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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re:

REPUBLIC METALS REFINING  
CORPORATION, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 18-13359 (SHL)

(Jointly Administered)

**SUPPLEMENT TO MIDWEST REFINERIES, LLC'S CUSTOMER STATEMENT**

Midwest Refineries, LLC (“Midwest”), by its counsel, respectfully submits this reply to the *Debtors’ Omnibus Reply to Customer Statements* dated February 19, 2019 [Doc. 648] (the “Debtors’ Response”) and the *Omnibus Response of the Senior Lenders to Customer Statements* dated February 18, 2019 [Doc. 637] (the “Lenders’ Response”), and states:

1. As required by the *Order Approving Uniform Procedures for Resolution of Ownership Disputes* [doc. 395] dated January 11, 2019 (the “Procedures Order”), Midwest filed a Customer Statement containing, inter alia, a “summary of the legal basis for the Customer’s ownership claim” [Procedures Order, ¶ 2(c)(iv)] on January 18, 2019 [Doc. 449] (the “Customer Statement.”) The Procedures Order required that the Debtors submit a “summary of the legal basis for the Debtors’ ownership claim, including the legal basis for asserting that the Assets are property of the Debtors’ estates,” *Id.* at ¶ 2(d)(iv), and the Senior Lenders submit a “summary of

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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 47<sup>th</sup> Street, Suites 206 and 209, New York, NY 10036 (3194), Republic Metals Corporation, 12900 N.W. 38<sup>th</sup> Avenue, Miami, FL 33054 (4378), and Re-public Carbon Company, LLC, 5295 Northwest 163<sup>rd</sup> Street, Miami Gardens, FL 33014 (5833).

the legal basis for the asserted security interest or lien, including the legal basis for asserting that the Assets are property of the Debtors' estates." *Id.* at ¶ 2(e)(iv).

2. The Procedures Order provides that the Customers "may amend or supplement their Customer Statements in response to any Debtors' Responses and Senior Lenders' Responses no later than February 28, 2019." *Id.* at ¶ 2(g) (the "Customer Supplement"). The date for submission of the Customer Supplement was extended to March 11, 2019 [Doc 677].

3. Rather than summaries, the Debtors and Senior Lenders submitted extensive briefs (the "Responses") and as many of the legal arguments are fact-specific and fact-intensive, Midwest believes that it is premature to reply in depth to the arguments in the Responses until after discovery is completed.

4. Accordingly, Midwest reserves all of its rights, claims and defenses including, without limitation, the right to respond to the legal arguments contained in the Responses through the legal briefing to be submitted in the metal ownership litigation, to dispute the factual allegations contained in the Responses as appropriate after discovery has closed, and to amend or supplement statements in the Customer Statement.

5. By filing this reply, Midwest is not waiving any of its rights to respond to any arguments raised by the Debtors and the Senior Lenders.

Dated: March 11, 2019

Respectfully submitted,  
MCELROY, DEUTSCH, MULVANEY  
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