

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

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In re: : Chapter 11
: :
COMCAR INDUSTRIES, INC., *et al.*,¹ : Case No. 20-11120 (LSS)
: :
Debtors. : (Jointly Administered)
-----X
Related D.I.: 302

**NOTICE OF DEADLINE FOR FILING PROOFS OF CLAIM,
INCLUDING 503(b)(9) CLAIMS AND APPLICATIONS FOR ALLOWANCE**

PLEASE TAKE NOTICE, on May 17, 2020 (the “Petition Date”), Comcar Industries, Inc. and its affiliated debtors (collectively, the “Debtors”) in the above-captioned chapter 11 cases each filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”).

PLEASE TAKE FURTHER NOTICE that, on June 22, 2020, the United States Bankruptcy Court for the District of Delaware (the “Court”) entered an order (the “Bar Date Order”) establishing:

- (a) **General Bar Date: July 31, 2020 at 4:00 p.m. (ET)** as the “General Bar Date” and deadline for all persons or entities, other than Governmental Units (as defined in section 101(27) of the Bankruptcy Code), to file proofs of claim (each, a “Proof of Claim”) based on claims against any Debtor that arose prior to the Petition Date, including claims for the value of goods sold to any Debtor in the ordinary course of business and received by such Debtor within twenty (20) days before the Petition Date (each, a “503(b)(9) Claim”) that remain unpaid;
- (b) **Governmental Bar Date: November 13, 2020 at 4:00 p.m. (ET)** as the “Governmental Bar Date” and deadline for all Governmental Units to file Proofs

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: 9th Place Newberry, LLC (0359); 16th Street Pompano Beach, LLC (0278); CCC Spotting, LLC (0342); CCC Transportation, LLC (1058); Charlotte Avenue Auburndale, LLC (2179); Coastal Transport, Inc. (2918); Coastal Transport Logistics, LLC (7544); Comcar Industries, Inc. (8221); Comcar Logistics, LLC (2338); Comcar Properties, Inc. (9545); Commercial Carrier Corporation (8582); Commercial Carrier Logistics, LLC (7544); Commercial Truck and Trailer Sales Inc. (0722); Cortez Blvd. Brooksville, LLC (2210); CT Transportation, LLC (0997); CTL Distribution, Inc. (7383); CTL Distribution Logistics, LLC (7506); CTL Transportation, LLC (0782); CTTS Leasing, LLC (7466); Detsco Terminals, Inc. (9958); Driver Services, Inc. (3846); East Broadway Tampa, LLC (2233); East Columbus Drive Tampa, LLC (3995); Fleet Maintenance Services, LLC (1410); MCT Transportation, LLC (0939); Midwest Coast Logistics, LLC (7411); Midwest Coast Transport, Inc. (0045); New Kings Road Jacksonville, LLC (4797); Old Winter Haven Road Auburndale, LLC (4738); W. Airport Blvd. Sanford, LLC (0462); Willis Shaw Logistics, LLC (7341); WSE Transportation, LLC. The corporate headquarters and the mailing address for the Debtors listed above is 8800 Baymeadows Way West, Suite 200, Jacksonville, Florida 32256.

of Claim against the Debtors based on claims against any Debtor that arose prior to the Petition Date that remain unpaid;

- (c) **Interim Administrative Claims Bar Date: July 31, 2020 at 4:00 p.m. (ET)** shall be the deadline for all persons and entities to file applications for allowance (each, an “Application for Allowance”) based on claims against any Debtor that accrued on and after the Petition Date through and including June 30, 2020 that remain unpaid.
- (d) **Second Interim Administrative Claims Bar Date: August 31, 2020 at 4:00 p.m. (ET)** shall be the deadline for all persons and entities to file Applications for Allowance based on claims against any Debtor that accrued on and after July 1, 2020 through and including July 31, 2020 that remain unpaid.
- (e) **Rejection Damages Claims Bar Date:** the Rejection Damages Claims Bar Date shall be the later of (i) the General Bar Date; (ii) 4:00 p.m. (ET) on the date that is thirty (30) days after entry of an order approving the rejection of an executory contract or unexpired lease (a “Rejection Order”); or (iii) any other date that the Court may fix in the applicable Rejection Order.

You should consult an attorney if you have any questions, including whether to file a Proof of Claim or Application for Allowance. If you have any questions with respect to this notice, you may contact the Debtors’ claims and noticing agent, Donlin, Recano & Company, Inc. (“DRC”) at (888) 483-4365 (toll-free) or visit DRC’s website at <https://www.donlinrecano.com/Clients/comcar/Index>. DRC is not permitted to provide legal advice.

I. WHO MUST FILE A PROOF OF CLAIM

You **MUST** file a Proof of Claim if you have a claim that arose prior to the Petition Date, and it is not a claim described in Section II below. Acts or omissions of the Debtors that arose prior to the Petition Date may give rise to claims against the Debtors that must be filed by the applicable Bar Dates, notwithstanding that such claims may not have matured or become fixed or liquidated as of the Petition Date.

Pursuant to section 101(5) of the Bankruptcy Code and as used herein, 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.

You **MUST** file an Application for Allowance if you have a claim that arose on or after the Petition Date through and including June 30, 2020, that remains unpaid, or if you have a

claim that arose on or after July 1, 2020 through and including July 31, 2020, that remains unpaid.

Proofs of Claim and Applications for Allowance will be deemed timely filed *only if* they are actually received by DRC on or before the applicable Bar Date. Proofs of Claim and Applications for Allowance submitted by facsimile or e-mail *will not be accepted*.

II. WHO DOES NOT NEED TO FILE A PROOF OF CLAIM OR APPLICATION FOR ALLOWANCE

- (a) Any person or entity that has already properly filed a Proof of Claim against a Debtor with DRC or the Clerk of the United States Bankruptcy Court for the District of Delaware, in a form substantially similar to Official Form 410;
- (b) Any person or entity whose claim is listed on a Debtor's Schedule D or E/F, and (i) the claim is not described as "disputed," "contingent," or "unliquidated," (ii) such person or entity agrees with the amount, nature, and priority of the claim set forth in the Debtor's Schedules, and (iii) such person or entity agrees that the claim is an obligation of the specific Debtor that listed the claim in its Schedules;
- (c) Any person or entity whose claim has been allowed by an order of the Court entered on or before the applicable Bar Date;
- (d) Any person or entity whose claim has been paid or otherwise satisfied in full by the Debtors or any other party prior to the applicable Bar Date;
- (e) Any holder of a claim for which the Court has already fixed a specific deadline to file a Proof of Claim;
- (f) Any holder of an equity interest in any Debtor with respect to the ownership of such equity interest; *provided, however*, that any holder of an equity interest wishing to assert a claim against any Debtor other than with respect to ownership of such equity interest, including, but not limited to, a claim relating to the purchase or sale of such interest or rescission under section 510 of the Bankruptcy Code, must submit a proof of claim on or before the applicable Bar Date pursuant to the procedures set forth herein;
- (g) Any Affiliate (as defined in section 101(2) of the Bankruptcy Code) of the Debtors that is a creditor for its claims against any other Debtor; and
- (h) The DIP Agent, the Prepetition ABL Agent and the Prepetition Term Loan Agent, as defined in the *Interim Order (I) Authorizing Debtors to Obtain Postpetition Financing Pursuant to Section 364 of the Bankruptcy Code, (II) Authorizing the Use of Cash Collateral Pursuant to Section 3636 of the Bankruptcy Code, (III) Granting Adequate Protection to the Prepetition Secured Parties Pursuant to Section 361, 362, 363, and 364 of the Bankruptcy Code, (IV) Granting Liens and*

Superpriority Claims, (V) Modifying the Automatic Stay, and (VI) Scheduling a Final Hearing [D.I. 80].

You should not file a Proof of Claim or Application for Allowance if you do not have a claim against any of the Debtors. The fact that you have received this Bar Date Notice does not mean that you have a claim or that the Debtors or the Bankruptcy Court believes that you have a claim.

III. HOW TO FILE A PROOF OF CLAIM OR APPLICATION FOR ALLOWANCE

Enclosed herewith exhibits are a Proof of Claim Form, in a form substantially similar to Official Form 410, and an Application for Allowance Form.²

- (a) Proofs of Claim must conform substantially to the Proof of Claim Form;
- (b) Applications for Allowance must conform substantially to the Application for Allowance Form;
- (c) All Proofs of Claim and Applications for Allowance must be actually received on or before the applicable Bar Date associated with such claim by the Debtors' Court-approved claims and noticing agent in these Chapter 11 Cases, Donlin, Recano & Company, Inc. ("DRC") by the applicable Bar Date, at:

If by first-class mail:
Donlin, Recano & Company, Inc.
Re: Comcar Industries, Inc., et al.
P.O. Box 199043
Blythebourne Station
Brooklyn, NY 11219

If by hand delivery, or overnight mail:
Donlin, Recano & Company, Inc.
Re: Comcar Industries, Inc., et al.
6201 15th Avenue
Brooklyn, NY 11219

- (d) Proofs of Claim may be submitted online through the Debtor's case website at: <https://www.donlinrecano.com/Clients/comcar/fileclaim>;
- (e) Proofs of Claim and Applications for Allowance will be deemed timely filed only if they are actually received by DRC on or before the applicable Bar Date. Proofs

² Additional Proof of Claim Forms are available at <https://www.donlinrecano.com/Clients/Comcar/Static/POC>.

of Claim and Applications for Allowance submitted by facsimile or e-mail will *not* be accepted;

- (f) Proofs of Claim and Applications for Allowance must: (i) be in writing and signed by the claimant, or, if the claimant is not an individual, by an authorized agent of the claimant; (ii) include supporting documentation or, if voluminous, a summary of the supporting documents and an explanation as to why documentation is not available and where the such supporting documentation may be obtain; (iii) be in the English language; and (iv) be denominated in United States currency (USD);
- (g) In addition to the foregoing, 503(b)(9) Claims must also: (i) include the value of the goods delivered to and received by the applicable Debtor within twenty (20) days prior to the Petition Date; (ii) attach any documentation identifying the particular invoice(s) corresponding to the asserted 503(b)(9) Claim and delivery address; and (iii) attach documentation evidencing the delivery of the goods delivered to and received by the applicable Debtor within twenty (20) days prior to the Petition Date;
- (h) Each Application for Allowance shall set forth evidence of the necessity of the expense incurred by any Debtor and the reasonableness of the charge for any such good or service provided to the Debtor;
- (i) Each Proof of Claim and Application for Allowance must specify, by name, the Debtor against which the claim is asserted, and, if the holder asserts a claim against more than one Debtor, a separate Proof of Claim must be filed against each such Debtor; and
- (j) Any person or entity that files a Proof of Claim or Application for Allowance by mail and wishes to receive a date-stamped copy by return mail should include an additional copy of the Proof of Claim and a self-addressed, postage-paid envelope.

IV. CONSEQUENCES FOR FAILURE TO FILE A PROOF OF CLAIM OR APPLICATION FOR ALLOWANCE BY THE APPLICABLE BAR DATE

Except as described in Section II above, as applicable, any holder of a claim against any Debtor who received notice of the Bar Dates (whether such notice was actually or constructively received) and is required, but fails, to file a Proof of Claim or Application for Allowance in accordance with the Bar Date Order and this Bar Date Notice on or before the applicable Bar Date shall not be treated as a creditor with respect to such claim for purposes of voting and distribution.

V. THE DEBTORS' SCHEDULES AND ACCESS THERETO

You may be listed in the Debtors' Schedules. Copies of the Debtors' Schedules are available free of charge on DRC's website: <https://www.donlinrecano.com/Clients/Comcar/Index>.

Dated: June 25, 2020
Wilmington, Delaware

Respectfully submitted,

DLA PIPER LLP (US)

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