

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

In re

LVI Intermediate Holdings, Inc., *et al.*,

Debtors.¹

Chapter 11

Case No. 20-11413 (KBO)

(Jointly Administered)

Re: D.I. 92 and 160

**ORDER GRANTING DEBTORS' MOTION TO ESTABLISH PROCEDURES FOR THE
ASSERTION, RESOLUTION, ALLOWANCE AND SATISFACTION OF
CLAIMS ARISING UNDER SECTION 503(b)(9) OF THE BANKRUPTCY CODE**

Upon the motion (the "Motion")² of the above-captioned debtors and debtors in possession (the "Debtors") for entry of an order pursuant to sections 105(a) and 503(b) of the Bankruptcy Code, establishing exclusive procedures for the assertion, resolution, allowance, and satisfaction of claims asserted pursuant to section 503(b)(9) of the Bankruptcy Code in the Chapter 11 Cases ("Asserted 503(b)(9) Claims"); and upon consideration of the Motion and all pleadings related thereto; and due and proper notice of the Motion having been given; and it appearing that no other or further notice of the Motion is required; and it appearing that the Court has jurisdiction to consider the Motion in accordance with 28 U.S.C. §§ 157 and 1334 and the Amended Standing Order; and it appearing that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and it appearing that venue of this proceeding and the Motion is proper pursuant to

¹ The Debtors and the last four digits of their respective federal taxpayer identification numbers are as follows: LVI Intermediate Holdings, Inc., (7674); Total Vision Institute, LLC (7571); QualSight, LLC (3866); The LASIK Vision Institute, LLC (7564); Cataract Vision Institute, LLC (7697); Healthcare Marketing Services, LLC (9982); Cataract Vision Institute Florida, LLC (3423); TLC Vision Center Holdings, LLC (5400); TLC Whitten Laser Eye Associates, LLC (0182); TLC Vision Centers, LLC (8271); TruVision, LLC (3399); TruVision Contacts, LLC (3399); Laser Eye Surgery, LLC (3448); TLC Laser Eye Centers (Refractive I), LLC (2702); TLC The Laser Center (Pittsburgh) L.L.C. (2881); TLC The Laser Center (Indiana) LLC (8456); TLC The Laser Center (Institute), LLC (0959); and LVI Missouri, LLC (7088). The Debtors' executive headquarters are located at 1555 Palm Beach Lakes Blvd., Suite 600, West Palm Beach, Florida 33401

² Any and all terms not defined herein shall have the meaning ascribed to them in the Motion.

28 U.S.C. §§ 1408 and 1409; and it appearing that the relief requested in the Motion and provided for herein is in the best interest of the Debtors, their estates, and creditors; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED on a final basis as set forth herein.
2. The 503(b)(9) Procedures are hereby authorized and approved in their entirety and shall apply to all Asserted 503(b)(9) Claims, unless otherwise agreed to in writing by the Debtors and an applicable 503(b)(9) Claimant:

a. Any 503(b)(9) Claimant asserting a claim pursuant to section 503(b)(9) of the Bankruptcy Code shall prepare a Proof of 503(b)(9) Claim, using the Proof of 503(b)(9) Claim Form attached hereto as **Exhibit 1** that is written in the English language and sets forth (a) the alleged value (in denominated lawful currency of the United States) of the goods that the 503(b)(9) Claimant contends that the Debtors received within twenty days prior to the Petition Date; (b) documentation, including invoices, receipts, bills of lading and the like, identifying the goods for which the claim is being asserted; (c) documentation identifying the date such goods were received by the Debtors, and the alleged value of such goods; and (d) a statement indicating (i) whether the value of such goods listed in the Proof of 503(b)(9) Claim represents a combination of services and goods, (ii) if applicable, the percentage of alleged value related to services and related to goods, and (iii) whether the 503(b)(9) Claimant has filed any other claim against any of the Debtors regarding the goods underlying the Proof of 503(b)(9) Claim. Any claimant asserting a 503(b)(9) claim must certify that the goods were sold to the Debtors in the ordinary course of the Debtors' business.

b. All Proofs of 503(b)(9) Claims shall be filed with Donlin, Recano & Company, Inc. at the following address:

If by First Class Mail:

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

If by Hand Delivery or Overnight Mail:

Donlin, Recano & Company, Inc.
Re: LVI Intermediate Holdings, Inc., et al.
6201 15th Avenue
Brooklyn, NY 11219

All Proofs of 503(b)(9) Claims shall be actually received **no later than thirty days after service of the Order** (the “503(b)(9) Claim Filing Deadline”). All 503(b)(9) Claimants shall be forever barred from asserting a claim pursuant to section 503(b)(9) of the Bankruptcy Code after the expiration of the 503(b)(9) Claim Filing Deadline, subject to Fed. R. Bankr. P. 9006(b)(1).

c. The Debtors will review all timely filed Proofs of 503(b)(9) Claims in consultation with the DIP Agent, and no later than forty-five (45) days following the 503(b)(9) Claim Filing Deadline will provide to the DIP Agent its reports and recommendations regarding the allowance of, and potential objections to, the 503(b)(9) Claims together with a copy of all such Proofs of 503(b)(9) Claims.

d. Except as otherwise ordered by the Court or agreed, in writing, by the Debtors and the applicable 503(b)(9) Claimants, the Debtors and/or the DIP Agent shall have **sixty (60) days from the 503(b)(9) Claim Filing Deadline** to subsequently file with the Court any objections to the Asserted 503(b)(9) Claims (the “503(b)(9) Claim Objection Deadline”). To the extent that the Debtors nor the DIP Agent do not file a 503(b)(9) Claim Objection with respect to a particular Asserted 503(b)(9) Claim on or before the 503(b)(9) Claim Objection Deadline, such claim shall be deemed allowed without the need for further action of the Debtors and their estates, the DIP Agent, or the applicable 503(b)(9) Claimant.

e. To the extent an Asserted 503(b)(9) Claim is allowed, nothing in this Order requires the payment of such claim prior to the confirmation of a plan in these Chapter 11 Cases.

f. The Debtors are authorized, but not required, to negotiate, in consultation with the DIP Agent, with any 503(b)(9) Claim Objection Response, and except as otherwise provided in another order of the Court, approval of any such resolution shall be subject to entry of an order of the Court approving the same, which order may be sought via certification of Debtors’ counsel.

3. Nothing in the 503(b)(9) Procedures is intended or shall be deemed to impair, prejudice, waive or otherwise affect (i) any rights of the Debtors and their estates with respect to setoff or recoupment or under section 502(d) of the Bankruptcy Code or (ii) any rights and

remedies of the Debtors and their estates with respect to actions under chapter 5 of the Bankruptcy Code.

4. Effective as of the Petition Date, the 503(b)(9) Procedures shall be the sole and exclusive method for the assertion, resolution, allowance, and satisfaction of any Asserted 503(b)(9) Claims; provided, however, that the Debtors, upon consultation with the DIP Agent, and a 503(b)(9) Claimant may agree, in writing, that the 503(b)(9) Procedures shall not apply to the reconciliation, resolution and allowance of an applicable 503(b)(9) Claim.

5. The 503(b)(9) Claimants shall be prohibited from utilizing any other means for the assertion, resolution, allowance, or satisfaction of any Asserted 503(b)(9) Claims, including, without limitation, the filing of a motion for allowance or to compel payment of any Asserted 503(b)(9) Claims, unless otherwise agreed upon by the Debtors and such 503(b)(9) Claimant in writing.

6. The Proof of 503(b)(9) Claim Form in substantially the form attached hereto as **Exhibit 1** is hereby approved in all respects.

7. Within three (3) business days of the entry of this Order, the Debtors shall serve on all parties known to have sold goods to any of the Debtors within the six months preceding the Petition Date a 503(b)(9) Claim Filing Deadline Notice, in substantially the form attached hereto as **Exhibit 2**, which notice is hereby approved and constitutes adequate and sufficient notice of the 503(b)(9) Claim Filing Deadline, together with a copy of the Proof of 503(b)(9) Claim Form.

8. The Debtors are hereby authorized to provide supplemental mailings of the 503(b)(9) Claim Filing Deadline Notice (together with a copy of the Proof of 503(b)(9) Claim Form) at any time in advance of the 503(b)(9) Claim Filing Deadline as may be necessary,

including, without limitation, when (a) notices are returned by the post office with forwarding addresses, (b) certain parties acting on behalf of parties in interest decline to pass along notices to such interested parties and instead return such interested parties' names and addresses to the Debtors for direct mailing by the Debtors, and (c) additional potential claimants subsequently become known to the Debtors. Notwithstanding the foregoing, the Debtors shall not be required to provide any additional notice to any party to whom the Debtors mailed the 503(b)(9) Claim Filing Deadline Notice in accordance with the terms of this Order and such notice was returned to the Debtors as undeliverable without a forwarding address.

9. The Debtors may fill in, or cause to be filled in, any missing dates and other information, correct any typographical errors, conform the provisions thereof to the provisions of this Order, the 503(b)(9) Claim Filing Deadline Notice or the Proof of 503(b)(9) Claim Form as the Debtors deems necessary or appropriate.

10. On the date the Debtors commence service of the 503(b)(9) Claim Filing Deadline Notice (the "Service Date"), the Debtors shall also file on the docket of these Chapter 11 Cases a copy of the 503(b)(9) Claim Filing Deadline Notice that specifies the actual date of the 503(b)(9) Claim Filing Deadline. On or prior to the Service Date, the Debtors shall post the Proof of 503(b)(9) Claim Form and 503(b)(9) Claim Filing Deadline Notice on the website established by Donlin, Recano & Company, Inc. (the "Claims Agent") for the Chapter 11 Cases (www.donlinrecano.com/lvi).

a. Any person or entity who is required, but fails to, file a Proof of 503(b)(9) Claim in accordance with this Order on or before the 503(b)(9) Claim Filing Deadline may be prohibited from voting to accept or reject any plan filed in these Chapter 11 Cases, participating

in any distribution in these Chapter 11 Cases on account of such 503(b)(9) Claim, or receiving further notices regarding such claim.

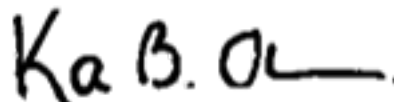
11. All time periods set forth in this Order shall be calculated in accordance with Bankruptcy Rule 9006(a).

12. Nothing in this Order (a) is intended or shall be deemed to constitute an assumption of any agreement pursuant to section 365 of the Bankruptcy Code or an admission as to the validity of any claim against the Debtors, (b) shall impair, prejudice, waive or otherwise affect the rights of the Debtors and their estates with respect to the validity, priority or amount of any claim against the Debtors and their estates, or (c) shall be construed as a promise to pay a claim.

13. The Debtors and the Claims Agent are authorized and empowered to take such actions as may be necessary and appropriate to implement the terms of this Order.

14. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: June 23rd, 2020
Wilmington, Delaware



KAREN B. OWENS
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT 1

Proof of 503(b)(9) Claim Form

In re: LVI Intermediate Holdings, Inc., et al.; Case No. 20_____

Fill in the below information to identify the case:

Debtor name: _____

United States Bankruptcy Court for the District of Delaware

Case number: 20-_____

Proof of 503(b)(9) Claim

Read the instructions before filling out this form. Pursuant to an Order of the Bankruptcy Court in the above-referenced chapter 11 cases (see Docket No. ____), to have claims allowed as an administrative expense under 11 U.S.C. § 503(b)(9), this form must be filed with upon Donlin, Recano & Company, Inc., so as to be received by _____, 2020 at 4:00 p.m. (Prevailing Eastern Time), the 503(b)(9) Claim Filing Deadline in the above-referenced cases.

Do not use this form to make a request for payment of an administrative expense other than a claim arising under 11 U.S.C. § 503(b)(9).

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

Part 1: Identify the Claim**1. Who is the current creditor?**

Name of the current creditor (the person or entity to be paid for this claim) _____

Other names the creditor used with the debtor _____

2. Has this claim been acquired from someone else?☐ No☐ Yes. From whom? _____**3. Where should notices and payments to the creditor be sent?****Where should notices to the creditor be sent?****Where should payments to the creditor be sent? (if different)**

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

Name _____

Name _____

Address _____

Address _____

City _____

State _____

Zip Code _____

City _____

State _____

Zip Code _____

Contact Phone _____

Contact Phone _____

Contact Email _____

Contact Email _____

Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____

4. Does this claim amend one already filed?☐ No☐ Yes. Claim number on court claims registry (if known) _____Filed on _____
MM / DD / YYYY**5. Do you know if anyone else has filed a Section 503(b)(9) proof of claim for this claim?**☐ No☐ Yes. Who made the earlier filing? _____**Part 2: Give Information About the Claim**

6. Do you have any number you use to identify the debtor?

☐ No

☐ Yes. Last 4 digits of the debtor's account or any identification number used to identify the debtor: _____

7. How much is the section 503(b)(9) claim?

\$ _____.

Does this amount include interest or other charges?

☐ No

☐ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. Basis for claim:

Good delivered within 20 days prior to the commencement of the case. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).
Limit disclosing information that is entitled to privacy, such as health care information.

9. Date(s) of Delivery:

Name of Carrier: _____

Place of Delivery: _____

10. Brief Description of Claim:

Describe Goods Sold: _____

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☐ I am the creditor.

☐ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this 503(b)(9) *Proof of Claim* serves as an acknowledgment that: (i) the goods for which payment is sought hereby, were sold to the debtor in the ordinary course of the Debtor's business as required by 11 U.S.C. § 503(b)(9); and (ii) when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date _____

MM / DD / YYYY

Signature _____

Print the name of the person who is completing and signing this claim:

Name

First name

Middle name

Last name

Title _____

Company _____

Identify the corporate servicer as the company if the authorized agent is a servicer.

Address _____

Number

Street

City

State

Zip Code

Contact Phone _____

Email _____

Facsimile, email, or electronic submissions will not be accepted. Claims shall be deemed filed when actually received by Donlin, Recano, & Company, Inc., as provided in the Instructions. To receive an acknowledgment of the timely submission of your claim, enclose a stamped, self-addressed envelope and copy of this Proof of Section 503(b)(9) Claim form.

INSTRUCTIONS FOR FILING SECTION 503(b)(9) PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In particular types of cases or circumstances, there may be exceptions to the general rules.

Debtors	Case No.	Definitions	
LVI Intermediate Holdings, Inc.	20-_____	Section 503(b)(9) Claim: Any claim entitled to treatment in accordance with Section 503(b)(9) of the Bankruptcy Code. Specifically, Section 503(b)(9) Claims are those claims for the "value of any goods received by the debtor, within 20 days before the date of commencement of a case under this title in which the goods have been sold to the debtor in the ordinary course of such debtor's business." 11 U.S.C. § 503(b)(9)	Section 503(b)(9) Bar Date: By Order of the United States Bankruptcy Court, all requests for allowance of a 503(b)(9) Claim must be submitted so as to be received at the address set forth below no later than 4:00 p.m., Prevailing Eastern Time on _____, 2020. If by U.S. Mail to: Donlin, Recano & Company, Inc. Re: LVI Intermediate Holdings, Inc., et al. P.O. Box 199043 Blythebourne Station Brooklyn, NY 11219 If by Overnight Courier or Hand Delivery, send to: Donlin, Recano & Company, Inc. Re: LVI Intermediate Holdings, Inc., et al. 6201 15th Avenue Brooklyn, NY 11219
Total Vision Institute, LLC	20-_____		
QualSight, LLC	20-_____		
The LASIK Vision Institute, LLC	20-_____		
Cataract Vision Institute, LLC	20-_____		
Healthcare Marketing Services, LLC	20-_____		
LVI Missouri, LLC	20-_____		
Cataract Vision Institute Florida, LLC	20-_____		
TLC Vision Center Holdings, LLC	20-_____		
TLC Whitten Laser Eye Associates, LLC	20-_____		
TLC Vision Centers, LLC	20-_____		
TruVision, LLC	20-_____		
TruVision Contacts, LLC	20-_____		
Laser Eye Surgery, LLC	20-_____		
TLC Laser Eye Centers (Refractive I), LLC	20-_____		
TLC The Laser Center (Pittsburgh) L.L.C.	20-_____		
TLC The Laser Center (Indiana) LLC	20-_____		
TLC The Laser Center (Institute), LLC	20-_____		

1. Please read this Proof of 503(b)(9) Claim form carefully and fill it in completely and accurately. Print legibly.
2. Attach additional pages on 8-1/2 x 11" paper if more space is required to complete this Proof of 503(b)(9) Claim form.
3. This form should only be used by a claimant asserting a Section 503(b)(9) claim. It should not be used for any claims that are not entitled to priority in accordance with 11 U.S.C. § 503(b)(9).
4. Fill in the caption at the top of the form. You must fill in the specific Debtor name and case number against which your claim is being asserted. If you are asserting claims against more than one Debtor, you MUST file a separate 503(b)(9) proof of claim for each debtor.
5. **ANY DOCUMENTS RELIED UPON BY ANY 503(b)(9) CLAIMANT TO SUPPORT ITS SECTION 503(b)(9) CLAIM, INCLUDING ALL DOCUMENTS THAT PURPORT TO ESTABLISH THAT SUCH CLAIMANT SUPPLIED THE DEBTOR "GOODS" WITHIN THE 20 DAY PERIOD BEFORE _____ 2020, THE "VALUE" OF SUCH GOODS AND THAT SUCH GOODS WERE "SOLD TO THE DEBTOR IN THE ORDINARY COURSE OF THE DEBTOR'S BUSINESS," SHOULD BE ANNEXED TO THIS PROOF OF 503(b)(9) CLAIM FORM. IF ANY SUCH DOCUMENTS ARE UNAVAILABLE, PLEASE PROVIDE AN EXPLANATION AS TO WHY.**
6. **To be considered timely filed, this Section 503(b)(9) Claim Form must be actually received by DONLIN, RECANO & COMPANY, INC. by 4:00 p.m. (Prevailing Eastern Time) on _____, 2020, and should include appropriate documents/materials establishing the claimants entitlement to an allowed Section 503(b)(9) Claim and the amount of the asserted claim.**

EXHIBIT 2

503(b)(9) Claim Filing Deadline Notice

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

In re:

LVI INTERMEDIATE HOLDINGS, INC., *et al.*,

Debtors.¹

Chapter 11

Case No. 20- 11413 (KBO)

(Jointly Administered)

**NOTICE OF ENTRY OF ORDER ESTABLISHING PROCEDURES
FOR THE ASSERTION, RESOLUTION, ALLOWANCE AND SATISFACTION
OF CLAIMS ARISING UNDER SECTION 503(b)(9) OF THE BANKRUPTCY CODE**

PLEASE TAKE NOTICE that on May 29, 2020 (the “Petition Date”), the above-captioned debtors and debtors in possession (the “Debtors”) filed voluntary petitions in the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”) for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101, *et seq.* (the “Bankruptcy Code”).

PLEASE TAKE FURTHER NOTICE that on [___], 2020, the Bankruptcy Court entered an order [Docket No. ___] (the “Order”) establishing exclusive procedures (the “503(b)(9) Procedures”) for the assertion, resolution, allowance, and satisfaction of claims asserted pursuant to section 503(b)(9) of the Bankruptcy Code in the Chapter 11 Cases (“Asserted 503(b)(9) Claims”). Pursuant to the Order, any person or entity who wishes to assert an Asserted 503(b)(9) Claim shall prepare a proof of claim (a “Proof of 503(b)(9) Claim”), using the form attached hereto (the “Proof of 503(b)(9) Claim Form”) that is written in the English language and sets forth that all proofs of claim for 503(b)(9) claims must set forth with specificity: (i) the amount of the claim; (ii) the type(s) of goods claimant asserts were received by the Debtors within twenty (20) days before the petition date; (iii) the shipment date of the goods; (iv) the date on which the claimant asserts the relevant debtor received the goods; (v) the place of delivery of the goods; (vi) the method of delivery of the goods; (vii) the name of the carrier of the goods; (viii) the alleged value of the goods; (ix) whether the value of the goods listed in the proof of claim represents a combination of services and goods; (x) the percentage of value related to services and the percentage of value related to goods; and (xi) whether the claimant has filed any other claim against the Debtors regarding underlying the claim. In addition, all proofs of claim of

¹ The Debtors and the last four digits of their respective federal taxpayer identification numbers are as follows: LVI Intermediate Holdings, Inc., (7674); Total Vision Institute, LLC (7571); QualSight, LLC (3866); The LASIK Vision Institute, LLC (7564); Cataract Vision Institute, LLC (7697); Healthcare Marketing Services, LLC (9982); Cataract Vision Institute Florida, LLC (3423); TLC Vision Center Holdings, LLC (5400); TLC Whitten Laser Eye Associates, LLC (0182); TLC Vision Centers, LLC (8271); TruVision, LLC (3399); TruVision Contacts, LLC (3399); Laser Eye Surgery, LLC (3448); TLC Laser Eye Centers (Refractive I), LLC (2702); TLC The Laser Center (Pittsburgh) L.L.C. (2881); TLC The Laser Center (Indiana) LLC (8456); TLC The Laser Center (Institute), LLC (0959); and LVI Missouri, LLC (7088). The Debtors’ executive headquarters are located at 1555 Palm Beach Lakes Blvd., Suite 600, West Palm Beach, Florida 33401.

Asserted 503(b)(9) Claims must be accompanied by copies of (a) the particular invoices, receipts, bills of lading, and similar materials identifying the goods underlying the claim; and (b) documents demonstrating the date the goods were actually received by the Debtors. Any Asserted 503(b)(9) Claim must certify that the goods were sold in the ordinary course of the debtor's business.

PLEASE TAKE FURTHER NOTICE that effective as of the Petition Date, the 503(b)(9) Procedures shall be the sole and exclusive method for the assertion, resolution, allowance, and satisfaction of any Asserted 503(b)(9) Claims, and any person or entity asserting an Asserted 503(b)(9) Claims shall be prohibited from utilizing any other means for the assertion, resolution, allowance, and satisfaction of any Asserted 503(b)(9) Claims, including, without limitation, the filing of a motion for allowance or to compel payment of any Asserted 503(b)(9) Claims.

PLEASE TAKE FURTHER NOTICE that all Proofs of 503(b)(9) Claims shall be filed with Donlin, Recano & Company, Inc., if by first class mail to: Donlin, Recano & Company, Inc. Re: LVI Intermediate Holdings, Inc., et al., P.O. Box 199043, Blythebourne Station, Brooklyn, NY 11219, or if by hand delivery or overnight mail to: Donlin, Recano & Company, Inc. Re: LVI Intermediate Holdings, Inc., et al., 6201 15th Avenue, Brooklyn, NY 11219 so as to be actually received no later than [], 2020 at 5:00 p.m. (the "503(b)(9) Claim Filing Deadline"). All 503(b)(9) Claimants shall be forever barred from asserting a claim pursuant to section 503(b)(9) of the Bankruptcy Code after the expiration of the 503(b)(9) Claim Filing Deadline, subject to Fed. R. Bankr. P. 9006(b)(1).

PLEASE TAKE FURTHER NOTICE that a copy of the Order and the Proof of 503(b)(9) Claim Form can be obtained free of charge on the website of Donlin, Recano & Company, Inc. at www.donlinrecano.com/lvi.

PLEASE TAKE FURTHER NOTICE that the fact that you have received this notice does not mean that you have a claim pursuant to section 503(b)(9) of the Bankruptcy Code in the Chapter 11 Cases or that the Debtors believe you have a claim.

Dated: June __, 2020
Wilmington, Delaware

COLE SCHOTZ P.C.

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*Proposed Counsel for Debtors and
Debtors-in-Possession*