

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	Chapter 9
CITY OF CHESTER, PENNSYLVANIA,	:	Case No. 22-13032
Debtor.	:	Judge Ashely M. Chan

SUMMARY OF NOTICE

- This document explains how to file a claim against the City of Chester, Pennsylvania (the “City”) in its bankruptcy case.
- The deadline for most claimants to file a claim against the City is **January 8, 2024**.
- If you are required to file a claim against the City and do not do so, you will not be entitled to vote on, or share in any distribution under, the City’s chapter 9 plan.
- **Not everyone is required to file a claim.** As described in greater detail below, the following claimants, among others, do **not** need to file a claim:
 - Any person or entity whose claim was paid in full by the City, including claims paid by the City after the commencement date of this Chapter 9 Case.
 - Any retiree or current or former employee of the City, or any beneficiary of such retiree or employee, with respect to any claim for accrued pension and/or other post-employment benefits owed by the City.
 - Any holder of a claim allowable under Sections 503(b) and 507(a)(2) as an administrative expense (other than a 503(b)(9) Claim).
- **You should read this document carefully.** After reading this document, if you have any questions regarding the filing of a proof of claim, you may contact the City of Chester’s claims agent during normal business hours at (866) 673-8052, which is staffed by the City’s claims and noticing agent, Donlin, Recano & Company, Inc. (“DRC”). Please note that DRC is not permitted to provide legal advice. If you have questions about your legal rights, including whether you need to file a claim, you should consult an attorney.

NOTICE OF DEADLINES FOR FILING OF PROOFS OF CLAIM

TO ALL CREDITORS OF THE CITY OF CHESTER, PENNSYLVANIA, AND TO OTHER PARTIES IN INTEREST:

PLEASE TAKE NOTICE OF THE FOLLOWING:

On November 3, 2023, the United States Bankruptcy Court for the Eastern District of Pennsylvania (the “Court”) entered an order [Docket No. 475] (the “Bar Date Order”) establishing certain deadlines for filing of proofs of claim in the chapter 9 bankruptcy case of the City of Chester, Pennsylvania (the “City”).

By the Bar Date Order, the Court established January 8, 2024 (the “General Bar Date”), as the general claims bar date for filing proofs of claim in the City’s case. As described below, certain claimants are not required to file proofs of claim with respect to their claims, and the Bar Date Order also establishes different bar dates with respect to certain categories of claims. ***To determine if you need to file a proof of claim in this case and the applicable deadline and instructions for filing a proof of claim, please read this Notice carefully.***

Proof of Claim Form:

For your convenience, enclosed with this Notice is a blank copy of the proof of claim form prepared for use in the City’s chapter 9 case (the “Claim Form”), which is also available on the City’s restructuring website: <https://www.donlinrecano.com/Clients/ccp/Static/POC>.

Certain Definitions:

The term “entity” is defined in section 101(15) of title 11 of the United States Code (the “Bankruptcy Code”) as, among other things, individuals, partnerships, corporations, joint ventures, and trusts.

As used in this Notice, the term “claim” means, as to or against the City and in accordance with section 101(5) of the Bankruptcy Code: (a) any 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) any 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.

1. THE BAR DATES

The Bar Date Order establishes the following bar dates for filing proofs of claim in this case (collectively, the “Bar Dates”):

- a. **The General Bar Date.** Pursuant to the Bar Date Order, except as described below, all entities holding claims against the City that arose (or are deemed to have arisen) prior to the commencement of this case are required to file proofs of

claim by the General Bar Date (i.e., by January 8, 2024). This case was commenced on November 10, 2022 (the “Petition Date”). The General Bar Date applies to all types of claims against the City that arose prior to the Petition Date, including secured claims and unsecured nonpriority claims. For the avoidance of doubt, the General Bar Date applies to all claims asserting administrative expense priority under section 503(b)(9) of the Bankruptcy Code, subject to Section 3 below.

- i. **Retirement Benefits Master Proof(s) of Claim:** The Official Retiree Committee (the “Retiree Committee”) is authorized but not required to file one or more master proof(s) of claim on behalf of City retirees or former City employees, and/or applicable beneficiaries of such retirees or former employees on account of accrued pension and/or other post-employment benefits owed by the City.
 - ii. **Unions Master Proof(s) of Claim:** The Fraternal Order of Police, Lodge No. 19, the Chester City Fire Fighters, International Association of Fire Fighters, Local Union No. 1400, and Teamsters Local 107 (collectively, the “Unions”) are authorized but not required to file one or more master proof(s) of claim on behalf of current City employees that such Unions represent on account of accrued pension and/or other post-employment benefits owed by the City.
 - iii. **Funded Debt Master Proof(s) of Claim:** U.S. Bank Trust Company, National Association, as indenture trustee for the Bonds, is authorized but not required to file proof(s) of claim for Funded Debt Claims (as defined below) on behalf of itself and beneficial and record holders of the Bonds and is excused from attaching copies of any documents evidencing and/or securing those claims, so long as those materials remain available on request.
- b. **The Rejection Damages Bar Date.** Pursuant to the Bar Date Order, any entity asserting claims arising from or relating to the rejection of executory contracts or unexpired leases, in accordance with section 365 of the Bankruptcy Code and pursuant to an order entered prior to the confirmation and effectiveness of a plan of adjustment in the City’s chapter 9 case (any such order, a “Rejection Order”), or claims otherwise related to such rejected agreements, including (i) secured claims and unsecured nonpriority claims that arose or are deemed to have arisen prior to the Filing Date and (ii) administrative claims under section 503(b) of the Bankruptcy Code (collectively, “Rejection Damages Claims”) are required to file proofs of claim by the later of (a) the General Bar Date, and (b) the first business day that is at least thirty (30) days after the entry of the relevant Rejection Order. The later of these dates is referred to in this Notice as the “Rejection Damages Bar Date.” For the avoidance of doubt, all prepetition and postpetition claims of any kind or nature arising from or relating to executory contracts or unexpired leases rejected by a Rejection Order must be filed by the Rejection Damages Bar

Date. In accordance with the Bar Date Order, any Rejection Order entered by the Bankruptcy Court will specify the Rejection Damages Bar Date applicable to any executory contracts or unexpired leases rejected thereunder.

- c. **Grievance Claims and Property Tax Claims.** By separate orders, the Court has established bar dates for certain property tax claims (“Property Tax Claims”) and labor grievance claims (“Grievance Claims”). Property Tax Claims and Grievance Claims that become fixed in amount more than thirty (30) days prior to the General Bar Date are subject to the General Bar Date. Otherwise, Property Tax Claims and Grievance Claims must be filed within thirty (30) days following any liability of the City becoming fixed by a final non-appealable award or judgment or by stipulation, as applicable.
- d. **The Amended Creditors List Bar Date.** Pursuant to the Bar Date Order, if, subsequent to the date of this Notice, the City amends the *List of Creditors Pursuant to Section 924 of the Bankruptcy Code and Bankruptcy Rule 1007* (the “List of Creditors”) filed on the Petition Date, the affected claimant will be permitted to file a proof of claim, in accordance with the procedures described herein by the later of (i) the General Bar Date; and (ii) the first business day that is at least thirty (30) days after the date that notice of the applicable amendment or supplement to the List of Creditors (an “Amendment Notice”) is served on the claimant. Any Amendment Notice shall identify the Amended Creditors List Bar Date. Notwithstanding the foregoing, nothing contained herein shall preclude the City from objecting to any Filed Claim or Scheduled Claim on any grounds.
- e. **The Governmental Bar Date.** Pursuant to Bar Date Order, the date by which governmental units must file proofs of claim in this case (the “Governmental Unit Bar Date”) is the later of: (i) the General Bar Date; and (ii) any Rejection Damages Bar Date or Amended Creditors List Bar Date applicable to the governmental unit.

2. WHO MUST FILE A PROOF OF CLAIM

Unless one of the exceptions described in Section 5 below applies, if you have a claim that arose or is deemed to have arisen prior to the Petition Date, you **MUST** file a proof of claim to share in distributions from the City’s bankruptcy case or to vote on a chapter 9 plan. Claims based on acts or omissions of the City that occurred before the Petition Date must be filed on or prior to the applicable Bar Date, even if such claims are not now fixed, liquidated or certain or did not mature or become fixed, liquidated or certain before the Petition Date.

Except where the Rejection Damages Bar Date, the Amended Creditors List Bar Date or the Governmental Bar Date applies to establish a different deadline or one of the exceptions in Section 5 applies, the following entities must file proofs of claim on or before the General Bar Date that desires to share in any distribution in this bankruptcy case and/or otherwise participate in the proceedings in this bankruptcy case associated with the confirmation of any chapter 9 plan of adjustment.

For the avoidance of doubt, you must file a proof of claim even if you are listed on the List of Creditors.

3. WHAT TO FILE

The City is enclosing a Claim Form for use in this case, or you may use another proof of claim form that conforms substantially to Official Bankruptcy Form No. B410. Additional proof of claim forms may be obtained at the following website: **<https://www.donlinrecano.com/Clients/ccp/Static/POC>**.

All proof of claim forms must be signed by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant. The proof of claim form must be written in English and be denominated in United States dollars. You should attach to your completed proof of claim form any documents on which the claim is based (the “Supporting Documents”) (or, if the Supporting Documents are voluminous, you may attach a summary) or an explanation as to why the documents are not available. If you file a summary of the Supporting Documents because they are voluminous, you must transmit the Supporting Documents to the City or Donlin, Recano & Company, Inc. (“DRC”) via the methods described in Section 4 below within ten (10) days after the date of a written request by the City for such documents.

Each entity asserting a Rejection Damages Claim with an administrative claim component must file, along with its proof of claim, a detailed statement describing the nature and basis of the portion of the Rejection Damages Claim asserting an administrative priority under section 503(b) of the Bankruptcy Code (the “Administrative Claim Supplement”).

Under the Bar Date Order, the filing of a proof of claim form satisfies the procedural requirements for the assertion of any administrative priority claims under section 503(b)(9) of the Bankruptcy Code. Likewise, the filing of a proof of claim form, along with an attached Administrative Claim Supplement, if applicable, satisfies the procedural requirements for the assertion of a Rejection Damages Claim (including any administrative claim included therein). Claims asserting administrative expense priority (a) under section 503(b)(9) of the Bankruptcy Code; or (b) as a portion of a Rejection Damages Claim, must be filed by the General Bar Date and the Rejection Damages Bar Date, respectively.

All other administrative claims under sections 503(b) and 507(a)(2) of the Bankruptcy Code will not be deemed properly asserted if asserted by proof of claim. The City intends to establish a process for the assertion of such claims at a future date if and to the extent necessary or appropriate. Note that the claim priorities provided under subsections (a)(1) and (a)(3) through (a)(10) of section 507 of the Bankruptcy Code are inapplicable in chapter 9 pursuant to section 901(a) of the Bankruptcy Code.

4. WHERE TO FILE

All proofs of claim must be filed so as to be received **on or before the applicable Bar Date**, in the following manner:

- a. **If sent via first class mail** to Donlin, Recano & Company, LLC, Re: City of Chester, Pennsylvania, P.O. Box 2053, New York, NY 10272-2042,
- b. **If sent via overnight courier** to Donlin, Recano & Company, LLC, c/o Angeion Group, 200 Vesey Street, 24th Floor, New York, NY 10281;
- c. **If hand delivered** to a drop box located at either (i) Chester City Hall, Attn: Leonard Lightner, Chief Operating Officer, 1 E 4th Street, Chester, PA 19013, or (ii) Donlin, Recano & Company, LLC, c/o Angeion Group, Re: City of Chester, Pennsylvania, 200 Vesey Street, 24th Floor, New York, NY 10281;
- d. **If electronically submitted** through the City's case management site: **<https://www.donlinrecano.com/Clients/ccp/FileClaim>**,

Proofs of claim will be deemed filed only when **actually received** by the City or DRC as applicable on or before the applicable Bar Date. **Proofs of claim may not be submitted by facsimile, telecopy, or email.** Any facsimile or electronic mail submissions will not be accepted and will not be deemed filed until a proof of claim is submitted by one of the methods described above.

Proof of claim forms will be collected, docketed, and maintained by the City's claims agent, DRC. If you wish to receive acknowledgement of DRC's receipt of a proof of claim, you must submit by the applicable Bar Date and concurrently with submitting your original proof of claim (a) a copy of the original proof of claim and (b) a self-addressed, postage prepaid return envelope.

5. WHO DOES NOT NEED TO FILE A PROOF OF CLAIM

The Bar Date Order further provides that entities holding the following claims (which claims otherwise would be subject to the General Bar Date) need not file proofs of claim on account of such claims:

- a. **Allowed Claims**: Any person or entity whose claim was previously allowed by an order of this Court entered on or before the applicable Bar Date;
- b. **Paid Claims**: Any person or entity whose claim was paid in full by the City, including claims paid by the City after the Petition Date;
- c. **Proofs of Claim Already Filed**: Any person or entity who already properly filed a proof of claim, which substantially conforms to the Proof of Claim Form, in this Chapter 9 Case with the Court or the City's claims and noticing agent;

- d. Claims For Accrued Pension and/or Other Post-Employment Benefits: Any City retiree, current or former City employee, or beneficiary of such retiree or employee who holds a claim for accrued pension and/or other post-employment benefits owed by the City;
- e. Claims by Pension Plans For Accrued Pension and/or Other Post-Employment Benefits: Any pension plan for claims on behalf of any City retiree, current or former City employee, or beneficiary of such retiree or employee who holds a claim for accrued pension and/or other post-employment benefits owed by the City;
- f. Certain Bondholder Claims: Any record and beneficial holders of those certain City of Chester Guaranteed Revenue Bonds, Series A of 2017 and City of Chester Guaranteed Revenue Bonds, Series B of 2017 (collectively the “Bonds”) are not required to file any proof of claim for any claim based on the Bonds or on any document executed in connection with the issuance of the Bonds, including, without limitation, any claim for the payment of principal, interest, and other applicable fees, expenses, premium and charges with respect to the Bonds (each a “Funded Debt Claim”);
- g. Administrative Expenses: Any holder of a claim allowable under Sections 503(b) and 507(a)(2) as an administrative expense (other than a Section 503(b)(9) Claim); and
- h. Proofs of Claim Subject to a Later Bar Date: Any party asserting a Rejection Damages Claim, a claim arising from an amendment to the List of Creditors, or a Grievance Claim or Tax Claim that is subject to a later bar date.

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

ANY ENTITY OR PERSON THAT IS REQUIRED TO FILE A PROOF OF CLAIM WITH RESPECT TO A PARTICULAR CLAIM AGAINST THE CITY, BUT THAT FAILS TO DO SO BY THE APPLICABLE BAR DATE DESCRIBED IN THIS NOTICE, SHALL BE FOREVER BARRED, ESTOPPED, AND ENJOINED FROM ASSERTING SUCH CLAIM AGAINST THE CITY (OR FILING A PROOF OF CLAIM WITH RESPECT THERETO), AND THE CITY AND ITS PROPERTY SHALL BE FOREVER DISCHARGED FROM ANY AND ALL INDEBTEDNESS OR LIABILITY WITH RESPECT TO SUCH CLAIM. THE HOLDER OF A CLAIM WHO FAILS TO FILE A PROOF OF CLAIM BY THE APPLICABLE BAR DATE (UNLESS PERMITTED TO FILE A PROOF OF CLAIM AFTER THE APPLICABLE BAR DATE PURSUANT TO AN ORDER OF THE COURT) SHALL NOT BE PERMITTED TO VOTE TO ACCEPT OR REJECT ANY PLAN OF ADJUSTMENT FILED IN THIS CHAPTER 9 CASE, PARTICIPATE IN ANY DISTRIBUTION IN THIS CHAPTER 9 CASE ON ACCOUNT

OF SUCH CLAIM, OR RECEIVE FURTHER NOTICES WITH RESPECT TO THIS CHAPTER 9 CASE ON ACCOUNT OF SUCH CLAIM.

7. ADDITIONAL INFORMATION

Copies of the City's List of Creditors, the Bar Date Order and other information and documents regarding the City's chapter 9 case are available free of charge on DRC's website at <https://www.donlinrecano.com/Clients/ccp/Index> or for a fee at the Court's website at ecf.paeb.uscourts.gov. A login identification and password to the Court's Public Access to Court Electronic Records ("PACER") are required to access this information through the Court's website and can be obtained through the PACER Service Center at www.pacer.psc.uscourts.gov.

After reading this document, if you have any questions regarding the filing of a proof of claim, you may contact the City of Chester's claims agent during normal business hours at (866) 673-8052, which is staffed by the City's claims and noticing agent, DRC. **PLEASE NOTE THAT DRC IS NOT PERMITTED TO PROVIDE LEGAL ADVICE. IF YOU HAVE QUESTIONS ABOUT YOUR LEGAL RIGHTS, INCLUDING WHETHER YOU NEED TO FILE A CLAIM, YOU SHOULD CONSULT AN ATTORNEY.**

BY ORDER OF THE COURT