

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re: )	Chapter 11
REPUBLIC METALS REFINING )	
CORPORATION, <i>et al.</i> , <sup>1</sup> )	Case No. 18-13359 (shl)
Debtors. )	
	(Jointly Administered)

**AMENDED ORDER APPROVING OMNIBUS OBJECTIONS  
PROCEDURES FOR RESOLUTION OF RECLAMATION DEMANDS  
AND SETTING PRELIMINARY HEARING**

Upon the Motion to Approve Omnibus Objection Procedures for Resolution of Reclamation Demands [ECF No. 303] (the “Motion”) filed by the Debtors and the objections to the Motion filed by certain customers (ECF No. 418); Midwest Refineries LLC (ECF No. 414) and Queen of Pawns & Jewelry, Inc. (ECF No. 406), the Court finds that (i) it has jurisdiction over the matters raised in the Motion pursuant to 28 U.S.C. §§ 157 and 1334; (ii) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); (iii) the relief requested in the Motion is in the best interests of the Debtors, their estates, and their creditors; (iv) relief pursuant to sections 105 and 546 of the Bankruptcy Code as requested in the Motion is appropriate; and (v) upon the record herein after due deliberation thereon good and sufficient cause exists for the granting of the relief as set forth in the Motion.

IT IS THEREFORE ORDERED:

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, include: Republic Metals Refining Corporation, 15 West 47th Street, Suites 206 and 209, New York, NY 10036 (3194), Republic Metals Corporation, 12900 NW 38th Avenue, Miami, FL 33054 (4378), Republic Carbon Company, LLC, 5295 Northwest 163rd Street, Miami Gardens, FL 33014 (5833), Republic High Tech Metals, LLC, 13001 NW 38 Avenue, Miami, FL 33054 (6102), RMC Diamonds, LLC, 12900 NW 38th Avenue, Miami, FL 33054 (1507), RMC2, LLC, 12900 NW 38th Avenue, Miami, FL 33054 (4696), J & L Republic LLC, 12900 NW 38th Avenue, Miami, FL 33054 (7604); R & R Metals, LLC, 12900 NW 38th Avenue, Miami, FL 33054 (7848), Republic Metals Trading (Shanghai) Co., Ltd., 276 Ningbo Road, Huangpu District, Shanghai, P.R. 200001 China (1639), and Republic Trans Mexico Metals, S.R.L., Francisco I. Madero No. 55 Piso 5, Local 409, Centro Joyero Edificio Central, Delegación Cuauhtémoc, Mexico DF 6000 (2942).

1. The Motion is GRANTED in part and denied in part as set forth herein.
2. The Debtors are authorized to file an Omnibus Objection to the Reclamation Demands substantially in the form of the objection attached as Exhibit "B" to the Motion (the "Omnibus Objection") no later than February 18, 2019. Customer shall have 30 days from the date of service of the Omnibus Objection to file a Response to the Omnibus Objection provided that a Customer may designate its previously-filed Customer Statement (as defined in the Order Approving Uniform Procedures for Resolution of Ownership Disputes (ECF No. 395) (the "Ownership Procedures Order") as its Response to the Omnibus Objection.
3. If any Customer files a Response to the Omnibus Objection, the Court will hold a preliminary hearing, scheduling and status conference (the "Preliminary Hearing") with respect to such Response on **March 21, 2019 at 11 a.m. (prevailing EST)**. At the Preliminary Hearing, the Court will:
  - a. consider the entry of orders denying relief related to any Reclamation Demand for which a Response was not timely filed; and
  - b. hold a status conference and enter procedures for addressing objections to Reclamation Demands based upon (i) timeliness of the Reclamation Demand, (ii) potential denial of any Reclamation Demands on the basis that the Debtors could not identify and segregate goods in response to the Reclamation Demand, and (iii) the seniority of the Senior Lenders' liens, and whether to adjudicate such objections as part of or consistent with the Uniform Procedures for Resolution of Ownership Disputes, or other orders of this Court (if any) related to use of cash collateral and the validity, priority and extent of the Senior Lenders' liens.

4. Customers shall have the opportunity to inspect the Debtors' premises in an effort to identify their claimed goods. Discovery in regards to Customer's Reclamation Demands is subject to agreement between the parties or, if agreement cannot be reached, subject to further Court order.

5. Either the Debtors or any Customer whose Reclamation Demand is the subject of the Omnibus Objection may request other status conferences before the Court to address any discovery or scheduling issues if the Debtors, Senior Lenders, and Customers are otherwise unable to come to an agreement.

6. Customers are prohibited from seeking, initiating, or continuing any other means for the resolution or treatment of their Reclamation Demands, including, without limitation, commencing adversary proceedings or contested matters against the Debtors in connection with any Reclamation Demands, without leave of Court. However, nothing contained in this order shall limit the rights of any creditor of the Debtors to file, assert, defend, modify, or enforce a proof of claim in these cases pursuant to the Bankruptcy Code and/or any other applicable nonbankruptcy law.

7. Nothing in this order or the relief granted hereby shall be construed as any finding or holding regarding the extent, validity, enforceability, or priority of the liens and claims asserted by the Senior Lenders.

8. The Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

9. The objections are sustained in part and overruled in part.

Dated: New York, New York  
February 14, 2019

/s/ Sean H. Lane  
UNITED STATES BANKRUPTCY JUDGE