

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

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In re: : Chapter 11
:
EHT US1, Inc., *et al.* : Case No. 21-10036 (CSS)
:
Debtors.¹ : (Jointly Administered)
: **Re: Docket No. 1052**
:
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**AMENDED ORDER (I) FIXING DEADLINE FOR FILING REQUESTS FOR
ALLOWANCE OF POST-PETITION ADMINISTRATIVE EXPENSE
CLAIMS ARISING ON OR BEFORE AUGUST 31, 2021, AND (II)
DESIGNATING FORM AND MANNER OF NOTICE THEREOF**

Upon consideration of the motion (the “Motion”)² of the above-captioned debtors and debtors in possession (the “Debtors”) requesting entry of an order, pursuant to sections 102, 105(a), 503(a) and (b), and 507(a)(2) of the Bankruptcy Code, Bankruptcy Rules 3003(c)(3) and 9007, and Local Rules 2002-1(e) and 3003-1: (a) fixing a deadline for filing of requests for allowance of Administrative Expense Claims that arose during the period from the Petition Date through and including August 31, 2021, (the “Administrative Expense Claim Period”), and

¹ The Debtors in these chapter 11 cases, along with the last four digits of each debtor’s tax identification number, as applicable, are as follows: EHT US1, Inc.(6703); 5151 Wiley Post Way, Salt Lake City, LLC (1455); ASAP Cayman Atlanta Hotel LLC (2088); ASAP Cayman Denver Tech LLC (7531); ASAP Cayman Salt Lake City Hotel LLC (7546); ASAP Salt Lake City Hotel, LLC (7146); Atlanta Hotel Holdings, LLC (6450); CI Hospitality Investment, LLC (7641); Eagle Hospitality Real Estate Investment Trust (7734); Eagle Hospitality Trust S1 Pte. Ltd. (7669); Eagle Hospitality Trust S2 Pte. Ltd. (7657); EHT Cayman Corp. Ltd. (7656); Sky Harbor Atlanta Northeast, LLC (6846); Sky Harbor Denver Holdco, LLC (6650); Sky Harbor Denver Tech Center, LLC (8303); UCCONT1, LLC (0463); UCF 1, LLC (6406); UCRDH, LLC (2279); UCHIDH, LLC (6497); Urban Commons 4th Street A, LLC (1768); Urban Commons Anaheim HI, LLC (9915); Urban Commons Bayshore A, LLC (2422); Urban Commons Cordova A, LLC (4152); Urban Commons Danbury A, LLC (4388); Urban Commons Highway 111 A, LLC (4497); Urban Commons Queensway, LLC (6882); Urban Commons Riverside Blvd., A, LLC (4661); and USHIL Holdco Member, LLC (4796). The Debtors’ mailing address is 3 Times Square, 9th Floor New York, NY 10036 c/o Alan Tantleff (solely for purposes of notices and communications).

² Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Motion.

(b) designating the form and manner of notice thereof, all as more fully described in the Motion; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Motion and the requested relief being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and (c) due and proper notice of the Motion having been provided to the parties listed therein; and it appearing that no other or further notice need be provided; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein, and it appearing that the relief requested in the Motion is in the best interests of the Debtors, their estates and creditors; and upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefore,

IT IS HEREBY ORDERED THAT

1. The Motion is GRANTED as set forth herein.
2. Except as otherwise provided herein, each entity (including, without limitation, individuals, partnerships, corporations, joint ventures, trusts, and governmental units) that holds or wishes to assert an administrative expense claim arising under sections 503(b) or 507(a)(2) of the Bankruptcy Code against the Debtors' estates that may have arisen during the Administrative Expense Claim Period (an "Administrative Expense Claim") shall file with the Court a motion or application requesting allowance of such Administrative Expense Claim (a "Request for Payment") no later than **5:00 p.m. (prevailing Eastern Time) on the date that is thirty-five (35) days after entry of the Administrative Expense Bar Date Order, i.e., October 6, 2021 (such date, the "Administrative Expense Bar Date")**.
3. Each Request for Payment must

- a) be signed by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant;
- b) be written in the English language;
- c) be denominated in the currency of the United States;
- d) indicate the particular Debtor against which the claim is asserted;
- e) include all documentation, or an explanation as to why such documentation is not available, that the claimant intends to rely upon at any evidentiary hearing on its Request for Payment;
- f) be filed with the Court *on or before* the Administrative Expense Bar Date with the Clerk of the Bankruptcy Court via the Bankruptcy Court's CM/ECF System (for registered users) or by courier or United States mail to the Office of the Clerk, United States Bankruptcy Court for the District of Delaware, 3rd Floor, 824 Market Street, Wilmington, Delaware 19801; and
- g) be served so that it is actually received *on or before* the Administrative Expense Bar Date by the following co-counsel to the Debtors: (1) Paul Hastings LLP, 200 Park Avenue, New York, New York 10166 (Attn: Luc A. Despins (lucdespins@paulhastings.com) and G. Alexander Bongartz (alex bongartz@paulhastings.com)); and (2) Cole Schotz P.C., 500 Delaware Avenue, Suite 1410, Wilmington, Delaware 19801 (Attn: Seth Van Aalten (svanaalten@coleschotz.com) and G. David Dean (ddean@coleschotz.com)).

4. Responses to Requests for Payment shall be filed by 4:00 p.m. (ET) on the date that is fourteen (14) days from the Administrative Expense Bar Date (regardless of when the Request for Payment is filed), and any replies in further support of the Request for Payment be filed by 4:00 p.m. (ET) on the date that is seven (7) days from the date of any response. Requests for Payment that are timely filed and served, if any, be heard at the next omnibus hearing date on the Court's calendar after the reply deadline, assuming the reply deadline precedes 4:00 p.m. (ET) on the day prior to the agenda due date (unless otherwise agreed between the Debtors and the claimant or ordered by the Court).

5. The establishment of the Administrative Expense Bar Date shall not have any effect on the General Bar Date Order, or be deemed to have extended or otherwise affected any other deadlines for filing claims that have been previously established in these chapter 11 cases by this Court.

6. Notwithstanding anything to the contrary in this Order or the Motion, the Administrative Expense Bar Date shall not apply to the following:

- a) Administrative Expense Claims that have been previously paid by the Debtors in the ordinary course of business or otherwise;
- b) Administrative Expense Claims representing liabilities incurred in the ordinary course of the Debtors' business including, among other things, wages, employee benefits, accounts payable, utility services, and insurance;
- c) Administrative Expense Claims previously filed with Donlin & Recano or the Court;
- d) Administrative Expense Claims for compensation for services rendered or reimbursement of expenses incurred by professionals retained in these cases pursuant to sections 327 or 1103 of the Bankruptcy Code or for persons seeking awards by the Bankruptcy Court of compensation for services rendered or reimbursement of expenses incurred under sections 330, 331, 503(b)(2), 503(b)(3), 503(b)(4), or 503(b)(5) of the Bankruptcy Code, including any ordinary course of business professionals retained pursuant to an order of this Court approving the employment of ordinary course business professionals;
- e) Any Administrative Expense Claims arising under section 503(b)(9) of the Bankruptcy Code for the value of goods received by the Debtors within twenty days of the commencement of these chapter 11 cases and for which the Bankruptcy Court previously entered an order establishing an earlier bar date for such claims;
- f) Any Administrative Expense Claims that are claims incurred in the ordinary course of business of the Debtors by any current officer or director of the Debtors or by DBS Trustee Limited, in its capacity as trustee for EH-REIT, including, for the avoidance of doubt, claims for reimbursement, contribution, and indemnification by such persons or entities arising from postpetition events;

- g) Any Administrative Expense Claims that are claims by any member of the Committee for reimbursement of expenses (including attorney fees) incurred in connection with the member's service on the Committee;
- h) Any Administrative Expense Claims that are claims by any direct or indirect non-debtor subsidiary or affiliate of the Debtors;
- i) Any Administrative Expense Claims that are claims for fees payable to the Clerk of this Court;
- j) Any Administrative Expense Claims that are fees payable to the Office of the United States Trustee under 28 U.S.C. § 1930(a)(6) or accrued interest thereon arising under 31 U.S.C. § 3717; and
- k) Any Administrative Expense Claims that arise after the Administrative Expense Claim Period.

7. Within three (3) business days after entry of this Order, the Debtors, through Donlin & Recano, shall serve the Administrative Expense Bar Date Notice, (such date the "Service Date") substantially in the form attached hereto as **Exhibit 1**, which form is hereby approved, by first-class mail, postage prepaid, on the following parties:

- a) the U.S. Trustee;
- b) counsel for the Committee;
- c) all persons or entities that have requested notice of these proceedings in these chapter 11 cases pursuant to Bankruptcy Rule 2002;
- d) all person or entities that have filed claims against the Debtors;
- e) all known persons who have entered into a transaction with the Debtors on or after the Petition Date or that are known to hold a right to payment under section 503(b)(1) of the Bankruptcy Code;
- f) all parties to executory contracts and unexpired leases of the Debtors;
- g) all persons employed by the Debtors on or after the Petition Date;
- h) the attorneys of record for all parties with litigation pending against any of the Debtors;

- i) the Internal Revenue Service, the Securities and Exchange Commission, the United States Attorney's Office for the District of Delaware, all taxing authorities for the jurisdictions in which any of the Debtors conduct business, and all other applicable governmental units;
- j) all other parties in the Debtors' creditor matrix not included above; and
- k) all parties who hold equity interests in EH-REIT.

8. Service of the Administrative Expense Bar Date Notice as provided in this Order shall be deemed good, adequate, and sufficient notice of the Administrative Expense Bar Date.

9. The Debtors shall cause the Administrative Expense Bar Date Notice to be posted by the Service Date on the website established by Donlin & Recano for the Debtors' chapter 11 cases (<https://www.donlinrecano.com/Clients/eagle/Index>).

10. Any person or entity purportedly holding an Administrative Expense Claim that is required to file a Request for Payment, but fails to do so properly or timely in accordance with the Administrative Expense Bar Date Order, shall not participate in any distribution in these chapter 11 cases on account of such Administrative Expense Claim, is forever barred, estopped and enjoined from asserting such Administrative Expense Claim against the Debtors, their chapter 11 estates, or any successor to the Debtors, including the Debtors as reorganized, and shall not be permitted to vote on or object to any chapter 11 plan for the Debtors on account of such Administrative Expense Claim.

11. Entry of this Order is without prejudice to the Debtors' right to seek any other or further orders of this Court fixing a date by which holders of claims not subject to the Administrative Expense Bar Date must file or assert such claims against the Debtors.

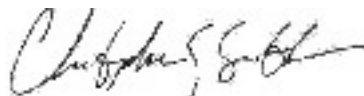
12. Nothing in this Order shall prevent the Debtors from asserting any defenses they may have to a Request for Payment or similar request or claim, including any setoff rights the Debtors may have.

13. The Debtors and Donlin & Recano are authorized and empowered to take any and all actions necessary to implement the terms of this Order.

14. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

15. This Court shall retain jurisdiction over any and all matters arising from or related to the implementation or interpretation of this order.

Dated: September 1st, 2021
Wilmington, Delaware

A handwritten signature in black ink, appearing to read "Christopher S. Sontchi", written in a cursive style.

CHRISTOPHER S. SONTCHI
UNITED STATES BANKRUPTCY JUDGE

Exhibit 1

Administrative Expense Bar Date Notice

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

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	:	
In re:	:	Chapter 11
	:	
EHT US1, Inc., <i>et al.</i>	:	Case No. 21-10036 (CSS)
	:	
Debtors. ¹	:	(Jointly Administered)
	:	
	:	Hearing Date: September 30, 2021 at 11:00 a.m. (ET)
	:	Obj. Deadline: August 30, 2021 at 4:00 p.m. (ET)
	-X	

NOTICE OF DEADLINE FOR FILING OF ADMINISTRATIVE EXPENSE CLAIMS

PLEASE TAKE NOTICE THAT on [____], 2021, the United States Bankruptcy Court for the District of Delaware (the “Court”), having jurisdiction over the chapter 11 cases of the above-captioned debtor and debtors in possession (collectively, the “Debtors”) entered an order (the “Administrative Expense Bar Date Order”) [Docket No. ____] establishing [35 days after entry of Administrative Expense Bar Date Order], **2021, at 5:00 p.m.** (prevailing Eastern Time) (the “Administrative Expense Bar Date”) as the deadline by which each person or entity (including, without limitation, individuals, partnerships, corporations, joint ventures, trusts, and governmental units) must file requests for the allowance of an administrative expense claim under sections 503(b) or 507(a)(2) of title 11 of the United States Code (the “Bankruptcy Code”), other than a claim under section 503(b)(9)² of the Bankruptcy Code, against the Debtors’ estates that may have arisen during the period ***from (a) January 18, 2021 (in the case of the Debtors other than Eagle Hospitality Real Estate Investment Trust “EH-REIT”) or January 27, 2021 (in the case of EH-REIT) through and including (b) August 31, 2021*** (such period the

¹ The Debtors in these chapter 11 cases, along with the last four digits of each debtor’s tax identification number, as applicable, are as follows: EHT US1, Inc.(6703); 5151 Wiley Post Way, Salt Lake City, LLC (1455); ASAP Cayman Atlanta Hotel LLC (2088); ASAP Cayman Denver Tech LLC (7531); ASAP Cayman Salt Lake City Hotel LLC (7546); ASAP Salt Lake City Hotel, LLC (7146); Atlanta Hotel Holdings, LLC (6450); CI Hospitality Investment, LLC (7641); Eagle Hospitality Real Estate Investment Trust (7734); Eagle Hospitality Trust S1 Pte. Ltd. (7669); Eagle Hospitality Trust S2 Pte. Ltd. (7657); EHT Cayman Corp. Ltd. (7656); Sky Harbor Atlanta Northeast, LLC (6846); Sky Harbor Denver Holdco, LLC (6650); Sky Harbor Denver Tech Center, LLC (8303); UCCONT1, LLC (0463); UCF 1, LLC (6406); UCRDH, LLC (2279); UCHIDH, LLC (6497); Urban Commons 4th Street A, LLC (1768); Urban Commons Anaheim HI, LLC (9915); Urban Commons Bayshore A, LLC (2422); Urban Commons Cordova A, LLC (4152); Urban Commons Danbury A, LLC (4388); Urban Commons Highway 111 A, LLC (4497); Urban Commons Queensway, LLC (6882); Urban Commons Riverside Blvd., A, LLC (4661); and USHIL Holdco Member, LLC (4796). The Debtors’ mailing address is 3 Times Square, 9th Floor New York, NY 10036 c/o Alan Tantleff (solely for purposes of notices and communications).

² The Administrative Expense Bar Date does not apply to claims arising under section 503(b)(9) for the value of goods received by the Debtors within twenty (20) days of the commencement of their chapter 11 cases (a “Section 503(b)(9) Claim”). The Court previously entered an order on April 9, 2021 [Docket No. 560] establishing July 15, 2021 as the deadline for all entities, other than governmental units (as defined in section 101(27) of the Bankruptcy Code), to file Section 503(b)(9) Claims and other prepetition claims.

“Administrative Expense Claim Period,” and each such claim an “Administrative Expense Claim”).

Capitalized terms not otherwise defined herein shall have the meanings ascribed them in the Administrative Expense Bar Date Order.

THE FACT THAT YOU HAVE RECEIVED THIS NOTICE DOES NOT MEAN THAT YOU HAVE AN ADMINISTRATIVE EXPENSE CLAIM OR THAT THE DEBTORS OR THE COURT BELIEVE THAT YOU HAVE AN ADMINISTRATIVE EXPENSE CLAIM.

1. WHO MUST FILE A REQUEST FOR PAYMENT OF AN ADMINISTRATIVE EXPENSE CLAIM

Pursuant to the terms of the Administrative Expense Bar Date Order, and except as provided therein or herein, each entity (including, without limitation, individuals, partnerships, corporations, joint ventures, trusts, and governmental units) that holds or wishes to assert an Administrative Expense Claim against the Debtors’ estates that may have arisen during the Administrative Expense Claim Period must file with the Court a motion or application requesting allowance of such Administrative Expense Claim (a “Request for Payment”) on or before the Administrative Expense Bar Date.

Pursuant to the terms of the Administrative Expense Bar Date Order, the Administrative Expense Bar Date DOES NOT APPLY to the following claims:

- a) Administrative Expense Claims that have been previously paid by the Debtors in the ordinary course of business or otherwise;
- b) Administrative Expense Claims representing liabilities incurred in the ordinary course of the Debtors’ business including, among other things, wages, employee benefits, accounts payable, utility services, and insurance;
- c) Administrative Expense Claims previously filed with Donlin & Recano or the Court;
- d) Administrative Expense Claims for compensation for services rendered or reimbursement of expenses incurred by professionals retained in these cases pursuant to sections 327 or 1103 of the Bankruptcy Code or for persons seeking awards by the Bankruptcy Court of compensation for services rendered or reimbursement of expenses incurred under sections 330, 331, 503(b)(2), 503(b)(3), 503(B)(4), or 503 (b)(5) of the Bankruptcy Code, including any ordinary course of business professionals retained pursuant to an order of this Court approving the employment of ordinary course business professionals;
- e) Any Administrative Expense Claims arising under section 503(b)(9) of the Bankruptcy Code for the value of goods received by the Debtors within twenty days of the commencement of these chapter 11 cases and for which the

Bankruptcy Court previously entered an order establishing an earlier bar date for such claims.

- f) Any Administrative Expense Claims that are claims incurred in the ordinary course of business of the Debtors by any current officer or director of the Debtors or by DBS Trustee Limited, in its capacity as trustee for EH-REIT, including, for the avoidance of doubt, claims for reimbursement, contribution, and indemnification by such persons or entities arising from postpetition events.
- g) Any Administrative Expense Claims that are claims by any member of the Committee for reimbursement of expenses (including attorney fees) incurred in connection with the member's service on the Committee;
- h) Any Administrative Expense Claims that are claims by any direct or indirect non-debtor subsidiary or affiliate of the Debtors;
- i) Any Administrative Expense Claims that are claims for fees payable to the Clerk of the Bankruptcy Court;
- j) Any Administrative Expense Claims that are fees payable to the Office of the United States Trustee under 28 U.S.C. § 1930(a)(6) or accrued interest thereon arising under 31 U.S.C. § 3717; and
- k) Any Administrative Expense Claims that arise after the Administrative Expense Claim Period.

A CLAIMANT SHOULD CONSULT HIS OR HER ATTORNEY IF THE CLAIMANT HAS ANY QUESTIONS, INCLUDING WHETHER SUCH CLAIMANT SHOULD FILE A REQUEST FOR PAYMENT. NEITHER THE DEBTORS' ATTORNEYS, NOR DONLIN RECANO, NOR THE CLERK OF THE COURT, CAN ADVISE THE CLAIMANT WHETHER THE CLAIMANT SHOULD FILE A REQUEST FOR PAYMENT.

2. WHEN AND WHERE TO FILE AND SERVE REQUESTS FOR PAYMENT

Each Request for Payment **must** be filed with the Court on or before [35 days after entry of Administrative Expense Bar Date Order], **2021 at 5:00 p.m. (Eastern Time)**. Requests for Payment can be filed with the Bankruptcy Court via the Bankruptcy Court's CM/ECF System (for registered users) or by courier or United States mail to the Office of the Clerk, United States Bankruptcy Court for the District of Delaware, 3rd Floor, 824 Market Street, Wilmington, Delaware 19801.

Each Request for Payment must also be served so that it is ***actually received*** on or before the Administrative Expense Bar Date by the following co-counsel to the Debtors: (1) Paul Hastings LLP, 200 Park Avenue, New York, New York 10166 (Attn: Luc A. Despina (lucdespina@paulhastings.com)) and G. Alexander Bongartz (alex bongartz@paulhastings.com);

and (2) Cole Schotz P.C., 500 Delaware Avenue, Suite 1410, Wilmington, Delaware 19801 (Attn: Seth Van Aalten (svanaalten@coleschotz.com) and G. David Dean (ddean@coleschotz.com)).

3. WHAT TO FILE

Each Request for Payment **must** (i) be signed by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant; (ii) be written in the English language; (iii) be denominated in the currency of the United States; (iv) indicate the particular Debtor against which the Administrative Expense Claim is asserted; and (v) include ***all documentation*** that you intend to rely upon at any evidentiary hearing on your Request for Payment.

4. HEARING

Responses to Requests for Payment shall be filed by 4:00 p.m. (ET) on the date that is fourteen (14) days from the Administrative Expense Bar Date (regardless of when the Request for Payment is filed), and any replies in further support of the Request for Payment be filed by 4:00 p.m. (ET) on the date that is seven (7) days from the date of any response. Requests for Payment that are timely filed and served, if any, be heard at the next omnibus hearing date on the Court's calendar after the reply deadline, assuming the reply deadline precedes 4:00 p.m. (ET) on the day prior to the agenda due date (unless otherwise agreed between the Debtors and the claimant or ordered by the Court).

If you fail to appear at the hearing scheduled for your Request for Payment, an order may be entered denying your Request for Payment by default.

5. CONSEQUENCES OF FAILURE TO FILE A REQUEST FOR PAYMENT

Any party purportedly holding an Administrative Expense Claim against the Debtors that is required to file a request for payment, but fails to do so properly or timely in accordance with the Administrative Expense Bar Date Order, shall not participate in any distribution in these chapter 11 cases on account of such Administrative Expense Claim, is forever barred, estopped and enjoined from asserting such Administrative Expense Claim against the Debtors, their chapter 11 estates, or any successor to the Debtors, and shall not be permitted to vote on or object to any chapter 11 plan for the Debtors on account of such Administrative Expense Claim.

The Debtors reserve the right to dispute, or to assert any defenses, including rights of setoff, against any Request for Payment and nothing contained in the Administrative Expense Bar Date Order or this Notice shall preclude the Debtors from objecting to any filed Request for Payment on any grounds.

6. ADDITIONAL INFORMATION

This Notice is only a summary of the Administrative Expense Bar Date Order. All parties in interest should carefully review the Administrative Expense Bar Date Order itself and the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of

Delaware for additional information regarding the filing and treatment of Administrative Expense Claims in the Debtors' chapter 11 cases.

Copies of the Administrative Expense Bar Date Order may be examined by interested parties on the Court's electronic docket for the Debtors' chapter 11 cases, which is available at 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>). In addition, electronic copies of the Administrative Expense Bar Date Order may be viewed at <https://www.donlinrecano.com/Clients/eagle/Index>.

If you require additional information regarding this Notice, you may contact Donlin Recano toll free at 1-800-416-3743 (within the United States) or 1-646-378-0794 (outside the United States), or submit an inquiry via e-mail to eagleinfo@donlinrecano.com.

A CLAIMANT SHOULD CONSULT AN ATTORNEY REGARDING ANY OTHER INQUIRIES, SUCH AS WHETHER SUCH CLAIMANT SHOULD FILE AN ADMINISTRATIVE CLAIM REQUEST.

NOTHING CONTAINED IN THIS NOTICE SHALL BE CONSTRUED TO MEAN THAT ANY CLAIM IS A VALID ADMINISTRATIVE EXPENSE.

Dated: [], 2021
Wilmington, Delaware

COLE SCHOTZ P.C.

/s/ DRAFT

Seth Van Aalten (admitted *pro hac vice*)

G. David Dean (No. 6403)

Justin R. Alberto (No. 5126)

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- and -

PAUL HASTINGS LLP

Luc A. Despins, Esq. (admitted *pro hac vice*)

G. Alexander Bongartz, Esq. (admitted *pro hac vice*)

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*Counsel to Debtors and Debtors in
Possession*