

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re: )  
 ) Chapter 11  
PLASTIQ INC., *et al.*,<sup>1</sup> )  
 ) Case No. 23-10671 (BLS)  
Debtors. )  
 ) (Jointly Administered)  
 )  
 ) Re: Docket No. 317

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**ORDER AUTHORIZING REJECTION OF CERTAIN EXECUTORY  
CONTRACTS EFFECTIVE AS OF SEPTEMBER 25, 2023**

Upon consideration of the motion (the “**Motion**”)<sup>2</sup> of the above-captioned debtors and debtors in possession (collectively, the “**Debtors**”) for the entry of an order authorizing the Debtors to reject, effective as of the September 25, 2023 (the “**Rejection Effective Date**”), certain executory contracts, as more fully set forth in the Motion; and this Court having reviewed the Motion and the First Day Declaration; and this Court having jurisdiction to consider the Motion and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware dated as of February 29, 2012; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2) and that this Court may enter a final order consistent with Article III of the United States Constitution; and this Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that proper and adequate notice of the Motion has been given and that no other or further notice is necessary; and upon the record herein; and after due deliberation thereon; and this Court having

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: PlastiQ Inc. (6125), PLV Inc. d/b/a/ PLV TX Branch Inc. (5084), and Nearside Business Corp. (N/A). The corporate headquarters and the mailing address for the Debtors is 1475 Folsom Street, Suite 400, San Francisco, California 94103.

<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.



determined that there is good and sufficient cause for the relief granted in this Order, therefore, **IT IS HEREBY ORDERED THAT:**

1. The Motion is GRANTED as set forth herein.
2. Pursuant to sections 105(a) and 365(a) of the Bankruptcy Code and Bankruptcy Rule 6006, the Contracts are hereby rejected by the Debtors, with such rejection being effective as of the Rejection Effective Date.
3. Nothing herein shall impair, prejudice, waive or otherwise affect the rights of the Debtors to: (a) assert that the Contracts (i) were terminated prior to the Rejection Effective Date, or (ii) are not executory contracts under 365 of the Bankruptcy Code; (b) assert that any claim for damages arising from the rejection of the Contracts is limited to the remedies available under any applicable termination provisions of the Contracts; (c) assert that any such claim is an obligation of a third party, and not that of the Debtors or their estates; or (d) otherwise contest any claims that may be asserted in connection with the Contracts. All rights, claims, defenses and causes of action that the Debtors and their estates may have against the counterparties to the Contracts, whether or not such claims arise under, are related to the rejection of, or are independent of the Contracts, are reserved, and nothing herein is intended or shall be deemed to impair, prejudice, waive or otherwise affect such rights, claims, defenses and causes of action.
4. In accordance with the *Order (A) Establishing Bar Dates and Related Procedures for Filing Proofs of Claim (Including for Claims Arising Under Section 503(b)(9) of the Bankruptcy Code) and (B) Approving the Form and Manner of Notice Thereof* [D.I. 109], claims arising out of the rejection of the Contracts must be filed thirty (30) days after service of this Order.
5. The requirements of Bankruptcy Rule 6006 are satisfied.

6. The Debtors are authorized to take any and all actions necessary to effectuate the relief granted herein.

7. Notwithstanding any applicability of Bankruptcy Rule 6004(h), the terms and conditions of this Order shall be effective and enforceable immediately upon its entry.

8. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

Dated: October 16th, 2023  
Wilmington, Delaware



BRENDAN L. SHANNON  
UNITED STATES BANKRUPTCY JUDGE

**Schedule 1<sup>1</sup>**

**Rejected Contracts**

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<sup>1</sup> Certain of the Contracts may have expired or terminated by their own terms prior to the filing of the Motion. The Debtors seek to reject such Contracts out of an abundance of caution to avoid potentially incurring further costs and expenses.

In re: Plastiq Inc., et al  
Case No. 23-10671  
Exhibit A  
Rejected Contract Schedule

Debtor Entity	Counterparty or Notice Party Name	Contract Description
Plastiq Inc.	ADP SCREENING & SELECTION SERVICES	Payroll provider and employee management
Plastiq Inc.	ADP, LLC	ADP Marketplace Developer Participation Agreement
Plastiq Inc.	ADP, LLC	Developer Participation Agreement
Plastiq Inc.	Cloudflare, Inc.	Cloudflare Self-Serve Subscription Agreement
Plastiq Inc.	Cloudflare, Inc.	Renewal Order Form
Plastiq Inc.	GIACT Systems, LLC	Amendment to Giact Services Agreement
Plastiq Inc.	GIACT Systems, LLC	Giact Services Agreement
Plastiq Inc.	Fidelity Information Services, LLC	Partnership Agreement
Plastiq Inc.	Mission Cloud Services, Inc.	Master Services Agreement
Plastiq Inc.	Mission Cloud Services, Inc.	Mission Customer AWS Resale Services Order Form
Plastiq Inc.	Mission Cloud Services, Inc.	Mission Private Pricing Addendum