

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:	)	
	)	Chapter 11
	)	
ORBITAL INFRASTRUCTURE GROUP,	)	Case No. 23-90763 (DRJ)
INC., <i>et al.</i> , ¹	)	
	)	(Jointly Administered)
Debtors.	)	
	)	

**NOTICE OF DEADLINES FOR FILING
PROOFS OF CLAIM AGAINST ANY OF THE DEBTORS**

**TO: ALL PERSONS AND OTHER ENTITIES WHO MAY HAVE CLAIMS AGAINST
ANY OF THE FOLLOWING DEBTORS:**

<u>DEBTOR</u>	<u>CASE NUMBER</u>
Orbital Infrastructure Group, Inc.	23-90763
Orbital Gas Systems, North America, Inc.	23-90764
Orbital Power, Inc.	23-90765
Orbital Solar Services, LLC	23-90766
Eclipse Foundation Group, Inc.	23-90767

PLEASE TAKE NOTICE OF THE FOLLOWING:

On August 23, 2023, the above-captioned debtors (collectively, the “**Debtors**”) each filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “**Bankruptcy Code**”) in the United States Bankruptcy Court for the Southern District of Texas (the “**Court**”). The Debtors’ chapter 11 cases are being jointly administered for procedural purposes only under case number 23-90763 (DRJ) (the “**Chapter 11 Cases**”).

DEADLINE FOR FILING PROOFS OF CLAIM AGAINST ANY OF THE DEBTORS

1. Pursuant to an order of the Court entered on October 5, 2023 [Docket No. 176] (the “**Order**”),² the deadline for creditors to file proofs of claim (a “**Proof of Claim**”) against

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Orbital Infrastructure Group, Inc. (3284); Orbital Gas Systems, North America, Inc. (7018); Orbital Power, Inc. (6341); Orbital Solar Services, LLC (1156); and Eclipse Foundation Group, Inc. (5575). The location of the Debtors’ service address is: 5444 Westheimer Road, Suite 1650, Houston, TX 77056.

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Order or the Motion, as applicable. A copy of the Order and Motion can be accessed free of charge on the Case Information Website located at <https://www.donlinrecano.com/oig>, which also contains the Claims Portal, blank Proof of Claim Forms, and additional information about the Chapter 11 Cases. If you have any questions, please contact, the Claims

any of the Debtors is **November 13, 2023 at 4:00 p.m. (prevailing Central Time)** (the “**General Bar Date**”); *provided*, that solely with respect to a governmental unit not otherwise subject to an Exception or other Bar Date, the deadline to file a Proof of Claim against any of the Debtors is **February 20, 2024 at 4:00 p.m. (prevailing Central Time)** (the “**Governmental Bar Date**”). The General Bar Date applies to all persons and other entities holding claims against any of the Debtors that arose or are deemed to have arisen prior to the Petition Date and are not subject to an Exception (see paragraph 3 below) or other Bar Date, including claims for rights to payment arising on account of any federal or state statutory trusts, secured claims, unsecured priority claims (*e.g.*, claims entitled to priority under sections 503(b)(9) and 507(a)(4), (5), and (8) of the Bankruptcy Code), and unsecured non-priority claims. The Order also established procedures to be used for filing Proofs of Claim, which are summarized in this notice for your convenience.³

2. **UNLESS YOU FALL INTO ONE OF THE CATEGORIES LISTED IN PARAGRAPH 3 BELOW, YOU MUST FILE A PROOF OF CLAIM IF YOU HAVE A CLAIM AGAINST ANY OF THE DEBTORS THAT AROSE PRIOR TO AUGUST 23, 2023.** Acts or omissions that occurred prior to August 23, 2023 may give rise to claims subject to the General Bar Date even if the claims may not have become known, fixed, or liquidated until on or after August 23, 2023. 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.
3. The Order provides that the persons and other entities listed below in this paragraph 3 (each such instance, an “**Exception**”) do **NOT** need to file Proofs of Claim by any Bar Date. **You need not file a Proof of Claim at this time if you are subject to an Exception.** The Court may enter one or more separate orders at a later time requiring creditors to file Proofs of Claim for some kinds of Exceptions and setting related deadlines. If the Court does enter such an order, you will receive notice of it. The following persons and other entities are **not required** to file Proofs of Claim:
 - a. the U.S. Trustee, on account of claims for fees payable pursuant to 28 U.S.C. § 1930;
 - b. any person or other entity that has already properly filed a Proof of Claim against the correct Debtor(s) and does not wish to change any information thereon;

Agent, Donlin, Recano & Company, Inc., at 1-866-853-1834 (toll-free), +1-212-771-1128 (international), or email oiginfo@drc.equiniti.com. The Claims Agent cannot provide legal advice.

³ In the event of any conflict or inconsistency with this Bar Date Notice and the Order, the Order shall govern.

- c. any person or other entity (i) whose claim is listed in the Schedules or any amendments thereto, (ii) whose claim is not described therein as “disputed,” “contingent,” and/or “unliquidated,” *and* (iii) who does not dispute the amount or characterization of its claim as set forth in the Schedules (including that the claim is an obligation of the specific Debtor against which the claim is listed in the Schedules);
- d. any entity that holds a claim allowable under sections 503(b) and 507(a)(2) of the Bankruptcy Code as an administrative expense (other than any claim allowable under section 503(b)(9) of the Bankruptcy Code), including the Claims Agent and any professionals retained by the Debtors or the Committee pursuant to orders of the Court who assert administrative claims for fees and expenses subject to the Court’s approval pursuant to sections 330 and 331 of the Bankruptcy Code;
- e. any party that is exempt from filing a Proof of Claim pursuant to an order of the Court in the Chapter 11 Cases;
- f. any person or other entity whose claim against any of the Debtors has been allowed by an order of the Court prior to the Bar Date otherwise applicable;
- g. a current employee of the Debtors, if an order of this Court authorized the Debtors to honor such claim in the ordinary course of business as a wage, commission, or benefit, including the *Order (I) Authorizing Debtors To (A) Pay Prepetition Wages, Salaries, Employee Benefits, and Other Compensation, (B) Maintain Employee Benefit Programs and Pay Related Administrative Obligations, and (C) Pay Contractor Obligations; and (II) Granting Related Relief* [Docket No. 45]; *provided*, that a current employee must file a Proof of Claim by the General Bar Date for all other claims arising prior to the Petition Date, including claims for benefits not provided for pursuant to an order of the Court, discrimination, harassment, hostile work environment, or retaliation;
- h. any entity holding a claim for which a separate deadline has been fixed by the Court;
- i. any holder of an equity interest in the Debtors need not file a proof of interest with respect to the ownership of such equity interest at this time; *provided*, that any holder of an equity interest who wishes to assert a claim against any of the Debtors other than with respect to ownership of such equity interest, including a claim relating to the purchase or sale of such interest or rescission under section 510 of the Bankruptcy Code, must file a Proof of Claim asserting such claim prior to the General Bar Date pursuant to the procedures set forth herein;
- j. as provided in the *Final Order (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Use Cash Collateral, (II) Granting Liens and Providing Superpriority Administrative Expense Status, (III) Granting Adequate Protection to the Prepetition Secured Parties, (IV) Modifying the*

Automatic Stay, and (V) Granting Related Relief (the “**Final DIP Order**”), any holder of a claim for any fees, expenses, or other obligations arising under or in connection with the DIP Facilities (as defined in the Final DIP Order); *provided* that the applicable DIP Agent (as defined in the Interim DIP Order) may in their discretion file a single master Proof of Claim by the applicable Claims Bar Date with regard to all of the claims related to or arising under the respective DIP Credit Agreement, in which case such master Proof of Claim shall (i) have the force and effect described in the Final DIP Order and any subsequent final order allowing debtor-in-possession financing, (ii) constitute the filing of a Proof of Claim in the chapter 11 cases of all other Debtors against whom a claim may be asserted under the applicable DIP Credit Agreement, and (iii) have the same effect as if each applicable holder of a claim thereunder had individually filed a Proof of Claim against each applicable Debtor on account of such holder’s claims; and

- k. any holder of a claim arising under or in connection with the Debtors’ Prepetition Secured Debt (as defined in the Final DIP Order) arising under the Prepetition Debt Documents (as defined in the Final DIP Order); *provided* that the applicable Prepetition Agent (as defined in the Final DIP Order) may in its discretion file a single master Proof of Claim by the applicable Claims Bar Date with regard to all of the claims related to or arising out of the respective Prepetition Debt Document, in which case such master Proof of Claim shall (i) have the force and effect described in the Final DIP Order and any subsequent final order allowing debtor-in-possession financing, (ii) constitute the filing of a Proof of Claim in the chapter 11 cases of all other Debtors against whom a claim may be asserted under the applicable Prepetition Debt Document, and (iii) have the same effect as if each applicable holder of a claim thereunder had individually filed a Proof of Claim against each applicable Debtor on account of such holder’s claims.

4. **THE FACT THAT YOU HAVE RECEIVED THIS NOTICE DOES NOT MEAN THAT YOU HAVE A CLAIM AGAINST ANY OF THE DEBTORS OR THAT THE DEBTORS BELIEVE YOU HAVE A CLAIM.**
5. If a Debtor amends its Schedules after you receive this notice, such Debtor will give notice of that amendment to the holders of the claims that are affected by it, and those holders will be given an opportunity to file Proofs of Claim before a new deadline that would be specified in that future notice.
6. The Bankruptcy Code provides that the Debtors may, at any time before a plan of reorganization or liquidation is confirmed by the Court, choose to reject certain executory contracts or unexpired leases. If your contract or lease is rejected, you may have a claim resulting from that rejection. Except as set forth in any Court order authorizing the rejection of an executory contract or unexpired lease, the deadline to file a Proof of Claim on account of a Debtor’s rejection of an executory contract or unexpired lease shall be **the later of (a) the General Bar Date or the Governmental Bar Date, as applicable, and (b) 4:00 p.m. (prevailing Central Time) on the date that is 30 days from the date that**

the Debtors provide notice of the Court’s entry of an order authorizing such rejection to the affected contract or lease counterparty (together, the “Rejection Damages Bar Date”).

INSTRUCTIONS FOR FILING PROOFS OF CLAIM

7. A Proof of Claim Form for use in the Chapter 11 Cases accompanies this Bar Date Notice. Each filed Proof of Claim must (a) substantially comply with the Proof of Claim Form or Official Bankruptcy Form No. 410, (b) be written in English, (c) include a claim amount denominated in United States dollars, (d) be signed by the claimant (or an authorized agent or legal representative thereof) or filed electronically via the Claims Portal on the Case Information Website, (e) attach any supporting documentation thereto, (f) unless otherwise allowed under the Order, state a claim against no more than one Debtor and clearly indicate which Debtor the claim is being asserted against, and (g) be actually filed or received by the Claims Agent by the applicable Bar Date. In addition, any Proof of Claim asserting a claim entitled to priority under section 503(b)(9) of the Bankruptcy Code must also (x) include the value of the goods delivered to and received by the Debtors in the 20 days prior to the Petition Date, (y) attach any documentation identifying the particular invoices for which the 503(b)(9) claim is being asserted, and (z) attach documentation of any reclamation demand made to the Debtors under section 546(c) of the Bankruptcy Code (if applicable).
8. Unless otherwise agreed by the Debtors in writing (email being sufficient), Proofs of Claim can ***only*** be filed prior to the applicable Bar Date in one of the following methods (the “**Approved Methods**”): (a) by completing an Electronic Proof of Claim through the Claims Portal (under the link entitled “Proof of Claim”) on the Case Information Website (<https://www.donlinrecano.com/oig>) maintained by the Claims Agent; (b) by electronic submission on the Court’s Public Access to Court Electronic Records (“**PACER**”) platform, located at <http://ecf.txsb.uscourts.gov>; or (c) by delivering an original, signed Proof of Claim Form directly to the Claims Agent as follows:⁴

If by First-Class Mail:	If by Hand Delivery or Overnight Mail:
Donlin, Recano & Company, Inc. Re: Orbital Infrastructure Group, Inc., et. al P.O. Box 199043 Blythebourne Station Brooklyn, NY 11219	Donlin, Recano & Company, Inc. C/O Equiniti Re: Orbital Infrastructure Group, Inc., et. al 48 Wall Street, 22nd Floor New York, NY 10005

Absent written consent of the Debtors or their counsel (email being sufficient), Proofs of Claim submitted by facsimile or e-mail or submitted directly to the Debtors, their counsel, or the Claims Agent (in a manner inconsistent with the foregoing) will NOT

⁴ If you wish to receive acknowledgement of the Claims Agent’s receipt of a Proof of Claim Form filed in this manner, the claimant must also submit to the Claims Agent by the applicable Bar Date and concurrently with submitting its original Proof of Claim Form a copy of each original Proof of Claim Form and a self-addressed, postage-paid return envelope.

be accepted or deemed filed until and unless such Proof of Claim is timely submitted in accordance with one of the Approved Methods set forth above.

9. Except as otherwise provided in the Order, any person or other entity asserting a Proof of Claim against more than one of the Debtors shall file a separate Proof of Claim with respect to each such Debtor and identify on each Proof of Claim the particular Debtor against which its claims are asserted. Any claim filed under the lead case of the Chapter 11 Cases (*i.e.*, Orbital Infrastructure Group, Inc., *et al.*, Case No. 23-90763 (DRJ)) or otherwise without identifying a Debtor or identifying multiple Debtors, in each case shall be deemed as filed only against Orbital Infrastructure Group, Inc.

CONSEQUENCES OF MISSING THE DEADLINE FOR FILING CLAIMS

10. **EXCEPT WITH RESPECT TO CLAIMS SUBJECT TO AN EXCEPTION (AS DESCRIBED IN PARAGRAPH 3 ABOVE), IF YOU FAIL TO FILE A PROOF OF CLAIM PRIOR TO 4:00 P.M. (PREVAILING CENTRAL TIME) ON THE APPLICABLE BAR DATE ON ACCOUNT OF ANY PREPETITION CLAIM YOU WISH TO ASSERT AGAINST ANY OF THE DEBTORS, OR IF YOU DO NOT FILE YOUR CLAIM IN ACCORDANCE WITH THE INSTRUCTIONS DESCRIBED HEREIN, THEN:**
 - **YOU SHALL BE FOREVER BARRED, ESTOPPED, AND ENJOINED FROM ASSERTING SUCH CLAIM AGAINST ANY OF THE DEBTORS OR THEREAFTER FILING A PROOF OF CLAIM WITH RESPECT THERETO IN THE CHAPTER 11 CASES;**
 - **YOU SHALL NOT, WITH RESPECT TO SUCH CLAIM, BE TREATED AS A CREDITOR OF ANY OF THE DEBTORS FOR THE PURPOSE OF VOTING ON ANY PLAN (IF OTHERWISE ELIGIBLE) IN THE CHAPTER 11 CASES; AND**
 - **YOU SHALL NOT RECEIVE OR BE ENTITLED TO RECEIVE ANY PAYMENT OR DISTRIBUTION OF PROPERTY FROM ANY OF THE DEBTORS OR THEIR SUCCESSORS OR ASSIGNS WITH RESPECT TO SUCH CLAIM IN THE CHAPTER 11 CASES.**

EXAMINATION OF ORDER AND SCHEDULES

11. Copies of the Order, the Schedules, and other information regarding the Chapter 11 Cases are or will be available for inspection free of charge on the Case Information Website (<https://www.donlinrecano.com/oig>).
12. The Schedules and other filings in the Chapter 11 Cases also are available for a fee at the Court's website at <https://ecf.txsb.uscourts.gov/>. A login identification and password for PACER are required to access this information and can be obtained through the PACER Service Center at <http://www.pacer.psc.uscourts.gov>. Copies of the Schedules and other documents filed in the Chapter 11 Cases also may be examined between the hours of 8:00 a.m. and 5:00 p.m. (prevailing Central Time), Monday through Friday, at the office of the

Clerk of the Bankruptcy Court, United States Bankruptcy Court for the Southern District of Texas, United States Courthouse, 515 Rusk Avenue, Houston, Texas 77002.

PROOF OF CLAIM FORMS

13. Electronic Proof of Claim Forms can be filed through the Claims Portal (under the link entitled “Proof of Claim”) on the Case Information Website (<https://www.donlinrecano.com/oig>). Additional Proof of Claim Forms can be obtained free of charge from any bankruptcy court clerk’s office, certain business supply stores, on the Case Information Website (<https://www.donlinrecano.com/oig>), or by contacting the Claims Agent, Donlin, Recano & Company, Inc., at 1-866-853-1834 (toll-free), +1-212-771-1128 (international), or oiginfo@drc.equiniti.com. (email), or at one of the addresses listed above. Questions concerning the contents of this Bar Date Notice and requests for copies of filed proofs of claim should be directed to the Claims Agent in the same manner.
14. Please note that neither the Claims Agent’s staff, counsel to the Debtors, nor the Clerk of the Court’s Office is permitted to give you legal advice. The Claims Agent cannot advise you how to file, or whether you should file, a Proof of Claim.
15. **A HOLDER OF A POTENTIAL CLAIM AGAINST ANY OF THE DEBTORS SHOULD CONSULT AN ATTORNEY REGARDING ANY MATTERS NOT COVERED BY THIS NOTICE, SUCH AS WHETHER THE HOLDER SHOULD FILE A PROOF OF CLAIM.**

Dated: October 13, 2023

Respectfully submitted,

By: /s/ Arsalan Muhammad

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