

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

In re:

SUITABLE TECHNOLOGIES, INC.,¹

Debtor.

Chapter 11

Case No. 20-10432 (MFW)

Ref. Docket No. 125

NOTICE OF DEADLINE FOR FILING OF PROOFS OF CLAIM

PLEASE TAKE NOTICE THAT:

The United States Bankruptcy Court for the District of Delaware (the “Court”), having jurisdiction over the chapter 11 case of Suitable Technologies, Inc. (the “Debtor”), has entered an order [Docket No. 125] (the “**Bar Date Order**”) establishing (i) **July 6, 2020 at 5:00 p.m. (prevailing Eastern Time)** as the deadline by which each person or entity (including, without limitation, individuals, partnerships, corporations, joint ventures, and trusts), other than governmental units, must file a proof of claim (each, a “**Proof of Claim**”) based on any asserted claims against the Debtor that arose prior to the Petition Date (as defined below), including requests for allowance and payment of claims under section 503(b)(9)² of title 11 of the United States Code (the “**Bankruptcy Code**”) for goods delivered and received by the Debtor in the 20 days prior to the Petition Date (the “**General Bar Date**”), and (ii) **August 24, 2020 at 5:00 p.m. (prevailing Eastern Time)** as the deadline by which any governmental unit (as such term is defined in section 101(27) of the Bankruptcy Code) must file Proofs of Claim against the Debtor (the “**Government Bar Date**” and together with the General Bar Date, the Rejection Bar Date (as defined below), the Supplemental Schedules Bar Date (as defined below), and the Supplemental Bar Date (as defined below), the “**Bar Dates**”). The Bar Date Order, the Bar Dates, as applicable, and the procedures set forth below for the filing of Proofs of Claim, apply to all claims against the Debtor that arose prior to February 26, 2020 (the “**Petition Date**”), on which the Debtor commenced a chapter 11 case under the Bankruptcy Code (the “**Chapter 11 Case**”).

1. WHO MUST FILE A PROOF OF CLAIM

You **MUST** file a Proof of Claim to vote on any chapter 11 plan filed by the Debtor 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 the Petition Date (i.e., February 26, 2020), and it is not one of the other types of claims described in section 2 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.

¹ The last four digits of the Debtor’s United States federal tax identification number are 7816. The Debtor’s mailing address is 921 East Charleston Road, Palo Alto, CA 94303.

² Section 503(b)(9) of the Bankruptcy Code grants administrative status to claims for the value of goods sold to and received by the Debtor in the 20 days 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

You need NOT file a Proof of Claim if:

- a. your claim is listed on the schedules of assets and liabilities filed by the Debtor (collectively, the “**Schedules**”) and (i) your claim is not described therein as “disputed,” “contingent,” or “unliquidated,” and (ii) you do not dispute the amount, priority, or nature of the claim as set forth in the Schedules;
- b. your claim has been paid in full;
- c. you are a lender and your claim is with respect to any of the Prepetition Unsecured Debt, the Prepetition Secured Debt or the Postpetition Debt (each as defined in the DIP Order);
- d. you hold a direct or indirect interest in the Debtor, which interest is based exclusively upon the ownership of equity interests or rights to purchase, sell, or subscribe to such an interest; *provided, however,* that if you are an interest holder and wish to assert claims (as opposed to ownership interests) against the Debtor, including, without limitation, claims that arise out of or relate to the ownership or purchase of an interest, or the sale, issuance, or distribution of the interest, you must file Proofs of Claim on or before the applicable Bar Date unless another exception identified herein applies;³
- e. you hold 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, unless you are 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 General Bar Date;
- f. you hold a claim that has been allowed by a final order of this Court entered on or before the applicable Bar Date;
- g. you hold a claim for which a separate deadline is fixed by this Court;
- h. you hold a claim against the Debtor properly filed previously with the Clerk of the Court or with the Debtor’s claims and noticing agent, Donlin Recano & Company, Inc. (the “**Claims Agent**”) (utilizing a claim form that substantially conforms to the Proof of Claim Form);
- i. you were an officer or director of the Debtor as of the Petition Date who has a claim for indemnification, contribution, or reimbursement; or

³ The Debtor reserves all rights with respect to such claims, including, without limitation, to assert that such claims are subject to subordination pursuant to section 510(b) of the Bankruptcy Code.

- j. you hold a claim payable to the Court or the United States Trustee Program pursuant to 28 U.S.C. § 1930.

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 IF YOU DO NOT HAVE A CLAIM AGAINST THE DEBTOR.

If the Debtor amends or supplements the Schedules subsequent to the mailing of this Bar Date Notice to reduce the undisputed, noncontingent, and liquidated amount of a claim, to change the nature, priority, or classification of a claim, or to add a new claim, the Debtor will provide notice of any amendment or supplement of the Schedules to the holders of the claims affected thereby within ten (10) days of filing any such amendment or supplement. Holders of the claims affected thereby must file Proofs of Claim with respect to such claims by the later of (i) the applicable Bar Date, and (ii) 5:00 p.m. (prevailing Eastern Time) on the date that is twenty-one (21) days from the date on which notice is served (the "**Supplemental Schedules Bar Date**"); *provided, however,* that any affected party who filed a Proof of Claim prior to the date when the Debtor files an amendment or supplement to the Schedules shall not be required to file another Proof of Claim if the claim set forth in such Proof of Claim is not affected by the amendment or supplementation.

3. EXECUTORY CONTRACTS AND UNEXPIRED LEASES

If you hold a claim arising from the rejection of an executory contract or unexpired lease you must file a Proof of Claim based on such rejection on or before the later of (i) 5:00 p.m. (prevailing Eastern Time) on the date that is thirty-five (35) days after the date of entry of an order approving the rejection of the executory contract or unexpired lease or (ii) the General Bar Date (the "**Rejection Bar Date**"). Notwithstanding the foregoing, if you are a party to an executory contract or unexpired lease and you assert a claim (other than a rejection damages claim) on account of unpaid amounts or other obligations 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 or obligations on or before the General Bar Date or Government Bar Date, as applicable, unless you are expressly excluded from filing a Proof of Claim by the Bar Date Order.

4. WHEN AND WHERE TO FILE

All original Proofs of Claim must be filed so as to be received on or before the applicable Bar Date at 5:00 p.m. (prevailing Eastern Time) either (i) electronically through the Claims Agent's website at <https://www.donlinrecano.com/Clients/sti/FileClaim> or (ii) by first-class mail, overnight delivery service, or hand delivery at the following address:

If sent by United States Postal Service, send to:

Donlin, Recano & Company, Inc.
Re: Suitable Technologies, Inc.
P.O. Box 199043
Blythebourne Station
Brooklyn, NY 11219

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

Donlin, Recano & Company, Inc.
Re: Suitable Technologies, Inc.
6201 15th Avenue
Brooklyn, NY 11219

PROOFS OF CLAIM WILL BE DEEMED TIMELY FILED ONLY IF ACTUALLY RECEIVED BY THE CLAIMS AGENT ON OR BEFORE THE APPLICABLE BAR DATE AT 5:00 P.M. (PREVAILING EASTERN TIME). PROOFS OF CLAIM MAY NOT BE DELIVERED BY FACSIMILE, TELECOPY, OR EMAIL.

5. 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 may strike the amount and revise the Proof of Claim Form if you disagree with the scheduled amount of your claim. You will receive a different Proof of Claim Form for each claim scheduled in your name by the Debtor.

IF YOU FILE A PROOF OF CLAIM, YOUR FILED PROOF OF CLAIM MUST (I) BE WRITTEN IN THE ENGLISH LANGUAGE; (II) DENOMINATE THE CLAIM IN LAWFUL CURRENCY OF THE UNITED STATES AS OF THE PETITION DATE; (III) CONFORM SUBSTANTIALLY WITH THE PROOF OF CLAIM FORM; (IV) BE SIGNED BY THE CLAIMANT OR BY AN AUTHORIZED AGENT OF THE CLAIMANT; (V) SET FORTH THE LEGAL AND FACTUAL BASIS FOR THE ALLEGED CLAIM; AND (VI) INCLUDE SUPPORTING DOCUMENTATION (OR, IF SUCH DOCUMENTATION IS VOLUMINOUS, INCLUDE A SUMMARY OF SUCH DOCUMENTATION) OR AN EXPLANATION AS TO WHY SUCH DOCUMENTATION IS NOT AVAILABLE; PROVIDED, HOWEVER, THAT A PROOF OF CLAIM MAY BE FILED WITHOUT SUPPORTING DOCUMENTATION UPON THE PRIOR WRITTEN CONSENT OF THE DEBTOR.

Vendors of goods may be entitled to assert claims arising prior to the Petition Date under section 503(b)(9) of the Bankruptcy Code to the extent that they delivered goods to the Debtor within the 20-day period prior to the Petition Date. The Court has deemed the filing of a proof of claim as satisfying the procedural requirements for asserting such a claim arising under section 503(b)(9) of the Bankruptcy Code. In addition to meeting all the other requirements of the immediately preceding paragraph above, any Proof of Claim asserting a section 503(b)(9) claim must (i) include the value of the goods delivered to and received by the Debtor in the 20 days prior to the Petition Date, (ii) attach any documentation identifying the date such goods were received by the Debtor, (iii) 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 (iv) attach any documentation identifying the particular invoices for which the section 503(b)(9) claim is being asserted.

Holders of all claims must use the Proof of Claim Form. Proof of Claim Forms may be obtained from the Claims Agent’s website: <https://www.donlinrecano.com/Clients/sti/Static/POC>. Proof of Claim Forms may also be obtained from the Court’s website: www.deb.uscourts.gov.

Parties who wish to receive from the Claims Agent a proof of receipt of their proofs of claim must also include with their original Proof of Claim a copy of such claim and a self-addressed and pre-stamped envelope.

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

EXCEPT WITH RESPECT TO CLAIMS OF THE TYPE SET FORTH IN SECTION 2 ABOVE, OR UNLESS OTHERWISE ORDERED BY THE COURT, ANY HOLDER OF A CLAIM AGAINST THE DEBTOR WHO IS REQUIRED, BUT FAILS, TO FILE A PROOF OF SUCH CLAIM IN ACCORDANCE WITH THE BAR DATE ORDER ON OR BEFORE THE APPLICABLE BAR DATE SHALL NOT BE TREATED AS A CREDITOR WITH RESPECT TO SUCH CLAIM FOR THE PURPOSES OF VOTING AND DISTRIBUTIONS IN THE CHAPTER 11 CASE, PROVIDED, HOWEVER, THAT A HOLDER OF SUCH CLAIM SHALL BE TREATED AS A CREDITOR WITH RESPECT TO ANY UNDISPUTED, NONCONTINGENT AND LIQUIDATED CLAIMS IDENTIFIED IN THE SCHEDULES ON BEHALF OF SUCH HOLDER, IN THE AMOUNT SET FORTH IN THE SCHEDULES, FOR THE PURPOSES OF VOTING AND DISTRIBUTION IN THE CHAPTER 11 CASE.

7. 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 Schedules and the Bar Date Order may be examined by interested parties on the Court's electronic docket for the Chapter 11 Case, 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 [Docket No. 120] and the Bar Date Order [Docket No. 125] may be viewed free of charge at the Claims Agent's website at <https://www.donlinrecano.com/sti>.

8. ADDITIONAL INFORMATION

If you require additional information regarding the contents hereof, you may contact the Claims Agent's call center for the Debtor at (877) 322-4952 (Toll Free) or submit an inquiry via email to stiinfo@donlinrecano.com. Please be advised that the Claims Agent is not permitted to provide legal advice.

Dated: April 29, 2020
Wilmington, Delaware

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