

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

-----	X	
	:	
In re:	:	Chapter 11
	:	
M. FABRIKANT & SONS, INC. and	:	Case No. 06-12737-(SMB)
FABRIKANT – LEER INTERNATIONAL, LTD.,	:	
	:	
Debtors.	:	(Jointly Administered)
-----	X	

**ORDER ESTABLISHING DEADLINE FOR FILING PROOFS OF CLAIM AND
APPROVING THE FORM AND MANNER OF NOTICE THEREOF**

Upon the Application¹ of the above-captioned debtors and debtors in possession (collectively, the “Debtors”) for an order, pursuant to Federal Rule of Bankruptcy Procedure (“Bankruptcy Rule”) 3003(c)(3), fixing a deadline (the “Bar Date”) and establishing procedures for filing proofs of claim and approving the form and manner of notice thereof, and it appearing that the relief requested is in the best interests of the Debtors, their estates, and creditors and that adequate notice has been given and that no further notice is necessary, and after due deliberation and good and sufficient cause appearing therefore, it is hereby

ORDERED, that except as otherwise provided herein, all persons and entities, (including, without limitation, individuals, partnerships, corporations, joint ventures, trusts and governmental units) that assert a claim, as defined in section 101(5) of the Bankruptcy Code, against the Debtors which arose on or prior to the commencement of the Debtors’ chapter 11 cases on November 17, 2006 (the “Petition Date”), shall file a proof of such claim in writing so that it is actually received on or before September 26, 2007 at 5:00 p.m. prevailing Eastern time; and it is further

¹ Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Application.

ORDERED, that the following procedures for the filing of proofs of claim shall apply:

- (a) Proofs of claim must conform substantially to Form No. 10 of the Official Bankruptcy Forms;
- (b) Proofs of claim must be filed either by mailing the original proof of claim to United States Bankruptcy Court, Southern District of New York, RE: M. Fabrikant & Sons, Inc. et al., Claims Processing, P.O. Box 5197, Bowling Green Station, New York, NY 10274 or by delivering the original proof of claim by messenger or overnight courier to United States Bankruptcy Court Southern District of New York, RE: M. Fabrikant & Sons, Inc. et al., Claims Processing, One Bowling Green, Room 534, New York, NY 10004 on or before the Bar Date;
- (c) Proofs of claim will be deemed filed only if actually received by the Clerk of the Bankruptcy Court on or before the Bar Date;
- (d) Proofs of claim must: (i) be signed; (ii) include supporting documentation (if voluminous, attach a summary) or an explanation as to why documentation is not available; (iii) be in the English language; (iv) be signed by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant; (v) be denominated in United States dollars; if the claim amount is not in U.S. dollars, the Debtors may convert same to U.S. currency as of a date the Debtors determine is reasonable and appropriate given applicable circumstances;
- (e) Proofs of claim sent by facsimile, telecopy or electronic mail transmission will not be accepted;
- (f) Proofs of claim must specify by name and case number the Debtor against which the claim is filed; if the holder asserts a claim against more than one Debtor or has claims against different Debtors, a separate proof of claim form must be filed with respect to each Debtor; and it is further

ORDERED, that the following persons or entities need not file a proof of claim on or prior to the Bar Date:

- (a) any person or entity that has already properly filed a proof of claim against the Debtors with either of: (i) Donlin; or (ii) the Clerk of the Bankruptcy Court for the Southern District of New York in a form substantially similar to Official Bankruptcy Form No. 10;
- (b) any person or entity whose claim is listed on the Debtors' Schedules (as defined in the Application) provided that (i) the claim is not scheduled as "disputed," "contingent" or "unliquidated"; (ii) the claimant does not disagree with the amount, nature and priority of the claim as set forth in

the Schedules; and (iii) the claimant does not dispute that the claim is an obligation of the specific Debtor against which the claim is listed in the Schedules;

- (c) any holder of a claim that heretofore has been allowed by order of this Court on or before the Bar Date;
- (d) any person or entity whose claim has been paid in full by any of the Debtors;
- (e) any holder of a claim for which specific deadlines have previously been fixed by this Court;
- (f) any holder of a claim allowable under section 503(b) and/or section 507(a) of the Bankruptcy Code as an expense of administration in the Debtors' chapter 11 cases; and
- (g) any current employee of the Debtors having wage claims against the Debtors that have already been paid, provided that employees shall be obligated to file all other claims; and it is further

ORDERED, that any holder of a claim against any of the Debtors who is required, but fails, to file a Proof of Claim in accordance with this Order on or before the Bar Date shall be forever barred, estopped and enjoined from asserting such claim against the Debtors (or filing a Proof of Claim with respect thereto), and the Debtors and their property shall be forever discharged from any and all indebtedness or liability with respect to such claim, and such holder shall not be permitted to vote to accept or reject any plan of reorganization filed in these chapter 11 cases, or participate in any distribution in either of the Debtors' chapter 11 cases on account of such claim or to receive further notices regarding such claim or with respect to the Debtors' chapter 11 cases; and it is further

ORDERED, that if the Debtors amend or supplement their Schedules subsequent to the date of service of the Bar Date Notice, the Debtors shall give notice of any such amendment or supplement to the holders of claims affected thereby, and such holders shall be afforded the later of (i) thirty (30) days from the date on which such notice is given and (ii) the Bar Date, to file

Proofs of Claim in respect of their claims or be forever barred from doing so; and it is further

ORDERED, that any person or entity holding a claim arising from the rejection of an executory contract or unexpired lease must file a Proof of Claim based on such rejection on or before the later of (i) the Bar Date and (ii) the date that is 30 days following the effective date of such rejection (unless an order, if any, authorizing such rejection provides otherwise), to share in the Debtors' estates; and it is further

ORDERED, that nothing in this Order shall prejudice the right of the Debtors or any other party in interest to dispute or assert offsets or defenses to any Claim reflected in the Schedules or to object to any Proof of Claim, whether filed or scheduled, on any grounds; and it is further

ORDERED, that a copy of the Notice substantially in the form annexed hereto as Schedule 1 is approved and shall be deemed adequate and sufficient if served by first-class mail no later than five (5) business days after entry of this order on:

- (a) the United States Trustee;
- (b) counsel to the Official Committee of Unsecured Creditors;
- (c) counsel to the administrative agent for the Debtors' senior secured lenders;
- (d) all persons or entities that have requested notice of the proceedings in these cases pursuant to Bankruptcy Rule 2002;
- (e) all persons or entities that have filed claims;
- (f) all parties known to the Debtors as having potential claims against the Debtors' estates;
- (g) all persons or entities listed in the Debtors' Schedules at the addresses stated therein;
- (h) all counterparties to executory contracts and unexpired leases of the Debtors;
- (i) all parties to litigation with the Debtors;

- (j) the District Director of Internal Revenue for the Southern District of New York;
- (k) the United States Attorney for the Southern District of New York and relevant state attorneys general;
- (l) the Debtors' current and former employees, to the extent that contact information for such former employees is reasonably ascertainable;
- (m) certain other entities with whom, prior to the Petition Date, the Debtors had done business or who may have asserted a claim against the Debtors in the recent past; and
- (n) all parties to whom the Debtors are required to give notice; and it is further

ORDERED, that the Debtors shall cause their Claims Agent, Donlin Recano & Company, Inc. ("Donlin") to mail (i) one or more Proof of Claim Forms (as appropriate) in substantially the form of the Proof of Claim Form annexed to the Application as Exhibit "B," and (ii) the Bar Date Notice, to all parties listed in the preceding decretal paragraph within five (5) business days after entry of this Order; and it is further;

ORDERED, that with regard to those holders of claims listed on the Debtors' Schedules, the Debtors shall mail one or more proof of claim forms (as appropriate) substantially similar to the Proof of Claim form annexed to the Application as Exhibit "B," which is hereby approved, indicating on the form how the Debtors have scheduled such creditor's claim in their Schedules (including the identity of the Debtor, the amount of the claim and whether the claim has been scheduled as contingent, unliquidated or disputed); and it is further

ORDERED, that pursuant to Bankruptcy Rule 2002(f), the Debtors shall publish notice of the Bar Date in substantially the form attached hereto as Schedule "2" (the "Publication Notice") once in Women's Wear Daily and The Wall Street Journal (National Edition) at least 20 days prior to the Bar Date, which publication is hereby approved and shall be deemed good, adequate and sufficient publication notice of the Bar Date; and it is further

ORDERED, that the Debtors and Donlin are authorized and empowered to take such steps and to perform such acts as may be necessary to implement and effectuate the terms of this Order; and it is further

ORDERED, that entry of this Order is without prejudice to the right of the Debtors to seek a further order of this Court fixing a date by which holders of claims or interests not subject to the Bar Date established herein must file such proofs of claim or interest or be forever barred from voting upon any chapter 11 plan or plans for such Debtors; from receiving any payment or distribution of property from the Debtors, the Debtors' estates or their successors or assigns with respect to such claims; and from asserting such claims against any of the Debtors; and it is further

ORDERED, that this Court shall retain jurisdiction to hear and determine all matters arising from implementation of this Order.

New York, New York
Dated: August 10, 2007

/s/ **STUART M. BERNSTEIN**
Honorable Stuart M. Bernstein
Chief United States Bankruptcy Judge