

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

In re:

MUJI U.S.A. LIMITED,<sup>1</sup>

Debtor.

Chapter 11

Case No. 20-11805 (MFW)

**Re: Docket Nos. 56 and 122**

**NOTICE OF BAR DATES FOR FILING PROOFS OF CLAIM  
INCLUDING SECTION 503(b)(9) CLAIMS**

The chapter 11 bankruptcy case (the “Chapter 11 Case”) concerning the above-captioned debtor and debtor in possession (the “Debtor”) was filed on July 10, 2020 (the “Petition Date”). You **may** be a creditor of the Debtor.

On August 19, 2020 the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”) entered an order [Docket No. 122] (the “Bar Date Order”) in the Chapter 11 Case in accordance with Bankruptcy Rule 3003(c) fixing:

- (a) **September 22, 2020 at 5:00 p.m.** (prevailing Eastern Time) (the “General Bar Date”) as the last date for persons or entities, other than governmental units, to file proofs of claim against the Debtor on account of claims arising, or deemed to have arisen, prior to the Petition Date, including, for the avoidance of doubt, claims arising under section 503(b)(9) of title 11 of the United States Code (the “Bankruptcy Code”); and
- (b) **January 6, 2021 at 5:00 p.m.** (prevailing Eastern Time) (the “Government Bar Date”)<sup>2</sup> as the last date for all governmental units, as defined in section 101(27) of the Bankruptcy Code, to file proofs of claim against the Debtor on account of claims arising, or deemed to have arisen, prior to the Petition Date.

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

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 a claim against the Debtor. **THE FACT THAT YOU HAVE RECEIVED THIS NOTICE DOES NOT MEAN THAT YOU HAVE A CLAIM AGAINST THE DEBTOR OR THAT THE DEBTOR OR THE COURT BELIEVE THAT YOU HAVE SUCH A CLAIM. YOU SHOULD NOT FILE A PROOF OF CLAIM**

<sup>1</sup> The last four digits of the Debtor’s federal tax identification number are 2229. The location of the Debtor’s principal place of business is 250 West 39th Street, Suite 202, New York, NY 10018.

<sup>2</sup> The General Bar Date, the Government Bar Date, the Rejection Damages Bar Date (as defined below), the Amended Schedules Bar Date (as defined below), and the Supplemental Bar Date (as defined below) are collectively referred to herein as the “Bar Dates”.

## **IF YOU DO NOT HAVE A CLAIM AGAINST THE DEBTOR.**

You **MUST** file a proof of claim to vote on any chapter 11 plan of reorganization or liquidation or to share in distributions from the Debtor's bankruptcy estate if you have a claim (as defined in section 101(5) of the Bankruptcy Code) that arose prior to July 10, 2020 and it is not one of the types of claims described in Section 2 subparagraphs (a) through (h) below.

Acts or omissions of the Debtor that arose before the Petition Date may give rise to claims against the Debtor that must be filed by the applicable Bar Date, notwithstanding that such claims may not have matured or become fixed or liquidated prior to the Petition Date.

Under 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.

## **2. PARTIES WHO NEED NOT FILE A PROOF OF CLAIM**

The following persons and entities are **not** required to file a proof of claim on or before the applicable Bar Dates solely with respect to the types of claims held by such persons and entities described in the applicable paragraph below:

- a. pursuant to Paragraph 5.23 of the *Final Order (I) Authorizing the Debtor to Obtain Post-Petition Financing, (II) Authorizing the Debtor to Use Cash Collateral, (III) Granting Liens and Providing Superpriority Administrative Expense Status, (IV) Granting Adequate Protection, (V) Modifying the Automatic Stay, and (VI) Granting Related Relief* [Docket No. 105] (the "Final DIP Order"), the Prepetition Lender (as defined therein), solely in its capacity as Prepetition Lender, shall not be required to file a proof of claim in the Chapter 11 Case (or any subsequent case) of the Debtor under any chapter of the Bankruptcy Code, and the Debtor's Stipulations (as defined therein) in the Final DIP Order shall be deemed to constitute a timely filed proof of claim against the Debtor;
- b. any person or entity who has already filed a proof of claim in the Chapter 11 Case with DRC or with the Clerk of the Bankruptcy Court for the District of Delaware, 824 Market Street, 3rd Floor, Wilmington, Delaware, 19801, solely with respect to the claims asserted in that proof of claim;
- c. any person or entity whose claim is listed on the Debtor's Schedules, provided that (i) the claim is not listed on the Schedules as "disputed," "contingent," or "unliquidated," (ii) the person or entity does not dispute the amount, nature, and priority of the claim as set forth in the Schedules, and (iii) the person or entity does not have or assert any other claims against the Debtor (the assertion of which would require the filing of a proof of claim unless another exception applies);

- d. any person or entity whose claim or claims have been paid in full;
- e. any 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 for a holder of a claim arising under section 503(b)(9) of the Bankruptcy Code, which must be asserted by filing a proof of claim on or prior to the applicable Bar Date;
- f. any person or entity holding a claim payable to the Court or the United States Trustee Program pursuant to 28 U.S.C. § 1930;
- g. any holder of a claim for which a separate deadline is (or has been) fixed by this Court; and
- h. any holder of a claim that has been allowed by an order of this Court entered on or before the applicable Bar Date.

If the Bankruptcy Court, in the future, fixes a date by which the claims described in Section 2 subparagraphs (a) through (h) must be filed, you will be notified.

### **3. AMENDMENTS OR SUPPLEMENTS TO SCHEDULES**

If the Debtor amends or supplements its Schedules after this Notice is served, the Debtor shall give notice of any amendment or supplement to the holders of claims affected thereby, and such holders, as set forth in any such notice, shall have until the later of (i) the General Bar Date or, if the creditor is a governmental unit, the Government Bar Date, and (ii) twenty-one (21) days from the date of service of such notice to file a proof of claim or be barred from so doing (the "Amended Schedules Bar Date"). For the avoidance of doubt, the Amended Schedules Bar Date is only applicable where a creditor previously did not file a proof of claim in reliance on the Schedules and the Schedules are subsequently amended in a way that adversely affects the creditor's claim. The Debtor's filing of an amendment or supplement to its Schedules will not invalidate, alter, or function as an objection to a proof of claim filed by a creditor prior to such filing, and a creditor that has filed a proof of claim prior to the Debtor's filing of an amendment or supplement to its Schedules shall not be required to file a new proof of claim.

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

If you hold a claim against the Debtor arising from the rejection of an executory contract or unexpired lease, you must file a proof of claim on or before the later of: (a) the General Bar Date; (b) thirty (30) days after the entry of an order by the Court authorizing such rejection; and (c) such other date, if any, as the Court may fix in the order authorizing such rejection (the "Rejection Damages Bar Date"). For the avoidance of doubt, with respect to nonresidential real property leases, claims arising from the Debtor's rejection of unexpired leases shall include any claims under such unexpired leases as of the Petition Date for purposes of the Bar Date Order and such counter-parties shall not be required to file proofs of claim with respect to prepetition amounts unless and until such unexpired leases have been rejected.

**5. WHEN AND WHERE TO FILE**

All proofs of claim shall be filed with the Debtor's claims agent, Donlin, Recano & Company, Inc. ("DRC") pursuant to the procedures provided herein *so as to actually be received* on or before the applicable Bar Date at the following address if delivered by first class mail, hand delivery, or overnight courier:

**If sent by United States Postal Service, send to:**

Donlin, Recano & Company, Inc.  
Re: MUJI U.S.A Limited  
P.O. Box 199043  
Blythebourne Station  
Brooklyn, NY 11219

**If sent by Hand Delivery or Overnight Delivery, send to:**

Donlin, Recano & Company, Inc.  
Re: MUJI U.S.A Limited  
6201 15th Avenue  
Brooklyn, NY 11219

*Proofs of claim sent by fax or email will not be accepted.*

Alternatively, proofs of claim may be submitted electronically using the interface available on the following website maintained by DRC in connection with the Chapter 11 Case (<https://www.donlinrecano.com/Clients/mu/FileClaim>).

If you wish to receive from DRC a proof of receipt of your proof of claim, you must also include with your original proof of claim a copy of such claim and a self-addressed and pre-stamped envelope.

**6. WHAT TO FILE**

The Debtor is enclosing a proof of claim form (the "Proof of Claim Form") for use in the Chapter 11 Case. If your claim is scheduled by the Debtor, the form also may set forth the amount of your claim as scheduled by the Debtor. You will receive a different Proof of Claim Form for each claim scheduled in your name by the Debtor.

To be properly filed pursuant to this Notice, each proof of claim must: (i) be signed, (ii) be written in the English language, (iii) be denominated in currency of the United States, (iv) conform substantially with the Proof of Claim Form provided with this Notice, and (v) be submitted with copies of supporting documents (or a summary if voluminous) or an explanation of why the supporting documents are not available. In addition, any proof of claim asserting a section 503(b)(9) claim must: (a) include the value of the goods delivered to and received by the Debtor in the twenty (20) days prior to the Petition Date, (b) attach any documentation identifying the date such goods were received by the Debtor, (c) state whether the amount asserted in the proof of claim represents a combination of goods and services and, if applicable, the portion of the claim

that relates solely to the value of goods, and (d) identify the particular invoices on which the section 503(b)(9) claim is based.

The Proof of Claim Form can be obtained on the website maintained by DRC at <https://www.donlinrecano.com/Clients/mu/Static/POC>. Alternatively, the Official Bankruptcy Form B410 can be found at <http://www.uscourts.gov/forms/bankruptcy-forms>.

**7. CONSEQUENCES OF FAILURE TO FILE A PROOF OF CLAIM BY THE APPLICABLE BAR DATE**

ANY HOLDER OF A CLAIM THAT IS NOT EXCEPTED FROM THE REQUIREMENTS OF THE BAR DATE ORDER, AS SET FORTH IN SECTION 2 SUBPARAGRAPHS (a) THROUGH (h) ABOVE, AND THAT FAILS TO TIMELY FILE A PROOF OF CLAIM AS SET FORTH HEREIN ON OR BEFORE THE APPLICABLE BAR DATE SHALL NOT BE TREATED AS A CREDITOR OF THE DEBTOR FOR PURPOSES OF VOTING UPON OR RECEIVING DISTRIBUTIONS UNDER ANY PLAN OF REORGANIZATION OR LIQUIDATION FILED IN THE CHAPTER 11 CASE.

**8. THE DEBTOR'S SCHEDULES AND ACCESS THERETO**

You may be listed as the holder of a claim against the Debtor in the Schedules. Copies of the Debtor's Schedules may be examined and inspected by interested parties during regular business hours at the office of the Clerk of the Bankruptcy Court, 824 Market Street, Wilmington, DE, 19801, or at the DRC website, [www.donlinrecano.com/muji](http://www.donlinrecano.com/muji).

**9. ADDITIONAL INFORMATION**

If you require additional information regarding this Notice, you may contact DRC toll free at 1-800-813-0529 or submit an inquiry via e-mail to [mujiinfo@donlinrecano.com](mailto:mujiinfo@donlinrecano.com).

**If you believe that you hold a claim against the Debtor, you should consult an attorney if you have any questions regarding this Notice, including whether you should file a proof of claim. The fact that you received this Notice does not mean that you have a claim or that the Debtor or the Bankruptcy Court concedes that you have a claim.**

<p><b>GREENBERG TRAURIG, LLP</b></p> <p>By: <u>/s/ Dennis A. Meloro</u>  Dennis A. Meloro (DE Bar No. 4435)  The Nemours Building  1007 North Orange Street, Suite 1200  Wilmington, Delaware 19801  Telephone: (302) 661-7000  Email: melorod@gtlaw.com</p> <p>Dated: August 20, 2020  Wilmington, Delaware</p>	<p><b>GREENBERG TRAURIG, LLP</b></p> <p>Shari L. Heyen (admitted <i>pro hac vice</i>)  David R. Eastlake (admitted <i>pro hac vice</i>)  1000 Louisiana St., Suite 1700  Houston, Texas 77002  Telephone: (713) 374-3500  Email: heyens@gtlaw.com  eastlaked@gtlaw.com</p> <p><i>Counsel for the Debtor and Debtor in Possession</i></p>
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