

[FORM OF BAR DATE ORDER]

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----x

In re:

Chapter 11

Case No.: \_\_ - \_\_\_\_ (\_\_\_\_)

Debtor.

-----x

**ORDER ESTABLISHING DEADLINE FOR FILING PROOFS OF CLAIM  
AND APPROVING THE FORM AND MANNER OF NOTICE THEREOF**

Upon the application of the Debtor and Debtor in Possession for an order, pursuant to Federal Rule of Bankruptcy Procedure (“**Bankruptcy Rule**”) 3003(c)(3), fixing a deadline and establishing procedures for filing proofs of claim and approving the form and manner of service thereof, and it appearing that the relief requested is in the best interests of the Debtor, its estate, and creditors and that adequate notice has been given and that no further notice is necessary; and after due deliberation and good and sufficient cause appearing therefor, it is hereby

**ORDERED**, that except as otherwise provided herein, all persons and entities, (including, without limitation, individuals, partnerships, corporations, joint ventures, trusts and governmental units) that assert a claim, as defined in section 101(5) of 11 U.S.C. §§ 101 *et seq.* (the “**Bankruptcy Code**”), against the Debtor which arose prior to the filing of the Chapter 11 petition on \_\_\_\_\_, shall file a proof of such claim in

writing so that it is received on or before \_\_\_\_\_, 20\_ (the “**Bar Date**”); and it is further

[**ORDERED**, that notwithstanding any other provision hereof, proofs of claim filed by governmental units must be filed on or before \_\_\_\_\_, 20\_ (the date that is 180 days after the date of the order for relief); and it is further]<sup>1</sup>

**ORDERED**, that the following procedures for the filing of proofs of claim shall apply:

(a) Proofs of claim shall conform substantially to Official Bankruptcy Form No. 410;

(b) *[(1) Cases without Claims Agents - Insert this Subparagraph:]*<sup>2</sup>

Attorneys (with full access accounts) and employees of institutional creditors (with limited access accounts) shall file proofs of claim electronically on the Court’s Case Management/Electronic Case File (“**CM/ECF**”) system. Those without accounts to the CM/ECF system shall file their proofs of claim by mailing or delivering the original proof of claim to the United States Bankruptcy Court, Eastern District of New York, [Conrad B. Duberstein U.S. Bankruptcy Courthouse, 271 Cadman

---

<sup>1</sup>For use only when the general Bar Date is less than 180 days after the Filing Date. Section 502(b)(9) of the Bankruptcy Code requires that governmental units have at least 180 days after the order for relief to file a proof of claim (however, a different deadline may apply for certain tax-related claims in a chapter 13 case).

<sup>2</sup>Choose either subparagraph 1 *or* subparagraph 2. If you have questions regarding the applicability of a claims agent to your case, please contact the Clerk’s Office.

Plaza East, Suite 1595, Brooklyn, NY 11201-1800] [Alfonse M. D'Amato U.S. Courthouse, 290 Federal Plaza, Central Islip, NY 11722]. Those without accounts to the CM/ECF system can also file proofs of claim electronically at: [www.nyeb.uscourts.gov/electronic-filing-proof-claim-epoc](http://www.nyeb.uscourts.gov/electronic-filing-proof-claim-epoc) by selecting "File a Claim." This application does not require a login and password.

*[(2) Cases with Claims Agents - Insert this Subparagraph:]* Proofs of claim shall be filed either by U.S. Postal Service mail or overnight delivery of the original proof of claim to the United States Bankruptcy Court, Eastern District of New York, c/o [address provided by Claims Agent] or by mailing or delivering the original proof of claim by hand to the United States Bankruptcy Court, Eastern District of New York, [Conrad B. Duberstein U.S. Bankruptcy Courthouse, 271 Cadman Plaza East, Suite 1595, Brooklyn, NY 11201-1800] [Alfonse M. D'Amato U.S. Courthouse, 290 Federal Plaza, Central Islip, NY 11722];

- (c) Proofs of claim shall be deemed timely filed only when received by the Clerk of the Court on or before the Bar Date;
- (d) Proofs of claim shall (i) be signed; (ii) include supporting documentation (if voluminous, attach a summary); (iii) be in the English language; and (iv) be denominated in United States currency;
- (e) [In multiple debtor cases] Proofs of claim shall 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 claims against different Debtors, the holder shall file a separate proof of claim form for each Debtor; and it is further

**ORDERED**, that the following persons or entities need not file a proof of claim on or prior to the Bar Date:

- (a) Any person or entity that has already filed a proof of claim against the Debtor in this case with the Clerk of the Bankruptcy Court for the Eastern District of New York in a form substantially similar to Official Bankruptcy Form No. 410;
- (b) Any person or entity whose claim is listed on the Schedules of Assets and Liabilities filed by the Debtor (collectively, the “**Schedules**”) [Docket Entry No. \_\_\_\_\_], if (i) the claim is not scheduled as “disputed,” “contingent” or “unliquidated”; and (ii) the claimant agrees with the amount, nature and priority of the claim as set forth in the Schedules; [and (iii) the claimant does not dispute that the claim is an obligation of the specific Debtor against which the claim is listed in the Schedules];
- (c) Any holder of a claim that has already been allowed in this case by order of the Court;
- (d) Any holder of a claim for which a different deadline for filing a proof of claim in this case has already been fixed by this Court; or
- (e) Any holder of a claim allowable under sections 503(b) and 507(a)(2) of the Bankruptcy Code as an expense of administration of the Debtor’s estate; and it is further

**ORDERED**, that any person or entity that holds a claim that arises from the rejection of an executory contract or unexpired lease, as to which the order authorizing such rejection is dated on or before the date of entry of this Order, must file a proof of claim based on such rejection on or before the later of the Bar Date or the date that is 30 days after the date of the order authorizing such rejection, and any person or entity that holds a claim that arises from the rejection of an executory contract or unexpired lease, as to which an order authorizing such rejection is dated after the date of entry of this Order, must file a proof of claim on or before such date as the Court may fix in the applicable order authorizing such rejection; and it is further

**ORDERED**, that holders of equity security interests in the Debtor need not file proofs of interest with respect to the ownership of such interests, but if any such holder has a claim against the Debtor (including a claim relating to an equity interest or the purchase or sale of the equity interest), a proof of claim shall be filed on or prior to the Bar Date; and it is further

**ORDERED**, that if the Debtor amends or supplements the Schedules after the date of this Order, the Debtor shall give notice of any amendment or supplement to the holders of claims amended thereby, and holders of such claims shall have 30 days from the date of service of the notice to file proofs of claim and shall be given notice of that deadline; and it is further

**ORDERED**, that nothing in this Order shall prejudice the right of the Debtor or any other party in interest to dispute or assert offsets or defenses to any claim listed in the Schedules; and it is further

**ORDERED**, that pursuant to Bankruptcy Rule 3003(c)(2), a holder of a claim that fails to comply with this Order by timely filing a proof of claim in appropriate form shall not be treated as a creditor with respect to that claim for purposes of voting and distribution; and it is further

**ORDERED**, that notice of the Bar Date substantially in the form annexed hereto is approved and shall be deemed adequate and sufficient if served by first-class mail at least 35 days prior to the Bar Date on:

- (a) the United States trustee;
- (b) counsel to each official committee;
- (c) all persons or entities that have requested notice of the proceedings in this case;
- (d) all persons or entities that have filed claims in this case;
- (e) all creditors and other known holders of claims as of the date of this Order, including all persons or entities listed in the Schedules as holding claims;
- (f) all parties to executory contracts and unexpired leases of the Debtor;
- (g) all parties to litigation with the Debtor;

(h) the Internal Revenue Service for the district in which the case is pending and, if required by Bankruptcy Rule 2002(j), the Securities and Exchange Commission and any other required governmental units;

and it is further

[**ORDERED**, that pursuant to Bankruptcy Rule 2002(l), the Debtor shall publish notice of the Bar Date in substantially the form annexed hereto as Exhibit \_\_\_ once, in the \_\_\_\_\_ [and the \_\_\_\_\_] at least 28 days prior to the Bar Date, which publication is hereby approved and shall be deemed good, adequate and sufficient publication notice of the Bar Date;<sup>3</sup> and it is further]

**ORDERED**, that the Debtor is authorized and empowered to take such steps and perform such acts as may be necessary to implement and effectuate the terms of this Order; and it is further

**ORDERED**, that entry of this Order is without prejudice to the right of the Debtor to seek a further order of this Court fixing a date by which holders of claims or interests not subject to the Bar Date established herein must file such proofs of claim or interest or be barred from doing so.

Dated: \_\_\_\_\_, New York

\_\_\_\_\_, 20\_

---

UNITED STATES BANKRUPTCY JUDGE

---

<sup>3</sup> For Debtors that propose to publish notice of the Bar Date. *See* Guideline 5.