

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

**In re:**

**THE BIG APPLE CIRCUS, LTD.**

**Debtor.**

**Chapter 11**

**Case No. 16-13297 (SHL)**

**NOTICE OF DEADLINE REQUIRING FILING OF  
PROOFS OF CLAIM ON OR BEFORE MARCH 30, 2017**

**TO ALL PERSONS AND ENTITIES WITH CLAIMS AGAINST THE BIG APPLE CIRCUS,  
LTD.:**

The United States Bankruptcy Court for the Southern District of New York has entered an Order establishing **March 30, 2017 at 5:00 p.m. (Eastern Time)** (the “**Bar Date**”) as the last date for each person or entity (including individuals, partnerships, corporations, joint ventures, trusts and governmental units) to file a proof of claim against The Big Apple Circus, Ltd. (the “**Debtor**”).

The Bar Date and the procedures set forth below for filing proofs of claim apply to all claims against the Debtor that arose prior to November 20, 2016, the date on which the Debtor commenced a case under chapter 11 of the United States Bankruptcy Code, except for those holders of the claims listed in Section 4 below that are specifically excluded from the Bar Date filing requirement. Governmental units may have until May 19, 2017 at 5:00 p.m. (Eastern Time), the date that is one hundred eighty (180) days after the order for relief, to file proofs of claim.

**1. WHO MUST FILE A PROOF OF CLAIM**

You **MUST** file a proof of claim to vote on a chapter 11 plan filed by the Debtor or to share in distributions from the Debtor’s bankruptcy estate if you have a claim that arose prior to November 20, 2016 (the “**Filing Date**”), and it is not one of the types of claim described in Section 4 below. Claims based on acts or omissions of the Debtor that occurred before the Filing Date must be filed on or prior to the Bar Date, even if such claims are not now fixed, liquidated or certain or did not mature or become fixed, liquidated or certain before the Filing Date.

Under Section 101(5) of the Bankruptcy Code and as used in this Notice, the word “claim” means: (a) 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 (b) 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.

**2. WHAT TO FILE**

Your filed proof of claim must conform substantially to Official Bankruptcy Form No. 410; a case-specific proof of claim form accompanies this Notice. Additional proof of claim forms may be

obtained at either [www.donlinrecano.com/bigapplecircus](http://www.donlinrecano.com/bigapplecircus) or <http://www.uscourts.gov/forms/bankruptcy-forms>.

All proof of claim forms must be **signed** by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant. It must be written in English and be denominated in United States currency. You should attach to your completed proof of claim any documents on which the claim is based (if voluminous, attach a summary) or an explanation as to why the documents are not available.

**Your proof of claim form must not contain complete social security numbers or taxpayer identification numbers (only the last four digits), a complete birth date (only the year), the name of a minor (only the minor's initials) or a financial account number (only the last four digits of such financial account).**

### **3. WHEN AND WHERE TO FILE**

Except as provided for herein, all proofs of claim must be filed so as to be received **on or before March 30, 2017 at 5:00 p.m. (Eastern Time)**, at the following address:

Donlin Recano & Company, Inc.  
Re: The Big Apple Circus, Ltd.  
P.O. Box 199043  
Blythebourne Station  
Brooklyn, NY 11219

#### **IF BY OVERNIGHT MAIL OR COURIER:**

Donlin, Recano & Company, Inc.  
Re: The Big Apple Circus, Ltd.  
6201 15th Avenue  
Brooklyn, NY 11219

#### **IF DELIVERED BY HAND:**

Donlin, Recano & Company, Inc.  
Re: The Big Apple Circus, Ltd.  
6201 15th Avenue  
Brooklyn, NY 11219

#### **OR:**

United States Bankruptcy Court  
Southern District of New York  
One Bowling Green, Room 534  
New York, NY 10004-1408

Or electronically through the claims agent's website: [www.donlinrecano.com/bigapplecircus](http://www.donlinrecano.com/bigapplecircus), under the link entitled "Proof of Claim."

Proofs of claim will be deemed filed only when received at the addresses listed above or filed electronically on or before the Bar Date. Proofs of claim may not be delivered by facsimile, telecopy or electronic mail transmission.

#### **4. WHO NEED NOT FILE A PROOF OF CLAIM**

You do **not** need to file a proof of claim on or prior to the Bar Date if you are:

- (a) A person or entity that has already filed a proof of claim against the Debtor with the Clerk of the Bankruptcy Court for the Southern District of New York or the Debtor's claims agent in a form substantially similar to Official Bankruptcy Form No. 410;
- (b) A person or entity whose claim is listed on the Schedules if (i) the claim is not scheduled as "disputed," "contingent," or "unliquidated" and (ii) you do not disagree with the amount, nature and priority of the claim as set forth in the Schedules;
- (c) A holder of a claim that has previously been allowed by Order of this Court;
- (d) A holder of a claim that has been paid in full by the Debtor;
- (e) A holder of a claim for which a specific deadline has previously been fixed by this Court; or
- (f) A 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, except any holders of a claim allowable under section 503(b)(9) of the Bankruptcy Code, which claim must be asserted by filing a proof of claim on or prior to the Bar Date.

This Notice is being sent to many persons and entities that have had some relationship with or have done business with the Debtor but may not have an unpaid claim against the Debtor. The fact that you have received this Notice does not mean that you have a claim or that the Debtor or the Court believes that you have a claim against the Debtor.

#### **5. EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

If you have a claim arising out of the rejection of an executory contract or unexpired lease as to which the order authorizing such rejection is dated on or before **February 17, 2017**, the date of entry of this Order, you must file a proof of claim with respect to such claim by the Bar Date. Any person or entity that has a claim arising from the rejection of an executory contract or unexpired lease, as to which the order is dated after the date of entry of this Order, you must file a proof of claim with respect to such claim by the date fixed by the Court in the applicable order authorizing rejection of such contract or lease.

#### **6. CONSEQUENCES OF FAILURE TO FILE A PROOF OF CLAIM BY THE BAR DATE**

ANY HOLDER OF A CLAIM THAT IS NOT EXEMPTED FROM THE REQUIREMENTS OF THIS ORDER, AS SET FORTH IN SECTION 4 ABOVE, AND THAT FAILS TO TIMELY FILE A PROOF OF CLAIM IN THE APPROPRIATE FORM SHALL NOT BE TREATED AS A CREDITOR WITH RESPECT TO SUCH CLAIM FOR THE PURPOSES OF VOTING ON ANY CHAPTER 11 PLAN FILED IN THE DEBTOR'S CASE AND PARTICIPATING IN ANY DISTRIBUTION IN THE DEBTOR'S CASE ON ACCOUNT OF SUCH CLAIM.

## **7. THE DEBTOR'S SCHEDULES AND ACCESS THERETO**

You may be listed as the holder of a claim against the Debtor in the Debtor's Schedules of Assets and Liabilities and/or Schedules of Executory Contracts and Unexpired Leases (collectively, the "**Schedules**").

If you rely on the Debtor's Schedules, it is your responsibility to determine that the claim is accurately listed in the Schedules. As set forth above, if you agree with the nature, amount and status of your claim as listed in the Debtor's Schedules, and if your claim is not described as "disputed," "contingent," or "unliquidated," you need not file a proof of claim. Otherwise, or if you decide to file a proof of claim, you must do so before the Bar Date in accordance with the procedures set forth in this Notice.

Copies of the Debtor's Schedules are available for inspection on the Court's Internet Website at <http://www.nysb.uscourts.gov>. A login and password to the Court's Public Access to Electronic Court Records ("**PACER**") are required to access this information and can be obtained through the PACER Service Center at <http://www.pacer.gov>. Copies of the Schedules may also be examined between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday at the Office of the Clerk of the Bankruptcy Court, One Bowling Green, Room 534, New York, New York 10004-1408. Copies of the Debtor's Schedules may also be obtained by written request to the Debtor's claims agent at the following address: Donlin Recano & Co. Inc., Re: The Big Apple Circus, Ltd., P.O. Box 199043, Blythebourne Station, Brooklyn, NY 11219, or can be obtained at [www.donlinrecano.com/bigapplecircus](http://www.donlinrecano.com/bigapplecircus).

**A holder of a possible claim against the Debtor should consult an attorney regarding any matters not covered by this notice, such as whether the holder should file a proof of claim.**

### **BY ORDER OF THE COURT**

Dated: February 17, 2017  
New York, New York

/s/ Christopher Updike  
\_\_\_\_\_  
M. Natasha Labovitz  
Christopher Updike  
DEBEVOISE & PLIMPTON LLP  
919 Third Avenue  
New York, New York 10022  
Telephone: (212) 909-6000  
Facsimile: (212) 909-6836  
Email: [nlabovitz@debevoise.com](mailto:nlabovitz@debevoise.com)  
[cupdike@debevoise.com](mailto:cupdike@debevoise.com)

Counsel to the Debtor  
and Debtor in Possession