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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
PHILIPPINE AIRLINES, INC.,[1]	Case No. 21-_____ (___)
Debtor.	

DEBTOR'S MOTION FOR ENTRY OF AN ORDER (I) WAIVING THE REQUIREMENT TO FILE A LIST OF CREDITORS AND AUTHORIZING PREPARATION OF A LIST OF CREDITORS IN LIEU OF SUBMITTING A FORMATTED MAILING MATRIX AND (II) ESTABLISHING PROCEDURES FOR NOTIFYING CREDITORS OF THE COMMENCEMENT OF THE DEBTOR'S CHAPTER 11 CASE

Philippine Airlines, Inc., the above-captioned debtor and debtor in possession (the "**Debtor**" or "**PAL**," and collectively with the Debtor's non-debtor affiliates, the "**Airline**") seeks entry of an order, substantially in the form attached hereto as **Exhibit A** (the "**Proposed Order**"), granting the relief described below. In support of this Motion, the Debtor relies upon the *Declaration of Nilo Thaddeus Rodriguez in Support of First Day Motions and Applications*

[1] The Debtor in this chapter 11 case, along with its registration number in the Philippines, is Philippine Airlines, Inc., Philippine Securities and Exchange Commission Registration No. PW 37. The Debtor's corporate headquarters is located at PNB Financial Center, President Diosdado Macapagal Avenue, CCP Complex, Pasay City 1300, Metro Manila, Philippines.

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(the "**First Day Declaration**") filed contemporaneously herewith and incorporated herein by reference, and respectfully state as follows:

Jurisdiction and Venue

1. The United States Bankruptcy Court for the Southern District of New York (the "**Court**") has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference from the United States District Court for the Southern District of New York*, dated January 31, 2012. The Debtor confirms its consent, pursuant to Rule 7008 of the Federal Rules of Bankruptcy Procedure (the "**Bankruptcy Rules**"), to the entry of a final order by the Court in connection with this motion to the extent that it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution.

2. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The statutory basis for the relief requested herein is section 105(a) of title 11 of the United States Code (as amended, the "**Bankruptcy Code**").

Background

4. On September 3, 2021 (the "**Petition Date**), the Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code. The Debtor is authorized to continue to operate its business and manage its properties as a debtor in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. As of the date hereof, no trustee, examiner or statutory committee has been appointed in this chapter 11 case (the "**Chapter 11 Case**").

5. The Debtor and its affiliates are the largest airline group in the Philippines and the Debtor is the national flag carrier of the Philippines. Its principal activity is to provide air

transportation for passengers and cargo within and outside the Philippines. The Debtor is among the oldest airlines in the Asia Pacific region, having been founded in February 1941. With approximately 4,500 employees and over $3 billion in annual gross revenue prior to the COVID-19 pandemic, the Debtor is the leading airline in the Philippines airline market.

6. In 2020, the Debtor was confronted with an extraordinary set of circumstances and flight disruptions induced by the COVID-19 pandemic. The COVID-19 crisis has had a catastrophic impact upon the aviation industry, causing major airlines to effectively halt many business operations. For major airlines such as PAL, the dramatic reduction in worldwide air travel caused significant balance sheet losses and created intractable challenges to meeting existing payment obligations.

7. In response to these unprecedented circumstances, PAL undertook a number of cost cutting measures and began discussions with key stakeholders in the hopes of mapping out a healthy future for the Airline. Those discussions, which spanned many months and involved all major stakeholders and their retained professionals, culminated in several restructuring support agreements (the "**RSAs**") with substantially all of its aircraft lessors and lenders outlining the material terms for a proposed chapter 11 plan of reorganization (the "**Proposed Plan**"). The RSAs and Proposed Plan contemplate (a) the reduction of the Debtor's aircraft related obligations by approximately $2.1 billion, (b) a $505 million infusion of working capital to fund the Debtor's ongoing operations during the Chapter 11 Case and upon emergence from its primary shareholder (the "**DIP Lender**"), (c) optimizing the Debtor's fleet size, composition and ownership costs as required by the new market, (d) maintaining and enhancing the Debtor's key contracts and business partners to strengthen the Debtor's viability during the pending COVID-

19 pandemic and beyond, and (e) obtaining commitments for a $150 million exit facility from new investors to ensure PAL has adequate liquidity and runway to complete its restructuring.

8. The Debtor likewise engaged in good faith negotiations with its other critical creditors, including its primary original equipment manufacturers ("**OEM**") and maintenance, repair, and overhaul service providers ("**MRO**"), to ensure that the Debtor continues to obtain the benefit of such critical goods and services. In addition, the OEMs and MROs have agreed to support the Proposed Plan by entering into RSAs, thereby providing additional certainty and predictability to the Debtor's restructuring and Chapter 11 Case.

9. Prior to the Debtor's Chapter 11 Case, the Debtor also (a) engaged in numerous good faith negotiations with a large number of its ordinary course vendors and suppliers, resulting in agreements to extend payment terms to provide the Debtor with additional breathing room and runway to assist it through the COVID-19 pandemic and (b) undertook a resizing of its operations, including the reduction of its workforce by 32% to meet expected post-COVID-19 operational needs.

10. Additional information regarding the events leading up to the Petition Date is set forth in the First Day Declaration and is incorporated herein by reference.

Relief Requested

11. By this Motion and pursuant to section 105(a) of the Bankruptcy Code, the Debtor seeks entry of an order (a) waiving the requirement to file a list of creditors, co-debtors and parties to executory contracts on the Petition Date as required by section 521(a)(1) of the Bankruptcy Code, Bankruptcy Rule 1007(a)(1), Rules 1007-1 and 5075-1 of the Local Bankruptcy Rules for the Southern District of New York (the "**Local Rules**") and General Orders M-133, M-137, M-138 M-399 (the "**Standing Orders**") of the United States Bankruptcy

Court for the Southern District of New York (collectively, the "**Notice Rules**"), and authorizing the Debtor to prepare an electronic list of creditors in lieu of submitting a formatted mailing matrix; and (b) authorizing the implementation of certain procedures (the "**Procedures**") for notifying creditors of the commencement of the chapter 11 case and the meeting of creditors to be held pursuant to section 341 of the Bankruptcy Code using a notice substantially in the form annexed hereto as **Exhibit B** (the "**Notice of Commencement**").

Basis for Relief

A. Cause Exists to Waive the Requirement for the Debtor to File a List of Creditors, and to Authorize the Debtor to Prepare a List of Creditors in Lieu of Submitting a Formatted Mailing Matrix

12. Section 521(a)(1) of the Bankruptcy Code states that "[t]he debtor shall[] file[] a list of creditors . . . ", and is implemented by Bankruptcy Rule 1007(a)(1), which requires a debtor in a voluntary case to "file with the petition a list containing the name and address of each entity included or to be included on Schedules D, E/F, G, and H as prescribed by the Official Forms."[2] 11 U.S.C. § 521(a)(1); Fed. R. Bankr. P. 1007(a)(1). General Order M-399 (Bankr. S.D.N.Y. May 17, 2010) provides that a debtor filing a case electronically must upload the creditors' matrix on the Court's electronic filing system and file the list of creditors on the case docket, each containing the information regarding creditors required by Bankruptcy Rule 1007(a)(1).

13. The Debtor also has filed an application to retain and employ Kurtzman Carson Consultants LLC (the "**Notice and Claims Agent**") as notice and claims agent in this chapter 11 case. The request to retain the Notice and Claims Agent is made pursuant to (a) 28 U.S.C. §

[2] Contemporaneously herewith, the Debtor has filed a motion for an extension of the time to file such schedules.

156(c), which empowers the Court to use outside facilities or services for the provision of notices and other administrative information to parties in interest so long as the costs of the services are paid for out of the assets for the estate, and (b) Local Rule 5075-1, which requires the retention of an approved claims and noticing agent in a case in which the number of creditors and equity security holders, in the aggregate, is 250 or more, and permits such retention when the number of creditors and equity security holders is less than 250.[3] Under the Procedures, and pursuant to section 342(a) of the Bankruptcy Code and Bankruptcy Rules 2002(a) and (f), as soon as practicable after the Petition Date, the Debtor will furnish its list of creditors in electronic format to the Notice and Claims Agent. At the request of any interested party, the Debtor and the Notice and Claims Agent will make the list of creditors available in readable electronic format (or in non-electronic format at the requesting party's own expense).

14. Given that the Notice and Claims Agent will receive a list of creditors and will use this list to furnish the Notice of Commencement to creditors, filing a separate list of creditors will serve no independent purpose. Pursuant to the Standing Orders, the Debtor has conferred with the Clerk of the Court (the "**Clerk**") and has been instructed by the Clerk not to file a list of creditors. The Clerk has instructed the Debtor to provide the list of creditors to the Notice and Claims Agent as proposed herein.

15. In light of the foregoing, the Debtor submits that the Notice Rules should be waived and that the proposed maintenance of an electronic list of creditors by the Notice and Claims Agent is warranted under the facts and circumstances present here. Similar relief is routinely granted by courts in this District. *See, e.g.*, *In re Garrett Motion Inc.*, Case No. 20-12212 (MEW) (Bankr. S.D.N.Y. Sept. 24, 2020) [ECF No. 75]; *In re Grupo Aeromexico, S.A.B.*

[3] The Debtor also intends to file a separate application to retain Kurtzman Carson Consultants LLC pursuant to section 327(a) of the Bankruptcy Code, to perform certain duties outside the scope of 28 U.S.C. § 156(c).

de C.V., Case No. 20-11563 (SCC) (Bankr. S.D.N.Y. July 1, 2020) [ECF No. 32]; *In re LATAM Airlines Group S.A.*, Case No. 20-11254 (JLG) (Bankr. S.D.N.Y. May 29, 2020) [ECF No. 58]; *In re Avianca Holdings S.A.*, Case No. 20-11133 (MG) (Bankr. S.D.N.Y. May 12, 2020) [ECF No. 41]; *In re Windstream Holdings, Inc.*, Case No. 19-22312 (RDD) (Bankr. S.D.N.Y. Mar. 5, 2019) [ECF No. 90]; *In re Sears Holdings Corp.*, Case No. 18-23538 (RDD) (Bankr. S.D.N.Y. Oct. 16, 2018) [ECF No. 112].[4]

The Proposed Procedures for Serving the Notice of Commencement

A. Mailing Notice of Commencement to Creditors

16. Bankruptcy Rule 2002(a) provides, in relevant part, that "the clerk, or some other person as the court may direct, shall give the debtor, the trustee, all creditors and indenture trustees at least 21 days' notice by mail of: the meeting of creditors under § 341 or § 1104(b) of the Code." Furthermore, Bankruptcy Rule 2002(f) provides that notice of the order for relief shall be sent by mail to all creditors.

17. In light of the requirement to notify parties in interest of the commencement of this chapter 11 case and the meeting of creditors, the Debtor seeks authority to have the Notice and Claims Agent undertake the mailing of the Notice of Commencement to creditors at least 21 days before the meeting of creditors to be held pursuant to section 341 of the Bankruptcy Code (the "**Section 341 Meeting**").

B. Notice of Commencement by Publication

[4] Because of the voluminous nature of the order cited herein, such orders have not been attached to this motion. Copies of these orders are available upon request of the Debtor's proposed counsel.

18. In addition to mailing the Notice of Commencement to the Debtor's creditors, the Debtor proposes to publish, at least 21 days before the date on which the Section 341 Meeting is to be held, the Notice of Commencement substantially in the form of the notice annexed hereto as **Exhibit B** (a) once in the national editions of the *New York Times*, *USA Today* and/or a comparable newspaper with national/international circulation and in the *Philippine Daily Inquirer* and (b) on the website to be established by the Notice and Claims Agent and on the Debtor's website. The Debtor is confident that these publications will be most likely to reach those creditors who may not have received notice by mail.

19. Courts in this District have routinely granted the relief requested herein relating to the preparation of an electronic list of a debtor's creditors. *See, e.g., In re Garrett Motion Inc.*, Case No. 20-12212 (MEW) (Bankr. S.D.N.Y. Sept. 24, 2020) [ECF No. 75]; *In re Grupo Aeromexico, S.A.B. de C.V.*, Case No. 20-11563 (SCC) (Bankr. S.D.N.Y. July 1, 2020) [ECF No. 32]; *In re LATAM Airlines Group S.A.*, Case No. 20-11254 (JLG) (Bankr. S.D.N.Y. May 29, 2020) [ECF No. 58]; *In re Avianca Holdings S.A.*, Case No. 20-11133 (MG) (Bankr. S.D.N.Y. May 12, 2020) [ECF No. 41]; *In re Windstream Holdings, Inc.*, Case No. 19-22312 (RDD) (Bankr. S.D.N.Y. Mar. 5, 2019) [ECF No. 90]; *In re Sears Holdings Corp.*, Case No. 18-23538 (RDD) (Bankr. S.D.N.Y. Oct. 16, 2018) [ECF No. 112].[5]

Implementing the Procedures Is In the Best Interest of the Debtor, Its Estate and Creditors

20. Section 105(a) of the Bankruptcy Code empowers the Court to "issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title." The Court also has authority under Bankruptcy Rule 2002(*l*) to "order notice by publication if it

[5] Because of the voluminous nature of the order cited herein, such orders have not been attached to this motion. Copies of these orders are available upon request of the Debtor's proposed counsel.

finds that notice by mail is impracticable." The Debtor submits that implementation of the Procedures is appropriate in this chapter 11 case to provide adequate notice and is within the Court's equitable powers under section 105 of the Bankruptcy Code.

21. As discussed above, the Debtor will furnish a list of creditors to the Notice and Claims Agent. Pursuant to the proposed Procedures, shortly after the commencement of this chapter 11 case, and, in any event, at least 21 days before the date on which the Section 341 Meeting is to be held, the Notice and Claims Agent will (a) mail the Notice of Commencement to all creditors on the Debtor's list of creditors and (b) publish the Notice of Commencement as set forth above. *See* 28 U.S.C. § 156(c).

22. The proposed combination of notice by mail and publication (as well as the press and internet attention this chapter 11 case will receive) will ensure that creditors in various locations throughout the world receive prompt notice of the commencement of this chapter 11 case. Publication of the Notice of Commencement is the most practical method by which to notify those creditors who do not receive the Notice of Commencement by mail, and other creditors and parties in interest of the commencement of this chapter 11 case. Finally, the proposed Procedures are beneficial to the Debtor's estate and to the Debtor's creditors because they provide actual notice to all of the Debtor's creditors in an efficient and cost-effective manner.

Notice

23. Notice of this Motion has been provided to the following parties, or, in lieu thereof, their counsel (the "**Notice Parties**"): (a) the Office of the United States Trustee for the Southern District of New York; (b) the holders of the thirty largest unsecured claims against the Debtor; (c) the parties to the RSAs; (d) the DIP Lender; (e) the United States Attorney's Office

for the Southern District of New York; (f) the Internal Revenue Service; (g) the Securities and Exchange Commission; (h) the Federal Aviation Administration; and (i) any party that has requested service pursuant to Bankruptcy Rule 2002. A copy of this Motion and any order approving it will also be made available on the Debtor's Case Information Website located at www.kccllc.net/PAL. In light of the nature of the relief requested in this Motion, the Debtor respectfully submits that no further notice is necessary.

No Prior Request

24. No previous request for the relief sought herein has been made by the Debtor to this or any other court.

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Conclusion

WHEREFORE, the Debtor respectfully requests that the Court enter the proposed form of order, substantially in the form attached hereto, granting the relief requested herein and granting such other and further relief as the Court deems just and proper.

Dated: September 3, 2021
New York, New York

DEBEVOISE & PLIMPTON LLP

By: /s/ *Jasmine Ball*

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Proposed Counsel to the Debtor and Debtor in Possession

Exhibit A

Proposed Order

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
PHILIPPINE AIRLINES, INC.,[1]	Case No. 21-_____ (___)
Debtor.	

ORDER (I) WAIVING THE REQUIREMENT TO FILE A LIST OF CREDITORS AND AUTHORIZING PREPARATION OF A LIST OF CREDITORS IN LIEU OF SUBMITTING A FORMATTED MAILING MATRIX AND (II) ESTABLISHING PROCEDURES FOR NOTIFYING CREDITORS OF THE COMMENCEMENT OF THE DEBTOR'S CHAPTER 11 CASE

Upon the motion (the "**Motion**")[2] of the above-captioned debtor and debtor in possession (the "**Debtor**") for entry of an order pursuant to section 105 of the Bankruptcy Code (the "**Order**") (a) waiving the requirement to file a list of creditors, co-debtors and parties to executory contracts on the Petition Date as required by section 521(a)(1) of the Bankruptcy Code, Bankruptcy Rule 1007(a)(1), Local Rules 1007-1 and 5075-1 and the Standing Orders (collectively, the "**Notice Rules**"), and authorizing the Debtor to prepare an electronic list of creditors in lieu of submitting a formatted mailing matrix; and (b) authorizing the implementation of certain procedures for notifying creditors of the commencement of the chapter 11 case and the meeting of creditors to be held pursuant to section 341 of the Bankruptcy Code, all as set forth more fully in the Motion; and the Court having jurisdiction to consider the motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334 and the Amended Standing Order of Reference M-431, dated January 31, 2012 (Preska, C.J.); and consideration of

[1] The Debtor in this chapter 11 case, along with its registration number in the Philippines, is Philippine Airlines, Inc., Philippine Securities and Exchange Commission Registration No. PW 37. The Debtor's corporate headquarters is located at PNB Financial Center, President Diosdado Macapagal Avenue, CCP Complex, Pasay City 1300, Metro Manila, Philippines.

[2] Each capitalized term used herein but not otherwise defined herein shall have the meaning ascribed to it in the Motion.

the Motion and the relief requested therein being a core proceeding under 28 U.S.C. § 157(b); and venue being proper before the Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided to the Notice Parties, and no other or further notice need be provided; and the Court having reviewed the Motion and held a hearing to consider the relied requested in the Motion on a final basis (the "**Hearing**"); and upon the First Day Declaration and the record of the Hearing; and the Court having determined that the legal and factual bases set forth in the Motion and at the Hearing establish just cause for the relief granted herein; and the Court having determined that the relief granted herein is in the best interest of the Debtor, its estate, the creditors and all parties in interest; and upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefor;

IT IS HEREBY ORDERED THAT:

1. The relief requested in the Motion is hereby granted on a final basis as set forth herein.

2. The requirement under section 521(a)(1) of the Bankruptcy Code, Bankruptcy Rule 1007(a)(1), Local Bankruptcy Rule 1007-1 and the Standing Orders to file with the petition a list containing the name and address of certain creditors, counterparties to executory contracts and unexpired leases and co-debtors is waived; *provided* that this waiver does not otherwise affect the Debtor's obligations to file schedules of executory contracts and unexpired leases and co-debtors pursuant to section 521 of the Bankruptcy Code or Bankruptcy Rule 1007.

3. As soon as practicable after entry of an order authorizing the engagement of Kurtzman Carson Consultants LLC (the "**Notice and Claims Agent**"), the Debtor shall provide

to the Notice and Claims Agent a list of creditors and last known addresses of the Debtor's creditors.

4. The Debtor, with the assistance of the Notice and Claims Agent, is directed to mail notice of the commencement of this chapter 11 case and of the Section 341 Meeting (the "**Notice of Commencement**") to all creditors on the Debtor's list of creditors at least 21 days prior to the date on which the Section 341 Meeting is to be held.

5. The form of Notice of Commencement, substantially in the form of notice annexed to the Motion as **Exhibit B**, is approved.

6. The Debtor shall cause publication of the Notice of Commencement in English substantially in the form of the notice annexed hereto as **Exhibit B** (a) once in the national editions of the *New York Times*, *USA Today* and/or a comparable newspaper with national/international circulation and in the *Philippine Daily Inquirer* and (b) on the website to be established by the Notice and Claims Agent and on the Debtor's website, at least 21 days prior to the date on which the Section 341 Meeting is to be held. Such form and manner of publication notice is hereby approved and authorized pursuant to Bankruptcy Rule 2002(*l*).

7. All forms of notice provided by the Motion are reasonably calculated to inform interested parties of this chapter 11 case.

8. Any Bankruptcy Rule (including Bankruptcy Rule 6004(h)) or Local Rule that might delay the effectiveness of this Order is hereby waived, and the terms and conditions of this Order shall be effective immediately and enforceable upon its entry.

9. The contents of the Motion and the notice procedures set forth therein are good and sufficient notice and satisfy the Bankruptcy Rules and the Local Bankruptcy Rules for the

Southern District of New York, and no other or further notice of the Motion or the entry of this Order shall be required.

10. The Debtor is authorized to take all such actions as are necessary or appropriate to implement the terms of this Order.

11. The Court shall retain exclusive jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation and enforcement of this Order.

Dated: _____, 2021
New York, New York

_____
THE HONORABLE [●]
UNITED STATES BANKRUPTCY JUDGE

Exhibit B

Proposed Notice of Commencement

UNITED STATES BANKRUPTCY COURT, SOUTHERN DISTRICT OF NEW YORK

In re Philippine Airlines, Inc., **Debtor.**	**Chapter 11 Case No: [●] (_____)**

Notice Of Chapter 11 Bankruptcy Case,
Meeting Of Creditors & Deadlines

Official Form 309F (For Corporations or Partnerships)

For the debtor listed above, a case has been filed under chapter 11 of the Bankruptcy Code. An order for relief has been entered. This notice has important information about the case, including information about the meeting of creditors and certain deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor or the debtor's property. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtor. Creditors cannot demand repayment from the debtor by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Confirmation of a chapter 11 plan may result in a discharge of debt. A creditor who wants to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadline specified in this notice. (See line 11 below for more information.) To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

The staff of the bankruptcy clerk's office cannot give legal advice.
Do not file this notice with any proof of claim or other filing in the case.

Attorneys for Debtor Jasmine Ball Nick S. Kaluk, III Elie J. Worenklein **DEBEVOISE & PLIMPTON LLP** 919 Third Avenue New York, NY 10022 Telephone: (212) 909-6000 Fax: (212) 909-6836	**DATE, TIME, AND LOCATION OF MEETING OF CREDITORS PURSUANT TO BANKRUPTCY CODE SECTION 341(a)** _____, 2021 at_____:___ _.m. (Prevailing Eastern Time). **Teleconference *ONLY*, Contact UST's Office for direction,** **https://www.justice.gov/ust−regions−r02**

Deadline To File A Proof Of Claim:
None at this time. When the Bankruptcy Court sets a claims deadline, you will be notified and provided a Proof of Claim form by mail.

Creditors May Not Take Certain Actions:
In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the Debtor and the Debtor's property. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Common examples of prohibited actions by creditors are contacting the Debtor to demand repayment, taking action against the Debtor to collect money owed to creditors or to take property of the Debtor, and starting or continuing collection actions, foreclosure actions, or repossessions. Consult a lawyer to determine your rights in this case.

Address of the Clerk of the Bankruptcy Court: Clerk of the United States Bankruptcy Court One Bowling Green New York, New York 10004 Telephone Number: (212) 668-2870	Approved by the Clerk of the Bankruptcy Court: [●] Clerk of the Bankruptcy Court
Hours Open: 8:30 a.m. – 5:00 p.m.	Date: [_____,] 2021

EXPLANATIONS

Case Management and Administrative Procedures	On the Petition Date, the Bankruptcy Court was asked to enter an Order Approving Notice, Case Management and Administrative Procedures (the "Case Management Order"). The Case Management Order describes the notice and other procedures that apply in this case. All parties who desire to participate in this case must follow the procedures set forth therein.
Filing of Chapter 11 Bankruptcy Case	A bankruptcy case under chapter 11 of the Bankruptcy Code (title 11, United States Code) has been filed in this Bankruptcy Court by or against the Debtor listed on Schedule 1, attached hereto, and an order for relief has been entered. Chapter 11 allows a debtor to reorganize or liquidate pursuant to a plan. A plan is not effective unless confirmed by the Bankruptcy Court. You may be sent a copy of the plan and a disclosure statement telling you about the plan, and you might have the opportunity to vote on the plan. You will be sent notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the Debtor will remain in possession of the Debtor's property and may continue to operate any business.
Legal Advice	The staff of the Bankruptcy Court Clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the Debtor by telephone, mail, or otherwise to demand repayment; taking actions to collect money or obtain property from the Debtor; repossessing the Debtor's property; and starting or continuing lawsuits or foreclosures.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time, and location listed on the front side. *The Debtor's representative must be present at the meeting to be questioned under oath by the United States Trustee and by creditors.* Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date specified in a notice filed with the Bankruptcy Court. The Bankruptcy Court, after notice and a hearing, may order that the United States trustee not convene the meeting if the Debtor has filed a plan for which the Debtor solicited acceptances before filing this case.
Claims	A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this Notice, you can obtain one at any Bankruptcy Court Clerk's office. You may look at the schedules that have been, or will be, filed at the Bankruptcy Court Clerk's office. If your claim is scheduled and is not listed as disputed, contingent, or unliquidated, it will be allowed in the amount scheduled, unless you filed a Proof of Claim or you are sent further notice about the claim. Whether or not your claim is scheduled, you are permitted to file a Proof of Claim. If your claim is not listed at all or if your claim is listed as disputed, contingent, or unliquidated, then you must file a Proof of Claim or you might not be paid any money on your claim and may be unable to vote on a plan. The Bankruptcy Court has not yet set a deadline to file a Proof of Claim. If a deadline is set, you will be sent another notice. A secured creditor retains rights in its collateral regardless of whether that creditor files a Proof of Claim. Filing a Proof of Claim may submit the creditor to the jurisdiction of the Bankruptcy Court, with consequences a lawyer can explain. For example, a secured creditor who files a Proof of Claim may surrender important nonmonetary rights, including the right to a jury trial. **Filing Deadline for a Creditor with a Foreign Address:** The deadline for filing claims will be set in a later Bankruptcy Court order and will apply to all creditors unless the order provides otherwise. If notice of the order setting the deadline is sent to a creditor at a foreign address, the creditor may file a motion requesting the Bankruptcy Court to extend the deadline. There is no assurance that such a motion would be granted.
Discharge of Debts	Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See Bankruptcy Code § 1141(d). A discharge means that you may never try to collect the debt from the Debtor, except as provided in the plan. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 1141(d)(6)(A), you must start a lawsuit by filing a complaint in the Bankruptcy Court Clerk's office. The Bankruptcy Court Clerk's office must receive the complaint and any required filing fee by any applicable deadline.
Bankruptcy Court Clerk's Office	Any paper that you file in this case should be filed at the Bankruptcy Court Clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the Debtor's property and debts and the list of the property claimed as exempt, at the Bankruptcy Court Clerk's office.
Creditor with a Foreign Address	Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.
Refer To Other Side For Important Deadlines and Notices	