claim is improperly classified in the Schedules or is listed in an incorrect amount and that desires to have its claim allowed in a classification or amount other than that identified in the Schedules;
- c. any entity that believes that its prepetition claims as listed in the Schedules is not an obligation of the specific Debtor against which the claim is listed and that desires to have its claim allowed against a Debtor other than as identified in the Schedules; and

- d. any entity who believes that its claim against a Debtor is or may be an administrative expense pursuant to section 503(b)(9) of the Bankruptcy Code.
7. The following procedures for the filing of proofs of claim shall apply:
- a. Proofs of claim must conform substantially to Official Bankruptcy Form No. 410;
 - b. Proofs of claim must be filed by mailing the original proof of claim by U.S. Mail, Federal Express, or other mail, courier or hand delivery system to Toisa Limited Claims Processing Center, c/o Kurtzman Carson Consultants LLC (“KCC”), 2335 Alaska Avenue, El Segundo, CA 90245. Alternatively, proofs of claim may be submitted electronically through the electronic filing system available through the claim’s agent website at: <http://www.kccllc.net/toisa>. Proofs of claim will be deemed filed only when received at the addresses listed above or electronically on or before the applicable Bar Date. **Proofs of claim submitted by facsimile or electronic mail shall not be accepted and shall not be deemed properly filed;**
 - c. Proofs of claim will be deemed filed only when actually received by the Bankruptcy Court or by the Debtors’ claims agent, KCC, at the addresses set forth in the foregoing subparagraph on or before the applicable Bar Date;
 - d. Proofs of claim must (i) be signed by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant; (ii) include any documents upon which the claim is based (or, if such documents are not available, a statement as to why); (iii) be written in English; and (iv) be asserted and denominated in United States currency; and
 - e. Proofs of claim must specify by name and case number the Debtor against which the claim is filed. If the holder asserts a claim against more than one Debtor or has multiple claims against different Debtors, a separate proof of claim form must be filed with respect to each Debtor. In addition, any entity filing a proof of claim must identify on its proof of claim form the specific Debtor against which its claim is asserted. Any claim filed only in the lead case number (Toisa Limited, Case No. 17-10184), or that otherwise fails to

identify a specific Debtor shall be deemed to be filed only against Debtor Toisa Limited.

8. The following entities, whose claims otherwise would be subject to the General Claims Bar Date, shall *not* be required to file proofs of claim in these Chapter 11 Cases:

- a. Any entity that already has filed a signed proof of claim against the applicable Debtor(s) with the Clerk of the Bankruptcy Court for the Southern District of New York or KCC, the Debtors' claims agent, in a form substantially similar to Official Bankruptcy Form No. 410;
- b. Any entity whose claim is listed on the Schedules if (i) the claim is *not* scheduled as "disputed," "contingent" or "unliquidated;" (ii) such entity agrees with the amount, nature and priority of the claim as set forth in the Schedules; and (iii) such entity does not dispute that its claim is an obligation only of the specific Debtor against which the claim is listed in the Schedules;
- c. A holder of a claim that previously has been allowed by order of the Court;
- d. A holder of a claim that has been paid in full by any of the Debtors (or any other party) in accordance with the Bankruptcy Code or an order of the Court;
- e. A holder of a claim for which a specific filing deadline previously has been fixed by the Court;
- f. Any Debtor or an affiliate (as defined in section 101(2) of the Bankruptcy Code) having a claim against another Debtor; and
- g. Any holder of a claim allowable under sections 503(b) and 507(a)(2) of the Bankruptcy Code as an expense of administration (other than claims entitled to priority under section 503(b)(9) of the Bankruptcy Code).

9. Any entity holding an interest in any Debtor (an "Interest Holder"), which interest is based exclusively upon the ownership of common or preferred stock in a

corporation, a membership interest in a limited liability corporation or partnership or warrants or rights to purchase, sell or subscribe to such a security or interest (any such security or interest being referred to herein as an "Interest"), need not file a proof of interest on or before the General Claims Bar Date; *provided, however*, that Interest Holders that wish to assert *claims* against any of the Debtors that arise out of or relate to the ownership or purchase of an Interest, including claims arising out of or relating to the sale, issuance or distribution of the Interest, must file proofs of claim on or before the General Claims Bar Date, unless another exception contained in this Bar Date Order applies. The Debtors retain the right to seek relief at a later date establishing a deadline for Interest Holders to file proofs of interest.

10. Any entity asserting claims arising from or relating to the rejection of executory contracts or unexpired leases, in accordance with section 365 of the Bankruptcy Code and pursuant to an order of this Court entered prior to the confirmation of a chapter 11 plan in the applicable Debtor's chapter 11 case (any such order, a "Rejection Order"), or claims otherwise related to such rejected agreements (the "Rejection Damage Claims") are required to file proofs of claim by the later of (a) the General Claims Bar Date and (b) 5:00 p.m., Eastern Time, on the date that is 60 days after the entry of the applicable Rejection Order (the "Rejection Claims Bar Date"). For the avoidance of doubt, all prepetition and postpetition claims of any kind or nature relating to executory contracts or unexpired leases rejected by a Rejection Order, including, without limitation, claims entitled to administrative expense priority under section 503(b) of the Bankruptcy Code, must be filed by the Rejection Claims Bar Date.

Rejection Orders entered after the date of entry of this Order shall include a description of the Rejection Claims Bar Date in the text of the Rejection Order.

11. If the Debtors amend or supplement their Schedules after the service of the Bar Date Notice Package, the Debtors shall give notice of such amendment or supplement to the holders of claims affected thereby, including notice of the Amended Schedules Bar Date (as defined below) to file proofs of claim in response to the amendment or supplement to the Schedules. The affected claimant is required to file a proof of claim or amend any previously filed proof of claim in respect of the amended scheduled claim in accordance with the procedures described herein by the later of: (a) the General Claims Bar Date; and (b) 5:00 p.m., Eastern Time, on the date that is 60 days after the date that notice of the applicable amendment to the Schedules is served on the claimant (the "Amended Schedules Bar Date"). Notwithstanding the foregoing, nothing contained herein shall preclude the Debtors from objecting to any claim, whether scheduled or filed, on any grounds.

12. All governmental units holding claims against the Debtors that arose or are deemed to have arisen prior to the Petition Date (including secured claims, unsecured priority claims and unsecured nonpriority claims) are required to file proofs of claim by **July 28, 2017 at 5:00 p.m., Eastern Time** (the "Governmental Bar Date").

13. Any entity that is required to file a proof of claim in these cases pursuant to the Bankruptcy Code, the Bankruptcy Rules or this Order, but that fails to properly do so by the applicable Bar Date, shall be forever barred, estopped and enjoined from: (a) asserting any claim against the Debtors or their estates or property that (i) is in an

amount that exceeds the amount, if any, that is identified in the Schedules on behalf of such entity as undisputed, noncontingent and liquidated or (ii) is of a different nature or a different classification than any claim identified in the Schedules on behalf of such entity (any such claim under subparagraph (a) of this paragraph being referred to herein as an "Unscheduled Claim"); or (b) voting upon, or receiving any distribution under, any chapter 11 plan promulgated in these Chapter 11 Cases in respect of an Unscheduled Claim.

14. As soon as practicable, but in any event no later than five (5) days following entry of this Bar Date Order, the Debtors, through KCC or otherwise, shall serve the Bar Date Notice Package, including a copy of the Bar Date Notice and the Proof of Claim Form substantially in the forms attached as Exhibit "B" and Exhibit "C" to the Application, respectively on:

- a. all known potential claimants and their counsel (if known) listed in the Schedules as potentially holding claims against the Debtors;
- b. the U.S. Trustee;
- c. counsel to any official committee that may be appointed in these Chapter 11 Cases;
- d. all parties that have requested notice of the proceedings in these Chapter 11 Cases;
- e. all persons or entities that have previously filed a proof of claim in these Chapter 11 Cases;
- f. all counter-parties to executory contracts and unexpired leases with the Debtors;
- g. all parties to litigation (and their counsel) with the Debtors;

- h. the United States Attorney and the Internal Revenue Service for this District, and all other taxing authorities for the jurisdictions in which the Debtors conducted business as of the Petition Date; and
- i. such additional persons and entities as deemed appropriate by the Debtors.

15. As part of the Bar Date Package, the Debtors shall mail one or more Proof of Claim Forms (as appropriate) to the parties receiving the Bar Date Notice. For holders of potential claims listed in the Schedules, the Proof of Claim Form mailed to such entities shall indicate how the Debtors have scheduled the creditor's claim in the Schedules, including (a) the identity of the Debtor against which the entity's claim is scheduled; (b) the amount of the claim, if any; (c) whether the claim is listed as disputed, contingent or unliquidated; and (d) whether the claim is listed as a secured claim, an unsecured priority claim or an unsecured nonpriority claim.

16. Pursuant to Bankruptcy Rule 2002(l), the Debtors shall publish notice of the Bar Dates in substantially the form of the Publication Notice attached to the Application as Exhibit "D", once, in the global edition of the *Wall Street Journal* and *TradeWinds* at least 28 days prior to the General Claims Bar Date, which publication is hereby approved and shall be deemed good, adequate and sufficient publication notice of the Bar Dates. The Debtors, in their sole discretion, may publish the Publication Notice in other newspapers, trade journals or similar publications.

17. Any entity that files a proof of claim in these Chapter 11 Cases shall be deemed to have submitted to the Court's jurisdiction.

18. The Debtors and KCC are authorized and empowered to take such steps and perform such acts as may be necessary to implement and effectuate the terms of this Order.

19. The entry of this Order is without prejudice to the right of the Debtors to seek a further order of this Court fixing a date by which holders of claims or interest not subject to the Bar Dates established herein must file such proofs of clam or interest or be barred from doing so.

20. The Court retain jurisdiction with respect to all matters arising from or related to the interpretation, implementation and/or enforcement of this Order.

Dated: New York, New York
June 9, 2017

/S/ Shelley C. Chapman
HONORABLE SHELLEY C. CHAPMAN
UNITED STATES BANKRUPTCY JUDGE