

NOTICE TO PARTIES THAT FILED 503(B)(9) CLAIMS

Please take notice that Section 2.7 of the Amended Plan¹ accompanying this notice and the Amended Disclosure Statement provides for the following treatment for Holders of Allowed 503(b)(9) Claims:

On or as soon as reasonably practicable after the later of (i) the Effective Date or (ii) the date such 503(b)(9) Claim becomes an Allowed 503(b)(9) Claim, a Holder of an Allowed 503(b)(9) Claim shall receive, in full satisfaction, settlement, release and discharge of, and in exchange for, such Allowed 503(b)(9) Claim, (i) a pro rata distribution from the 503(b)(9) Fund and (ii) subject to the GUC Sharing Formula, a pro rata distribution of Litigation Recoveries.

Please also take notice that Section 2.7 of the Plan also provides:

The failure to object to confirmation of the Plan by a Holder of an Allowed 503(b)(9) Claim shall be deemed to be such Holder's consent to receive treatment for such Claim that is different from that set forth in section 1129(a)(9) of the Bankruptcy Code.²

Please also take notice the deadline to object to the Amended Plan is November 19, 2019 at 4:00 p.m. prevailing Eastern Time (the "Objection Deadline"). To object to the treatment proposed in the Amended Plan, parties must either (i) file an Objection with the Court by the Objection Deadline, or (ii) return a copy of this Notice selecting the "OBJECT" option to Donlin Recano & Company at the address below by the Objection Deadline.

The Debtors, Secured Parties, Creditors' Committee, and other creditors holding approximately \$35.1 million of the \$39.5 million of outstanding 503(b)(9) Claims³ believe that confirmation of the Amended Plan is in the best interest of all Holders of Allowed 503(b)(9) Claims. The Amended Plan provides, among other things, that on the Effective Date:

- The \$4 million 503(b)(9) Fund will be funded for the benefit of Holders of Allowed 503(b)(9) Claims;
- Funding will be made available to preserve and maximize the value of actual and potential litigation claims that are or may be pursued for the benefit of Holders of Allowed 503(b)(9) Claims;
- The Secured Parties will assign the Assigned Claims and the Assigned Proceeds of the Auditor Claims to the Litigation Trust, which will, *inter alia*, provide Holders of Allowed 503(b)(9) Claims with recourse to certain net proceeds, if any, realized from the Senior Lenders' direct claims against the Debtors' auditors (through which the Senior Lenders are currently seeking to recover more than \$50 million of damages);
- The Secured Parties' Adequate Protection Superpriority Claims and Adequate Protection Liens will be disallowed, waived, and automatically cancelled (which claims and liens the Secured Parties assert are in excess of \$25 million).

If the Amended Plan is not confirmed and the Debtors' cases are converted to cases under Chapter 7, nearly all of these benefits will not be available for Holders of Allowed Section 503(b)(9) Claims, who would also be subordinated to additional fees and expenses of the Chapter 7 trustee and his or her professionals. See Amended Disclosure Statement Art. IV, Pt. 17; Art. VIII, Pts. 37, 39.

PLEASE NOTE THAT THE FOREGOING SUMMARIES AND OPINIONS ARE SUBJECT IN ALL RESPECTS TO THE DISCLOSURE STATEMENT AND AMENDED PLAN, WHICH YOU ARE ENCOURAGED TO REVIEW CAREFULLY.

¹ Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Amended Plan.

² Section 1129(a)(9) of the Bankruptcy Code provides that "except to the extent that a holder of a particular claim has agreed to a different treatment of such claim, the plan provides that with respect to a claim of a kind specified in section 507(a)(2) or 507(a)(3) of this title, on the effective date of the plan, the holder of such claim will receive on account of such claim cash equal to the allowed amount of such claim." 11 U.S.C. § 1129(a)(9).

³ These numbers are estimates based on current circumstances and are subject to a number of contingencies and adjustments.

The Debtors, Creditors' Committees, and Senior Lenders encourage Holders of Allowed 503(b)(9) Claims not to object to the Plan. They also encourage you to reach out to counsel for the Creditors' Committee or the Debtors at the following telephone number, email address, and mailing address if you have any questions or concerns.

<p>Katie Fackler Akerman LLP 50 North Laura Street, Suite 3100 Jacksonville, FL 32202 904-598-8610 katherine.fackler@akerman.com</p>	<p>Robert Winning Cooley LLP 55 Hudson Yards New York, NY 10001 212-479-6525 rwinning@cooley.com</p>
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Please check here and provide the requested information if you wish to object to the Amended Plan based on the Amended Plan's treatment of Holders of Allowed 503(b)(9) Claims:

Name of Holder of 503(b)(9) Claim: _____

☐ DO NOT OBJECT TO THE AMENDED PLAN

☐ OBJECT TO THE AMENDED PLAN

Name and Title of Individual Authorized to Represent the Holder of 503(b)(9) Claim: _____

Signature of Authorized Representative: _____

Telephone Number for Authorized Representation: _____

Address for Authorized Representative: _____

Email address for Authorized Representative: _____

Date: _____

**IF YOU WISH TO OBJECT, SIGN AND DATE THIS NOTICE AND RETURN IT
(WITH AN ORIGINAL SIGNATURE) VIA FIRST CLASS MAIL, OVERNIGHT COURIER,
OR HAND DELIVERY TO THE FOLLOWING ADDRESSES SUCH THAT IT IS RECEIVED ON
OR BEFORE NOVEMBER 19, 2019:**

If by First Class Mail:	If by Hand Delivery or Overnight Mail:
<p>Donlin, Recano & Company, Inc. Re: Miami Metals I, Inc., et al. Attn: Voting Department P.O. Box 199043 Blythebourne Station Brooklyn, NY 11219</p>	<p>Donlin, Recano & Company, Inc. Re: Miami Metals I, Inc., et al. Attn: Voting Department 6201 15th Ave Brooklyn, NY 11219</p>