

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

In re:

FIC RESTAURANTS, INC., *et al.*,¹

Debtors.

)
) Chapter 11
)
) Case No. 20-12807 (CSS)
)
) (Jointly Administered)
)

NOTICE OF BAR DATES FOR FILING CLAIMS

A HOLDER OF A POSSIBLE CLAIM AGAINST THE DEBTORS SHOULD CONSULT AN ATTORNEY REGARDING ANY MATTERS NOT COVERED BY THIS NOTICE, SUCH AS WHETHER THE HOLDER SHOULD FILE A PROOF OF CLAIM.

TO ALL KNOWN CREDITORS OF FIC RESTAURANTS, INC. AND ITS DEBTOR AFFILIATES (COLLECTIVELY, THE “DEBTORS”), AS DEBTORS AND DEBTORS IN POSSESSION IN THE ABOVE-CAPTIONED CHAPTER 11 CASES (THE “CHAPTER 11 CASES”):

On November 17, 2020, the United States Bankruptcy Court for the District of Delaware (the “Court”) entered an order (the “Bar Date Order”) in the Chapter 11 Cases establishing certain deadlines to file proofs of claim.

The Bar Date Order established the following bar dates for filing proofs of claim against the Debtors (collectively, the “Bar Dates”):

Bar Date	Description
General Bar Date December 15, 2020 at 11:59 p.m. (prevailing ET)	Pursuant to the Bar Date Order, except as described below, all entities holding claims, whether secured, priority (including, without limitation, claims entitled to priority under sections 503(b)(9) of the Bankruptcy Code) or unsecured nonpriority claims against the Debtors that arose before November 1, 2020 (the “ <u>Petition Date</u> ”) must file proofs of claim by the General Bar Date.

¹ The Debtors in these chapter 11 cases, their jurisdictions of organization, and the last four digits of their U.S. taxpayer identification numbers are: (1) FIC Restaurants, Inc., a Massachusetts, corporation (1388) (“FIC”); (2) FIC Holdings, LLC, a Delaware limited liability company (0204) (“FIC Holdings”); (3) Neapolitan Group Holdings, LLC, a Delaware limited liability company (7922) (“Neapolitan”); (4) Friendly’s Restaurants, LLC, a Delaware limited liability company (0696) (“Friendly’s”); and (5) Friendly’s Franchising, LLC, a Delaware limited liability company (4364) (“Franchising”). The Debtors’ corporate headquarters is located at 1855 Boston Road, Suite 300, Wilbraham, MA 01095.

Bar Date	Description
Governmental Bar Date April 30, 2021 at 11:59 p.m. (prevailing ET)	Pursuant to the Bar Date Order, except as described below, all governmental units holding claims (whether secured, unsecured, priority or unsecured nonpriority) against the Debtors that arose before the Petition Date must file proofs of claim by the Governmental Bar Date.
Rejection Bar Date	<p>For any entity whose claims arise out of the Court approved rejection of an executory contract or unexpired lease by the Debtors in accordance with section 365 of the Bankruptcy Code, the bar date for such a claim will be the later of (a) the General Bar Date and (b) the date that is 30 days after the effective date of the rejection.</p> <p>Notwithstanding the foregoing, if you are a party to an executory contract or unexpired lease that asserts: (a) a claim (other than a rejection damages claim) on account of unpaid amounts accrued and outstanding as of the Petition Date pursuant to such executory contract or unexpired lease, you must file a Proof of Claim for such amounts on or before the General Bar Date or Government Bar Date, as applicable, unless you are expressly excluded from filing a Proof of Claim.</p>
Amended Schedule Bar Date	If the Debtors amend or supplement its schedules of assets and liabilities to reduce the undisputed, noncontingent, and liquidated amount or to change the nature or classification of a claim reflected therein, any affected entities that dispute such amendments or supplements are required to file a proof of claim or amend any previously filed proof of claim on or before the later of: (a) the General Bar Date; and (b) 21 days after the date that notice of the amended schedule is served on the claimant.

FILING CLAIMS

WHO MUST FILE

Subject to the terms described above for holders of claims subject to the Governmental Bar Date, Rejection Bar Date, and the Amended Schedule Bar Date, the following entities **MUST** file proofs of claim on or before the General Bar Date:

- a. any person or entity whose claim against a Debtor is not listed in the applicable Debtor's Schedules or is listed as "contingent," "unliquidated," or "disputed," if such person or entity desires to share in any distribution on any plan in these Chapter 11 Cases;
- b. any person or entity who believes that its claim is improperly classified in the Schedules or is listed in an incorrect amount and who desires to have its claim

allowed in a different classification or amount other than that identified in the Schedules;

- c. any person or entity who believes that its prepetition claim as listed in the Schedules is not an obligation of the specific Debtor against which the claim is listed and that desires to have its claim allowed against a Debtor other than that identified in the Schedules;
- d. any person or entity who believes that its claim against a Debtor is or may be entitled to priority under section 503(b)(9) of the Bankruptcy Code.

WHAT TO FILE

The Debtors are enclosing a proof of claim form (the “Proof of Claim Form”) for use in the Debtors’ Chapter 11 Cases. If your claim is scheduled by the Debtors, the form also may set forth the amount of your claim as scheduled by the Debtors and the specific Debtor against which the claim is scheduled. You will receive a different Proof of Claim Form for each claim scheduled in your name by the Debtors. The following procedures apply for preparation and filing of a Proof of Claim Form:

- a. Contents. Each proof of claim must: (i) be written in English; (ii) include a claim amount denominated in United States dollars; (iii) conform substantially with the Proof of Claim Form provided by the Debtors; and (iv) be signed by the claimant or by an authorized agent or legal representative of the claimant.
- b. Section 503(b)(9) Claim. Any proof of claim asserting a claim entitled to priority under section 503(b)(9) must also: (i) include the value of the goods delivered to and received by the Debtors in the 20 days prior to the respective Petition Date; (ii) attach any documentation identifying the particular invoices for which a section 503(b)(9) claim is being asserted; and (iii) attach documentation of any reclamation demand made to the Debtors under section 546(c) of the Bankruptcy Code (if applicable).
- c. Identification of the Debtor Entity. Each proof of claim must clearly identify the Debtor against which a claim is asserted, including the individual Debtor’s case number. A proof of claim filed under the joint administration case number (No. 20-12807 (CSS)), or otherwise without identifying a specific Debtor, will be deemed as filed only against Debtor FIC Restaurants, Inc.
- d. Claim Against Multiple Debtor Entities. Each proof of claim must state a claim against only one Debtor and clearly indicate the Debtor against which the claim is

asserted. To the extent that more than one Debtor is listed on the proof of claim, such claim may be treated as if filed only against the first-listed Debtor.

- e. Supporting Documentation. Each proof of claim must include supporting documentation in accordance with Bankruptcy Rules 3001(c) and 3001(d). If, however, such documentation is voluminous, such proof of claim may include a summary of such documentation or an explanation as to why such documentation is not available.
- f. Timely Service. Each proof of claim form, including supporting documentation, must be submitted by electronic submission through the website of the Debtors' claims and noticing agent, Donlin Recano & Company, Inc. ("Donlin Recano") <https://www.donlinrecano.com/Clients/fr/FileClaim> or by hand delivery, courier service, first-class mail, overnight mail as to be **actually received** by Donlin Recano on or before the applicable Bar Date at:

If Proof of Claim is sent by mail, send to:

Donlin, Recano & Company, Inc.
Re: FIC Restaurants, Inc., et al.
P.O. Box 199043
Blythebourne Station
Brooklyn, NY 11219

If Proof of Claim is sent by Overnight Courier or Hand Delivery, send to:

Donlin, Recano & Company, Inc.
Re: FIC Restaurants, Inc., et al.
6201 15th Avenue
Brooklyn, NY 11219

- g. Receipt of Service. Persons or Entities wishing to receive acknowledgment that their paper-filed proofs of claim were received by Donlin Recano must submit: (i) a copy of the Proof of Claim Form (in addition to the original Proof of Claim Form sent to the Claims and Noticing Agent); and (ii) a self-addressed, stamped envelope.

Proof of Claim Forms will be deemed filed when **actually received** by Donlin Recano on or before the applicable Bar Date. **Proof of Claim Forms may not be delivered via facsimile or electronic mail transmission.**

ENTITIES NOT REQUIRED TO FILE A CLAIM

The Bar Date Order further provides that the following entities, whose claims otherwise would be subject to the General Bar Date or the Governmental Bar Date, need not file claims in these Chapter 11 Cases:

- a. any person or entity that already has filed a signed proof of claim against the applicable Debtor(s) in a form substantially similar to Official Bankruptcy Form No. 410 with the Debtors' claims and noticing agent;
- b. any person or entity whose claim is listed on the Schedules if: (i) the claim is not scheduled as any of "disputed," "contingent," or "unliquidated," (ii) such person or entity agrees with the amount, nature, and priority of the claim as set forth in the Schedules, and (iii) such person or entity does not dispute that its claim is an obligation only of the specific Debtor against which the claim is listed in the Schedules;
- c. any person or entity whose claim: (i) has previously been allowed by order of the Court, (ii) has been paid in full by the Debtors pursuant to the Bankruptcy Code or in accordance with an order of the Court, or (iii) is subject to a separate deadline pursuant to an order of the Court;
- d. any Debtor having a claim (or any transferee for security of any such Debtor that has a claim) against another Debtor;
- e. any claims by the Secured Parties arising from the financing as set forth in the *Debtors' Motion for Entry of Interim and Final Orders (A) Authorizing The Use of Cash Collateral, (B) Providing Adequate Protection, (C) Modifying the Automatic Stay, and (D) Granting Related Relief* (the "Cash Collateral Motion"), provided, however, that the Secured Parties, are authorized and entitled, in their sole discretion, but are not required, to file (and amend and/or supplement, as each sees fit) a proof of claim in the Chapter 11 Cases for any claim described in the Cash Collateral Motion; and
- f. any holder of an equity interest in the Debtors need not file a proof of interest with respect to the ownership of such equity interest; provided, however, that any holder of an equity interest who wishes to assert a claim against the Debtors, including a claim relating to such equity interest or the purchase or sale of such interest, must file a proof of claim asserting such claim on or prior to the applicable Bar Date pursuant to procedures set forth herein.

CONSEQUENCES OF FAILURE TO FILE A CLAIM

ENTITIES THAT FAIL TO PROPERLY FILE A PROOF OF CLAIM FORM BY THE APPLICABLE BAR DATE SHALL BE BARRED AND ESTOPPED FROM: (I) ASSERTING ANY PREPETITION CLAIM AGAINST THE DEBTORS THAT SUCH ENTITY MAY POSSESS AND THAT (A) IS IN AN AMOUNT THAT EXCEEDS THE AMOUNT, IF ANY, THAT IS IDENTIFIED IN THE SCHEDULE OR AMENDED SCHEDULE ON BEHALF OF SUCH ENTITY AS UNDISPUTED, NONCONTINGENT AND LIQUIDATED OR (B) IS OF A DIFFERENT NATURE, CLASSIFICATION OR PRIORITY THAN ANY CLAIM IDENTIFIED IN THE SCHEDULE OR AMENDED SCHEDULE ON BEHALF OF SUCH ENTITY (ANY SUCH CLAIM UNDER THIS SUBPARAGRAPH (I) BEING REFERRED TO HEREIN AS AN "UNSCHEDULED

CLAIM”); AND (II) RECEIVING DISTRIBUTIONS UNDER ANY CHAPTER 11 PLAN IN THESE CHAPTER 11 CASES IN RESPECT OF AN UNSCHEDULED CLAIM.

RESERVATION OF RIGHTS

Nothing contained herein shall preclude the Debtors or other party in interest from objecting to any claim, whether scheduled or filed, on any grounds.

THE DEBTORS’ SCHEDULES AND ACCESS THERETO

You may be listed as the holder of a claim against the Debtors in the Schedules. Copies of the Schedules and the Bar Date Order may be examined by interested parties on the Court’s electronic docket for the Debtors’ Cases, which is available at <http://www.deb.uscourts.gov> (a PACER login and password are required and can be obtained through the PACER Service Center at <http://www.pacer.psc.uscourts.gov>). Additionally, electronic copies of the Schedules and the Bar Date Order may be viewed free of charge at the Debtors’ Claims and Noticing Agent’s website at <https://www.donlinrecano.com/friendlys>. Copies of the Schedules may also be examined by interested parties between the hours of 8:00 a.m. and 4:00 p.m. (prevailing Eastern Time) at the office of the Clerk of the Bankruptcy Court, United States Bankruptcy Court for the District of Delaware, 824 Market Street, 3rd Floor, Wilmington, Delaware 19801.

ADDITIONAL INFORMATION

If you require additional information regarding the filing of a claim or copies of the Schedules, Bar Date Order or Proof of Claim Form, you may visit at www.donlinrecano.com/friendlys. Further, you may submit inquiries to friendlysinfo@donlinrecano.com and/or call toll free to Donlin Recano at 1 (866) 853-1834. Donlin Recano cannot advise you how to file, or whether you should file, a claim. You may wish to consult an attorney regarding this matter.