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Counsel for Debtor and Debtor in Possession

**UNITED STATES BANKRUPTCY COURT
 EASTERN DISTRICT OF VIRGINIA, RICHMOND DIVISION**

In re:

**HOPEMAN BROTHERS, INC.,

 Debtor.**

Chapter 11

Case No. 24-32428 (KLP)

NOTICE OF DEADLINES TO FILE PROOFS OF NON-ASBESTOS CLAIMS

TO: ALL PERSONS AND ENTITIES WHO MAY HAVE NON-ASBESTOS CLAIMS AGAINST THE FOLLOWING ENTITY

<u>Name of Debtor</u>	<u>Case Number</u>	<u>Tax Identification Number</u>
Hopeman Brothers, Inc.	Case No. 24-32428 (KLP)	13-0852520

Attorneys for Debtor

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Address of the Clerk of the Bankruptcy Court

Clerk of the Bankruptcy Court for the Eastern District of Virginia (Richmond Division)
 701 East Broad Street, Suite 4000, Richmond, Virginia 23219-1888
 Telephone: 804-916-2400
 Hours Open: 8:00 a.m. – 4:00 p.m. Monday-Friday

PLEASE TAKE NOTICE THAT:

YOU ARE RECEIVING THIS NOTICE BECAUSE YOU MAY HAVE A NON-ASBESTOS CLAIM AGAINST THE DEBTOR IN THE ABOVE-CAPTIONED CHAPTER 11 CASE. THEREFORE, YOU

SHOULD READ THIS NOTICE CAREFULLY AND CONSULT AN ATTORNEY IF YOU HAVE ANY QUESTIONS, INCLUDING WHETHER YOU SHOULD FILE A PROOF OF CLAIM.

On June 30, 2024 (the “Petition Date”), Hopeman Brothers, Inc., as debtor and debtor in possession (the “Debtor”), filed a voluntary case under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Eastern District of Virginia (the “Bankruptcy Court”).

KEY DEFINITIONS

As used herein, the term “Asbestos Claim” means: any prepetition “claim” (as defined in 11 U.S.C. § 101(5)) or allegation or portion thereof against, or any debt, liability, or obligation of, the Debtor, whether now existing or hereafter arising, whether in the nature of or sounding in tort, or under contract, warranty, or any other theory of law, equity, or admiralty for, arising out of, resulting from, or attributable to, directly or indirectly, death, bodily injury, sickness, disease, or any other actual or alleged personal injury, physical, emotional, or otherwise, to persons, caused or allegedly caused, directly or indirectly, by the presence of, or exposure to, asbestos, including, without limitation, asbestos-containing products or materials engineered, designed, marketed, manufactured, fabricated, constructed, sold, supplied, produced, installed, maintained, serviced, specified, selected, repaired, removed, replaced, released, distributed, or in any other way used by the Debtor or any other entity for whose products or operations the Debtor has liability or is alleged to have liability, but only to the extent arising, directly or indirectly, from acts, omissions, business, or operations of the Debtor (including the acts, omissions, business, or operations of any other entity for whose products or operations the Debtor has liability, but only to the extent of the Debtor’s liability for such acts, omissions, business, or operations), including all related claims, debts, obligations, or liabilities (such as any claim or demand for compensatory damages; loss of consortium; medical monitoring; wrongful death; survivorship; proximate, consequential, general, special, or punitive damages; or reimbursement, indemnity, contribution, or subrogation).

As used herein, the term “Non-Asbestos Claim” means: any and all other prepetition claims against the Debtor that are not Asbestos Claims.

As used herein, pursuant to section 101(5) of the Bankruptcy Code, the word “claim” means (i) a right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured; or (ii) a right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured. Further, claims include unsecured claims, secured claims, and priority claims.

As used herein, pursuant to section 101(15) of the Bankruptcy Code, the term “entity” has the meaning given to it in section 101(15) of the Bankruptcy Code, and includes all persons, estates, trusts, and governmental units. In addition, the terms “persons” and “governmental units” are defined in sections 101(41) and 101(27) of the Bankruptcy Code, respectively.

BAR DATES

On September 12, 2024, the Bankruptcy Court, having jurisdiction over the chapter 11 case of the Debtor, entered an order (the “Bar Date Order”) establishing the following Bar Dates (defined below):

- a. **November 4, at 5:00 p.m. (Eastern Time)** as the deadline for each person or entity (as defined in the Bankruptcy Code), other than governmental units (“Governmental Units”) and persons or entities holding Asbestos Claims, to file a proof of a Non-Asbestos Claim (each, a “Proof of Non-Asbestos Claim”) in respect of a prepetition Non-Asbestos Claim, including secured Non-Asbestos Claims, unsecured priority Non-Asbestos Claims, unsecured non-priority Non-Asbestos Claims, and Non-Asbestos Claims arising under section 503(b)(9) of the Bankruptcy Code against the Debtor (the “General Non-Asbestos Claims Bar Date”), unless otherwise provided herein;

- b. **December 27, 2024 at 5:00 p.m. (Eastern Time)** as the deadline for Governmental Units to file a Proof of Non-Asbestos Claim in respect of a prepetition Non-Asbestos Claim against the Debtor (the “Governmental Bar Date”);
- c. **the later of (i) the General Non-Asbestos Bar Date or the Governmental Bar Date, as applicable, or (ii) 5:00 p.m. (Eastern Time) on the date that is 30 days from the date on which the Debtor provides notice of an amendment or supplement to the Debtor’s schedules of assets and liabilities (the “Schedules”)¹** as the deadline by which claimants holding claims affected by such filing, amendment, or supplement must file Proofs of Non-Asbestos Claim with respect to such Non-Asbestos Claim (the “Amended Schedules Bar Date”); and
- d. **the later of (i) the General Non-Asbestos Bar Date or the Governmental Bar Date, as applicable, or (ii) 5:00 p.m. (Eastern Time) on the date that is 30 days from the date of entry of an order approving rejection of any executory contract or unexpired lease of the Debtor (the “Rejection Order”)** as the deadline by which claimants asserting Non-Asbestos Claims resulting from the Debtor’s rejection of an executory contract or unexpired lease must file Proofs of Non-Asbestos Claim for damages arising from such rejection² (the “Rejection Damages Bar Date,” and, together with the General Bar Date, the Governmental Bar Date, and the Amended Schedules Bar Date, the “Bar Dates”).

If you have any questions relating to this notice, please feel free to contact Verita at (877) 709-4752 (U.S./Canada) or (424) 236-7232 (International) or by e-mail at <https://www.veritaglobal.net/hopeman/inquiry>.

NOTE: The staff of the Bankruptcy Clerk’s Office, the Office of the United States Trustee, and Verita cannot give legal advice.

INSTRUCTIONS

1. WHO MUST FILE A PROOF OF NON-ASBESTOS CLAIM

The following persons or entities **are required** to file Proofs of Non-Asbestos Claim on or before the applicable Bar Date:

- a. any person or entity whose Non-Asbestos Claim against the Debtor is not listed in the applicable Debtor’s Schedules, or is listed as “contingent,” “unliquidated,” or “disputed,” and if such entity desires to participate in this chapter 11 case or share in any distribution in this chapter 11 case;
- b. any person or entity who believes that its Non-Asbestos Claim is improperly classified in the Schedules or is listed in an incorrect amount and who desires to have its Non-Asbestos Claim allowed in a different classification or amount other than that identified in the Schedules; and

¹ The Debtor filed its Schedules with the Court on July 15, 2024 [Docket No. 59] and on July 17, 2024 [Docket No. 66]. Copies of the Schedules and Bar Date Order are available and may be examined by interested parties (i) at the website maintained for these cases by Verita at <https://www.veritaglobal.net/hopeman>, (ii) at the office of the Clerk of the Court, 701 East Broad Street, Suite 4000, Richmond, Virginia, between the hours of 8:00 a.m. and 3:00 p.m. (prevailing Eastern Time), or on the Court’s electronic docket of these cases at the address www.vaeb.uscourts.gov.

² Provided that notwithstanding the foregoing, a party to an executory contract or unexpired lease who asserts a Non-Asbestos Claim on account of unpaid amounts accrued and outstanding as of the Petition Date pursuant to such executory contract or unexpired lease (other than a rejection damages claim) must file a Proof of Non-Asbestos Claim for such amounts on or before the applicable Bar Date, unless an exception identified in the Motion or this Order applies.

- c. any entity who believes that its Non-Asbestos Claim against the Debtor is or may be entitled to priority under section 503(b)(9) of the Bankruptcy Code.

2. **WHO NEED NOT FILE A PROOF OF CLAIM**

The following persons or entities are not required to file a Proof of Non-Asbestos Claim on or before the applicable Bar Date:

- a. any person or entity who holds only an Asbestos Claim against the Debtor;
- b. any person or entity whose Non-Asbestos Claim is listed on the Schedules; *provided that* (i) the Non-Asbestos Claim is not listed on the Schedules as “disputed,” “contingent,” or “unliquidated,” and(ii) the person or entity does not dispute the amount, nature, and priority of the Non-Asbestos Claim as set forth in the Schedules;
- c. any person or entity who already has filed a signed Proof of a Non-Asbestos Claim with Verita against the Debtor with respect to the Non-Asbestos Claim being asserted, utilizing a claim form that substantially conforms to the Proof of Non-Asbestos Claim Form;
- d. any person or entity who holds a Non-Asbestos Claim that has been allowed by order of the Court entered on or before the applicable Bar Date;
- e. any person or entity whose Non-Asbestos Claim has been paid in full or will be paid in full in accordance with the Bankruptcy Code or an order of the Court entered on or before the applicable Bar Date;
- f. any person or entity who holds a Non-Asbestos Claim for which a separate deadline has been fixed by an order of this Court entered on or before the applicable Bar Date; and
- g. any person or entity asserting a claim allowable under sections 503(b) and 507(a)(2) of the Bankruptcy Code as an expense of administration (other than a 503(b)(9) claim which must be asserted by the General Non-Asbestos Claim Bar Date.

The fact that you have received this notice does not mean that you have a Non-Asbestos Claim or that the Debtor or the Court believe that you have a Non-Asbestos Claim against the Debtor. You should not file a Proof of Non-Asbestos Claim if you do not have a Non-Asbestos Claim against the Debtor.

3. **INSTRUCTIONS FOR FILING PROOFS OF NON-ASBESTOS CLAIM**

The following procedures with respect to preparing and filing a Proof of Non-Asbestos Claim will apply; *provided, however*, the Debtor in its discretion may waive any defects in a proof of claim:

- a. Proofs of Non-Asbestos Claims must substantially conform to the attached Proof of Non-Asbestos Claim Form or Official Bankruptcy Form No. 410;
- b. Proofs of Non-Asbestos Claim must (i) be written in the English language; (ii) be denominated in lawful currency of the United States as of the Petition Date (using the exchange rate, if applicable, as of the Petition Date); (iii) set forth with specificity the legal and factual basis for the alleged claim; (iv) include supporting documentation for the Proof of Non-Asbestos Claim or an explanation as to why such documentation is not available; and (v) be signed by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant under penalty of perjury;
- c. Proofs of Non-Asbestos Claim must be filed (i) electronically through the website of the Debtor’s claims and noticing agent, Verita, using the interface available on such website located at <https://www.veritaglobal.net/hopeman> under the link entitled “Submit Electronic Proof of Claim

(ePOC)” (the “Electronic Filing System”) or (ii) by delivering the original Proofs of Non-Asbestos Claim form by hand, or mailing the original Proofs of Non-Asbestos Claim Form so that it is actually received by Verita on or before the applicable Bar Date as follows:

If by overnight courier, hand delivery, or first class mail:

Hopeman Brothers Inc.
c/o Kurtzman Carson Consultants LLC dba Verita Global
222 N. Pacific Coast Highway, Suite 300
El Segundo, CA 90245

- d. A Proof of Non-Asbestos Claim shall be deemed timely filed only if it **is actually received** by Verita as set forth in subparagraph (c) above, in each case, on or before the applicable Bar Date; and
- e. Proofs of Non-Asbestos Claim sent by facsimile, telecopy, or electronic mail transmission (other than proofs of claim filed electronically through the Electronic Filing System) **will not** be accepted.

4. CONSEQUENCES OF FAILURE TO TIMELY FILE A PROOF OF NON-ASBESTOS CLAIM BY THE APPLICABLE BAR DATE

Pursuant to the Bar Date Order and Bankruptcy Rule 3003(c)(2), any holder of a Non-Asbestos Claim who is required to timely file a Proof of Non-Asbestos Claim on or before the applicable Bar Date as provided herein, but fails to do so, shall not be treated as a creditor with respect to such Non-Asbestos Claim for the purposes of voting on a chapter 11 plan and distribution in this chapter 11 case on account of such Non-Asbestos Claim and shall be subject to such other legal consequences as the Bankruptcy Code and Bankruptcy Rules may prescribe or permit, which may include disallowance of the untimely filed Non-Asbestos Claim and the barring, estopping, and enjoining of the holder thereof from asserting such Non-Asbestos Claim against the Debtor or receiving further notices regarding such Non-Asbestos Claim.

5. RESERVATION OF RIGHTS

Nothing contained in this notice is intended to or should be construed as a waiver of the Debtor’s right to: (a) dispute, or assert offsets or defenses against, any filed claim or any claim listed or reflected in the Schedules as to the nature, amount, liability, or classification thereof; (b) subsequently designate any scheduled claim as disputed, contingent, or unliquidated; and (c) otherwise amend or supplement the Schedules.

If you require additional information regarding the filing of a Proof of Non-Asbestos Claim, you may contact Verita directly at: Verita Global, 222 N. Pacific Coast Highway, 3rd Floor, El Segundo, CA 90245; telephone: (877) 709-4752 (U.S./Canada) or (424) 236-7232 (International); or by e-mail at <https://www.veritaglobal.net/hopeman/inquiry>.

A holder of a possible claim against the Debtor should consult an attorney if such holder has any questions regarding this notice, including whether the holder should file a proof of claim.

Dated: Richmond, Virginia
September 12, 2024

BY ORDER OF THE COURT

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