

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

In re:

TRITEK INTERNATIONAL INC., *et al.*,¹

Debtors.

)
) Chapter 11
)
) Case No. 23-10520 (TMH)
)
) (Jointly Administered)
)
) Re: Docket No. 137

**NOTICE OF DEADLINE FOR FILING OF PROOFS OF CLAIM, INCLUDING FOR
CLAIMS ASSERTED UNDER SECTION 503(b)(9) OF THE BANKRUPTCY CODE**

THE GENERAL BAR DATE IS 5:00 P.M. (PREVAILING EASTERN TIME) ON JUNE 27, 2023

TO: ALL HOLDERS OF POTENTIAL CLAIMS AGAINST DEBTORS (AS LISTED BELOW)

Please take notice that on April 27, 2023 (the “**Petition Date**”), the above-captioned debtors and debtors in possession (collectively, “**Debtors**”) filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the District of Delaware (the “**Court**”).

Please take further notice that on May 22, 2023, the Court entered an order (the “**Bar Date Order**”)² establishing certain dates by which parties holding prepetition claims against Debtors must file proofs of claim, including requests for payment pursuant to section 503(b)(9) of the Bankruptcy Code (the “**Proofs of Claim**”).

For your convenience, except with respect to beneficial owners of Debtors’ debt and equity securities, enclosed with this notice (this “**Notice**”) is a Proof of Claim Form, which identifies on its face the amount, nature, and classification of your claim(s), if any, listed in Debtors’ schedules of assets and liabilities filed in these cases (collectively, the “**Schedules**”). If Debtors believe that you hold claims against more than one Debtor, you will receive multiple Proof of Claim forms, each of which will reflect the nature and amount of your claims as listed in the Schedules.

As used in this Notice, the term “**creditor**” has the meaning given to it in section 101(10) of the Bankruptcy Code, and includes all persons, entities, estates, trusts, governmental units, and

¹ The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor’s federal tax identification number are: Trittek International Inc. (7919); HyLife Foods Windom, LLC (5391); and Canwin Farms, LLC (3973). Debtors’ mailing address is 2850 Highway 60 East, Windom, MN 56101.

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Bar Date Order, unless otherwise noted.

the United States Trustee. In addition, the terms “**persons**,” “**entities**,” and “**governmental units**” are defined in sections 101(41), 101(15), and 101(27) of the Bankruptcy Code, respectively.

As used in this Notice, the term “**claim**” or “**Claim**” has the meaning given to it in section 101(5) of the Bankruptcy Code, and includes as to or against Debtors: (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.

YOU ARE RECEIVING THIS NOTICE BECAUSE YOU MAY HAVE, OR MAY ASSERT, A CLAIM AGAINST THE DEBTORS IN THE ABOVE-CAPTIONED CHAPTER 11 CASES. THEREFORE, YOU SHOULD READ THIS NOTICE CAREFULLY AND DISCUSS IT WITH YOUR ATTORNEY. IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.

General Information About Debtors’ Case. Debtors’ cases are being jointly administered under case number 23-10520 (TMH). No trustee or examiner has been requested in the Chapter 11 Cases, and no committees have been appointed.

Individual Debtor Information. The last four digits of each Debtor’s federal tax identification number (as applicable) are set forth below. Debtors’ mailing address is 2850 Highway 60 East, Windom, MN 56101.

<u>Debtor</u>	<u>Case No.</u>	<u>EID# (Last 4 Digits)</u>
Tritek International Inc.	23-10520	7919
HyLife Foods Windom, LLC	23-10521	5391
Canwin Farms, LLC	23-10522	3973

A CLAIMANT SHOULD CONSULT AN ATTORNEY IF SUCH CLAIMANT HAS ANY QUESTIONS, INCLUDING WHETHER SUCH CLAIMANT SHOULD FILE A PROOF OF CLAIM.

1. BAR DATES

The Bar Date Order establishes the following bar dates for filing Proofs of Claim in the Chapter 11 Cases (collectively, the “**Bar Dates**”).

a. ***General Bar Date.*** Except as expressly set forth in this Notice, all entities (except governmental units) holding claims against Debtors that arose or are deemed to have arisen before the Petition Date, including requests for payment pursuant to section 503(b)(9) of the Bankruptcy Code, are required to file Proofs of Claim ***by 5:00 p.m., prevailing Eastern Time on June 27, 2023.*** Except as expressly set forth in this Notice, the General Bar Date applies to all types of

claims against Debtors that arose on or before the Petition Date, including secured claims, unsecured priority claims, and unsecured non-priority claims.

b. ***Governmental Bar Date.*** All governmental units holding claims against Debtors that arose or are deemed to have arisen before the Petition Date are required to file Proofs of Claim by ***October 24, 2023, at 5:00 p.m., prevailing Eastern Time.*** The Governmental Bar Date applies to all governmental units holding claims against Debtors (whether secured, unsecured priority, or unsecured non-priority) that arose on or before the Petition Date, including governmental units with claims against Debtors for unpaid taxes, whether such claims arise from prepetition tax years or periods or prepetition transactions to which Debtors were a party.

c. ***Rejection Damages Bar Date.*** Unless otherwise ordered by the Court, all entities holding claims against Debtors arising from the rejection of executory contracts and unexpired leases of Debtors are required to file Proofs of Claim by the later of (i) the General Bar Date or Governmental Bar Date, as applicable, and (ii) 5:00 p.m., prevailing Eastern Time, on the date that is 30 days following the service of an order (including any order confirming a chapter 11 plan) approving the rejection of any executory contract or unexpired lease of Debtors.

d. ***Amended Schedules Bar Date.*** If, subsequent to the date of this Notice, Debtors amend or supplement their Schedules to reduce the undisputed, noncontingent, and liquidated amount of a claim listed in the Schedules, change the nature or classification of a claim against Debtors reflected in the Schedules, or add a new claim to the Schedules, the affected creditor is required to file a Proof of Claim or amend any previously filed Proof of Claim in respect of the amended scheduled claim by the later of (i) the General Bar Date or the Governmental Bar Date, as applicable, and (ii) 5:00 p.m., prevailing Eastern Time, on the date that is 21 days from the date on which Debtors mail notice of the amendment to the Schedules (or another time period as may be fixed by the Court).

2. PERSONS OR ENTITIES WHO MUST FILE A PROOF OF CLAIM

Any person or entity that has or seeks to assert a claim against Debtors which arose, or is deemed to have arisen, before the Petition Date, including, without limitation, a claim under section 503(b)(9) of the Bankruptcy Code, **MUST FILE A PROOF OF CLAIM ON OR BEFORE THE APPLICABLE BAR DATE** in order to potentially share in Debtors' estates.

Under the Bar Date Order, the filing of a Proof of Claim Form will be deemed to satisfy the procedural requirements for the assertion of administrative priority claims under section 503(b)(9) of the Bankruptcy Code. All other administrative claims under section 503(b) of the Bankruptcy Code must be made by separate requests for payment in accordance with section 503(a) of the Bankruptcy Code and will not be deemed proper if made by Proof of Claim. No deadline has yet been established for the filing of administrative claims other than claims under section 503(b)(9) of the Bankruptcy Code. **Claims under section 503(b)(9) of the Bankruptcy Code must be filed by the applicable Bar Date.**

Acts or omissions of Debtors that occurred or arose before the Petition Date may give rise to claims against Debtors that must be filed by the applicable Bar Date, notwithstanding that such

claims may not have matured, are contingent, or have not become fixed or liquidated before or as of the Petition Date.

THE FACT THAT YOU HAVE RECEIVED THIS NOTICE DOES NOT MEAN THAT YOU HAVE A CLAIM OR THAT DEBTORS BELIEVE THAT YOU HAVE A CLAIM. A CLAIMANT SHOULD CONSULT AN ATTORNEY IF SUCH CLAIMANT HAS ANY QUESTIONS, INCLUDING WHETHER SUCH CLAIMANT SHOULD FILE A PROOF OF CLAIM.

A. Claims for Which No Proof of Claim Is Required to Be Filed

Notwithstanding the above, holders of the following claims are not required to file a Proof of Claim on or before the applicable Bar Date solely with respect to such claim:

- a. a claim against Debtors for which a signed Proof of Claim has already been properly filed with the Clerk of the Bankruptcy Court for the District of Delaware or Donlin, Recano & Company, Inc. ("**DRC**") in a form substantially similar to Official Bankruptcy Form No. 410;
- b. a claim that is listed on Debtors' Schedules if and only if (i) such claim is not scheduled as "disputed," "contingent," or "unliquidated," (ii) the holder of such claim agrees with the amount, nature and priority of the claim as set forth in the Schedules, **and** (iii) the holder of such claim does not dispute that the claim is an obligation of the specific Debtor against which the claim is listed in the Schedules;
- c. an administrative expense claim allowable under sections 503(b) and 507(a)(2) of the Bankruptcy Code as an expense of administration (other than any claim allowable under section 503(b)(9));
- d. an administrative expense claim for postpetition fees and expenses incurred by any professional allowable under sections 330, 331, and 503(b) of the Bankruptcy Code;
- e. a claim that has been paid in full by Debtors in accordance with the Bankruptcy Code or an order of this Court;
- f. a claim that has been allowed by an order of the Court entered on or before the applicable Bar Date;
- g. a claim of any Debtor against another Debtor or non-Debtor subsidiary or affiliate;
- h. a claim by a current officer or director of a Debtor for claims for indemnification and/or contribution arising as a result of such officer's or director's prepetition or postpetition services to Debtors;
- i. any fees payable to the Office of the United States Trustee for the District of Delaware (the "U.S. Trustee") under 28 U.S.C. § 1930; and

- j. a claim for which specific deadlines have been fixed by an order of this Court entered on or before the applicable Bar Date.

Please take notice that any Claimant exempted from filing a Proof of Claim pursuant to paragraph A above must still properly and timely file a Proof of Claim for any other claim that does not fall within the exemptions provided by paragraph A above.

B. No Bar Date for Proof of Interest

Any person or entity holding an equity security (as defined in section 101(16) of the Bankruptcy Code and including, without limitation, common stock, preferred stock, warrants, or stock options) or other ownership interest in Debtors (an “**Interest Holder**”) is not required to file a proof of interest on or before the applicable Bar Date; *provided, however*, that an Interest Holder that wishes to assert claims against Debtors that arise out of or relate to the ownership or purchase of an equity security or other ownership interest, including, but not limited to, a claim for damages or rescission based on the purchase or sale of such equity security or other ownership interest, must file a Proof of Claim on or before the applicable Bar Date. Debtors have reserved the right to establish at a later time a bar date requiring Interest holders to file proofs of interest. If such a bar date is established, Interest holders will be notified in writing of the bar date for filing of proofs of interest at the appropriate time.

3. WHEN AND WHERE TO FILE

All Claimants must submit an original, written Proof of Claim that substantially conforms to the Proof of Claim Form so as to be **actually received** by DRC, Debtor’s claims and notice agent, by no later than 5:00 p.m. (prevailing Eastern Time) on or before the applicable Bar Date, either by (i) mailing the original Proof of Claim by regular mail to: Donlin, Recano & Company, Inc., Re: Tritex International Inc., *et al.*, P.O. Box 199043, Blythebourne Station, Brooklyn, NY 11219, or (ii) delivering such original Proof of Claim by overnight mail, courier service, hand delivery, or in person to: Donlin, Recano & Company Inc., Re: Tritex International Inc., *et al.*, 6201 15th Avenue, Brooklyn, NY 11219.

Alternatively, Claimants may submit a Proof of Claim electronically by completing the Proof of Claim Form available online at <https://www.donlinrecano.com/Clients/hfw/FileClaim>.

Proofs of Claim will be deemed timely filed only if **actually received** DRC on or before the applicable Bar Date. Proofs of Claim may **not** be delivered by facsimile, telecopy, or electronic mail transmission. Any facsimile, telecopy, or electronic mail submission will **not** be accepted and will **not** be deemed filed until a Proof of Claim is submitted to DRC by overnight mail, courier service, hand delivery, regular mail, in person, or through DRC’s website listed above.

4. CONTENTS OF A PROOF OF CLAIM

With respect to preparing and filing of a Proof of Claim, each Proof of Claim must be consistent with the following:

- a. Each Proof of Claim must: (i) be legible; (ii) include a claim amount denominated in United States dollars using, if applicable, the exchange rate as of 5:00 p.m. prevailing Eastern Time, on the Petition Date (and to the extent such claim is converted to United States dollars, state the rate used in such conversion); (iii) set forth with specificity the legal and factual basis for the alleged claim; (iv) conform substantially with the Proof of Claim Form provided by Debtors or Official Form 410; and (v) be signed by the Claimant, or by an authorized agent or legal representative of the Claimant on the Claimant's behalf, whether such signature is an electronic signature or is ink.
- b. Any Proof of Claim asserting a claim entitled to priority under section 503(b)(9) of the Bankruptcy Code must also (i) set forth with specificity: (1) the date of shipment of the goods the Claimant contends Debtors received in the 20 days before the Petition Date; (2) the date, place, and method (including carrier name) of delivery of the goods the Claimant contends Debtors received in the 20 days before the Petition Date; (3) the value of the goods the Claimant contends Debtors received in the 20 days before the Petition Date; and (4) whether the Claimant timely made a demand to reclaim such goods under section 546(c) of the Bankruptcy Code; (ii) attach any documentation identifying the particular invoices for which a claim under section 503(b)(9) of the Bankruptcy Code is being asserted; and (iii) attach documentation of any reclamation demand made to Debtors under section 546(c) of the Bankruptcy Code (if applicable).
- c. Proofs of Claim signed electronically by the Claimant or an authorized agent or legal representative of the Claimant may be deemed acceptable for purposes of claims administration.
- d. Each Proof of Claim must clearly identify the Debtor against which a claim is asserted, including the individual Debtor's case number. A Proof of Claim filed under the joint administration case number (23-10520 (TMH)) or otherwise without identifying a specific Debtor, will be deemed as filed only against Tritex International Inc.
- e. Unless otherwise ordered by the Court, each Proof of Claim must state a claim against only one Debtor, clearly indicate the Debtor against which the claim is asserted, and be filed on the claims register of such Debtor. To the extent more than one Debtor is listed on the Proof of Claim, such claim may be treated as if filed only against Tritex International Inc.
- f. Each Proof of Claim must include supporting documentation in accordance with Bankruptcy Rules 3001(c) and 3001(d). If, however, such documentation is voluminous, such Proof of Claim may include a summary of such documentation or an explanation as to why such documentation is not available; *provided* that any creditor will be required to transmit such documentation to Debtors' counsel upon request no later than ten days from the date of such request.

- g. Each Proof of Claim, including supporting documentation, must be filed so as to be **actually received** by DRC on or before the applicable Bar Date as follows: (i) mailing the original Proof of Claim by regular mail to: Donlin, Recano & Company, Inc., Re: Tritex International Inc., *et al.*, P.O. Box 199043, Blythebourne Station, Brooklyn, NY 11219, (ii) delivering such original Proof of Claim by overnight mail, courier service, hand delivery, or in person to Donlin, Recano & Company Inc., Re: Tritex International Inc., *et al.*, 6201 15th Avenue, Brooklyn, NY 11219, or (iii) completing the electronic Proof of Claim Form available online at <https://www.donlinrecano.com/Clients/hfw/FileClaim>.
- h. Copies of Proofs of Claim or Proofs of Claim sent by facsimile or electronic mail will **not** be accepted.
- i. Claimants wishing to receive acknowledgement that their Proofs of Claim were received by DRC must submit (i) a copy of the Proof of Claim Form (in addition to the original Proof of Claim Form sent to DRC) and (ii) a self-addressed, stamped envelope.

5. CONSEQUENCES OF FAILURE TO FILE PROOF OF CLAIM BY THE BAR DATE

Any Claimant that is required to file a Proof of Claim in the Chapter 11 Cases pursuant to the Bankruptcy Code, the Bankruptcy Rules, or the Bar Date Order with respect to a particular claim against Debtors, but that fails to do so properly by the applicable Bar Date, will not be treated as a creditor with respect to such claim for purposes of voting and distribution.

6. CONTINGENT CLAIMS

Acts or omissions of Debtors that occurred, or that are deemed to have occurred, before the Petition Date, including, without limitation, acts or omissions related to any indemnity agreement, guarantee, services provided to or rendered by Debtors, or goods provided to or by Debtors, may give rise to claims against Debtors notwithstanding the fact that such claims (or any injuries on which they may be based) may be contingent or may not have matured or become fixed or liquidated before the Petition Date. Therefore, any person or entity that holds a claim or potential claim against Debtors, no matter how remote, contingent, or unliquidated, **MUST** file a Proof of Claim on or before the applicable Bar Date.

7. THE SCHEDULES

You may be listed as the holder of a claim against Debtors in the Schedules. The Schedules are available free of charge on DRC's website at <https://www.donlinrecano.com/Clients/hfw/Index>. If you rely on the Schedules, it is your responsibility to determine that your claim is accurately listed in the Schedules. As described above, if (a) your claim is **NOT** described as "disputed," "contingent," or "unliquidated," (b) you agree with the nature, amount and status of your claim as listed in the Schedules, **and** (c) you do not dispute that the claim is an obligation of the specific Debtor against which the claim is listed in the Schedules, then you are not required to file a Proof of Claim in the Chapter 11 Cases with

respect to such claim. Otherwise, or if you decide to file a Proof of Claim, you must do so before the applicable Bar Date in accordance with the procedures set forth in this Notice and the Bar Date Order.

If Debtors amend their Schedules, then the Bar Date for those creditors affected by any such amendment shall be the later of (a) the General Bar Date or (b) 5:00 p.m., (Prevailing Eastern Time), on the date that is twenty-one (21) days from the date on which Debtors mail notice of the amendment to the Schedules (or another time period as may be fixed by the Court).

8. RESERVATION OF RIGHTS

Nothing contained in this Notice or the Bar Date Order is or should be construed as: (i) an admission as to the validity of any claim against Debtors, (ii) a waiver of Debtors' rights to dispute the amount of, basis for, or validity of any claim against Debtors, (iii) a waiver of any claims or causes of action that may exist against any creditor or interest holder, (iv) a promise to pay any claim, (v) an approval, assumption, adoption, or rejection of any agreement, contract, program, policy, or lease between Debtors and any third party under section 365 of the Bankruptcy Code, or (vi) otherwise affecting Debtors' rights under section 365 of the Bankruptcy Code to assume or reject any executory contract or unexpired lease. All such rights and remedies are reserved.

9. ADDITIONAL INFORMATION

The Schedules, the Proof of Claim Form, and the Bar Date Order are available free of charge on DRC's website at <https://www.donlinrecano.com/Clients/hfw/Index>. If you have questions concerning the filing or processing of Claims, you may contact Debtors' claims agent, DRC, toll-free at 1-800-761-6523 or via email at hfwinfo@drc.equiniti.com. If you require additional information regarding the filing of a Proof of Claim, you may contact counsel for Debtors in writing at the address below.

[Remainder of page left blank intentionally]

Dated: June 1, 2023
Wilmington, Delaware

Jerry L. Hall (admitted *pro hac vice*)
Michael E. Comerford (admitted *pro hac vice*)
Jesse A. Kitnick (admitted *pro hac vice*)
KATTEN MUCHIN ROSENMAN LLP
50 Rockefeller Plaza
New York, NY 10020
Telephone: (212) 940-8800
Facsimile: (212) 940-8776
Email: jerry.hall@katten.com
michael.comerford@katten.com
jesse.kitnick@katten.com

Allison E. Yager (admitted *pro hac vice*)
Kenneth N. Hebeisen (admitted *pro hac vice*)
KATTEN MUCHIN ROSENMAN LLP
525 W. Monroe Street
Chicago, IL 60661
Telephone: (312) 902-5200
Facsimile: (312) 902-1061
Email: allison.yager@katten.com
ken.hebeisen@katten.com

Respectfully submitted,

/s/ Maria Kotsiras

Jeremy W. Ryan (No. 4057)
L. Katherine Good (No. 5101)
R. Stephen McNeill (No. 5210)
Maria Kotsiras (No. 6840)
POTTER ANDERSON & CORROON LLP
1313 N. Market Street, 6th Floor
Wilmington, DE 19801
Telephone: (302) 984-6000
Facsimile: (302) 658-1192
Email: jryan@potteranderson.com
kgood@potteranderson.com
rmcneill@potteranderson.com
mkotsiras@potteranderson.com

Yelena E. Archiyan (admitted *pro hac vice*)
KATTEN MUCHIN ROSENMAN LLP
2121 N. Pearl Street, Suite 1100
Dallas, TX 7201
Telephone: (214) 765-3657
Facsimile: (214) 765-3602
Email: yelena.archiyan@katten.com

Counsel to Debtors and Debtors in Possession