

**HEARING DATE AND TIME: AUGUST 1, 2019 AT 11:00 A.M. (EASTERN TIME)**  
**OBJECTION DEADLINE DATE AND TIME: JULY 25, 2019 AT 4:00 P.M. (EASTERN TIME)**

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*Counsel to the Debtors and Debtors in Possession*

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

In re:	)	Chapter 11
	)	
MIAMI METALS I, INC., <i>et al.</i> , <sup>1</sup>	)	Case No. 18-13359 (SHL)
	)	
Debtors.	)	(Jointly Administered)
	)	
	)	<b>RELATED DOC. NO. 690</b>

**NOTICE OF HEARING ON DEBTORS'  
MOTION TO EXTEND DEADLINE FOR FILING  
OBJECTIONS TO CLAIMS ASSERTED PURSUANT TO 11 U.S.C. § 503(b)(9)**

**PLEASE TAKE NOTICE** that a hearing on the *Debtors' Motion to Extend Deadline for Filing Objections to Claims Asserted Pursuant to 11 U.S.C. § 503(b)(9)* (the "Motion"), will be held on **August 1, 2019 at 11:00 a.m. (prevailing Eastern Time)** in the above-captioned cases, before the Honorable Sean H. Lane, United States Bankruptcy Judge, in Room 701 of the United

<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: Miami Metals I, Inc. (f/k/a Republic Metals Refining Corporation), 15 West 47th Street, Suites 206 and 209, New York, NY 10036 (3194); Miami Metals II, Inc. (f/k/a Republic Metals Corporation), 12900 NW 38th Avenue, Miami, FL 33054 (4378); Miami Metals III LLC (f/k/a Republic Carbon Company, LLC), 5295 Northwest 163rd Street, Miami Gardens, FL 33014 (5833); Miami Metals IV LLC (f/k/a J & L Republic LLC), 12900 NW 38th Avenue, Miami, FL 33054 (7604); Miami Metals V LLC (f/k/a R & R Metals, LLC), 12900 NW 38th Avenue, Miami, FL 33054 (7848); Miami Metals VI (f/k/a RMC Diamonds, LLC), 12900 NW 38th Avenue, Miami, FL 33054 (1507); Miami Metals VII (f/k/a RMC2, LLC), 12900 NW 38th Avenue, Miami, FL 33054 (4696); Miami Metals VIII (f/k/a Republic High Tech Metals, LLC), 13001 NW 38 Avenue, Miami, FL 33054 (6102); 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 Joyerio Edificio Central, Delegación Cuauhtémoc, Mexico DF 6000 (2942).

States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court"), One Bowling Green, New York, New York 10004, or as soon thereafter as counsel may be heard.

**PLEASE TAKE FURTHER NOTICE** that any responses or objections to the Motion (the "**Objections**") must be in writing, shall conform to the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules for the Southern District of New York, and shall be filed with the Bankruptcy Court (a) by registered users of the Bankruptcy Court's case filing system, electronically in accordance with General Order M-399 (which can be found at <http://nysb.uscourts.gov>) and (b) the Chambers of the Honorable Sean H. Lane ("**Chambers**"), United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York 10004; (c) the Debtors, c/o Miami Metals I, Inc. f/k/a Republic Metals Refining Corporation, (Attn: Scott Avila); (d) the attorneys for the Debtors, Akerman LLP, 2001 Ross Avenue, Suite 3600, Dallas, TX 75201 (Attn: John Mitchell, Esq.) and 98 Southeast Seventh Street, Suite 1100, Miami, FL 3313 (Attn: Andrea S. Hartley, Esq. and Katherine C. Fackler, Esq.); (e) the Office of the United States Trustee for the Southern District of New York (the "**U.S. Trustee**"), U.S. Federal Office Building, 201 Varick Street, Suite 1006, New York, New York 10014 (Attn: Shannon Scott, Esq.); (f) the attorneys for the Creditors' Committee, if a committee is formed; (g) counsel to any other statutory committee appointed in the Chapter 11 Cases, and (h) all entities that requested notice in these chapter 11 cases under Fed. R. Bankr. P. 2002 so as to be received no later than **July 25, 2019 at 4:00 p.m. (prevailing Eastern Time)** (the "**Objection Deadline**").

**PLEASE TAKE FURTHER NOTICE** that if no Objections are timely filed and served with respect to the Motion, the Debtors may, on or after the Objection Deadline, submit to the Bankruptcy Court an order substantially in the form of the proposed order annexed to the Motion, which order may be entered with no further notice or opportunity to be heard.

Dated: June 27, 2019

AKERMAN LLP

By: /s/Katherine C. Fackler

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*Counsel for Debtors and Debtors-in-Possession*

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

In re:	)	Chapter 11
	)	
MIAMI METALS I, INC., <i>et al.</i> , <sup>2</sup>	)	Case No. 18-13359 (SHL)
	)	
Debtors.	)	(Jointly Administered)
	)	
	)	<b>RELATED DOC. NO. 690</b>

**DEBTORS' MOTION TO EXTEND DEADLINE FOR FILING  
OBJECTIONS TO CLAIMS ASSERTED PURSUANT TO 11 U.S.C. § 503(b)(9)**

**TO THE HONORABLE SEAN H. LANE,  
UNITED STATES BANKRUPTCY JUDGE:**

Miami Metals I, Inc. *et al.*, as debtors and debtors-in-possession (collectively the "Debtors"), by and through their undersigned counsel and pursuant to 11 U.S.C. § 105(a) and Local Bankruptcy Rule 9006-2, hereby file this motion (the "Motion") for the entry of an order

<sup>2</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, include: Miami Metals I, Inc. (f/k/a Republic Metals Refining Corporation), 15 West 47th Street, Suites 206 and 209, New York, NY 10036 (3194); Miami Metals II, Inc. (f/k/a Republic Metals Corporation), 12900 NW 38th Avenue, Miami, FL 33054 (4378); Miami Metals III LLC (f/k/a Republic Carbon Company, LLC), 5295 Northwest 163rd Street, Miami Gardens, FL 33014 (5833); Miami Metals IV LLC (f/k/a J & L Republic LLC), 12900 NW 38th Avenue, Miami, FL 33054 (7604); Miami Metals V LLC (f/k/a R & R Metals, LLC), 12900 NW 38th Avenue, Miami, FL 33054 (7848); Miami Metals VI (f/k/a RMC Diamonds, LLC), 12900 NW 38th Avenue, Miami, FL 33054 (1507); Miami Metals VII (f/k/a RMC2, LLC), 12900 NW 38th Avenue, Miami, FL 33054 (4696); Miami Metals VIII (f/k/a Republic High Tech Metals, LLC), 13001 NW 38 Avenue, Miami, FL 33054 (6102); 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 Joyeria Edificio Central, Delegación Cuauhtémoc, Mexico DF 6000 (2942).

in the form attached hereto as **Exhibit A** (the "Order") extending the July 11, 2019 deadline for the Debtors to file objections to claims asserted pursuant to 11 U.S.C. § 503(b)(9) ("503(b)(9) Claims") as set forth below, without prejudice to the Debtors' right to seek further extensions of the deadline. In support thereof, the Debtors submit the Declaration of Scott Avila in support of this Motion, a copy of which is attached hereto and incorporated herein as **Exhibit B**, and further would respectfully show the Court as follows:

### **BACKGROUND**

1. On November 2, 2018, the Debtors filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code, initiating these Chapter 11 Cases. On November 21, 2018, the Additional Debtors (collectively with the Debtors, the "Debtors") filed voluntary petitions for relief under the Bankruptcy Code, initiating their Chapter 11 cases.

2. The Debtors continue to operate their businesses and manage their properties as debtors in possession pursuant to 11 U.S.C. §§ 1107(a) and 1108. On November 19, 2018, the United States Trustee gave notice of the appointment of an Official Committee of Unsecured Creditors [ECF No. 113].

3. Additional details regarding these chapter 11 cases are available in the *Declaration of Scott Avila, as Chief Restructuring Officer (the "CRO")*, in *Support of Chapter 11 Petitions and First Day Motions* (the "First Day Declaration") [ECF No. 2].

### **JURISDICTION AND VENUE**

4. The United States Bankruptcy Court for the Southern District of New York (the "Court") has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference from the United States District Court for the Southern*

*District of New York*, dated January 31, 2012. This matter is a core proceeding within the meaning of 28 U.S.C. §§ 157(b)(2)(A), (M), and (O).

5. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

**The 503(b)(9) Claims Bar Date and Objection Deadline**

6. On February 28, 2019, the Court entered an *Order (i) Setting Bar Date for Submitting Proofs of Claim Asserted Pursuant to 11 U.S.C. § 503(b)(9), (ii) Approving Procedures for the Assertion, Resolution, and Satisfaction of 503(b)(9) claims, and (iii) Approving Notice Thereof ("503(b)(9) Claims Bar Date Order")* [ECF No. 690]. The 503(b)(9) Claims Bar Date Order established procedures to govern the resolution of 503(b)(9) Claims expected to be asserted by the Debtors' vendors and customers (the "Claimants") against any of the Debtors pursuant to section 503(b)(9) of the Bankruptcy Code.

7. Pursuant to the 503(b)(9) Claims Bar Date Order, any Claimant asserting a 503(b)(9) Claim was required to deliver to the Debtors its Proof of 503(b)(9) Claim such that the Proof of 503(b)(9) Claim would be received by the Debtors and their counsel by 5:00 p.m., prevailing Eastern Time, on April 12, 2019 (the "503(b)(9) Claims Bar Date").

8. As of the 503(b)(9) Claims Bar Date, the Debtors received approximately fifty (50) Proof of 503(b)(9) Claims by Vendors.

9. Pursuant to paragraph 15(g) of the 503(b)(9) Claims Bar Date Order, the Debtors have ninety (90) days after the 503(b)(9) Claims Bar Date to file with the Court and serve any Objections to timely filed 503(b)(9) Claims, i.e., through and including July 11, 2019 (the "503(b)(9) Claim Objection Deadline")<sup>3</sup>.

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<sup>3</sup> Even though the Motion is being filed before the 503(b)(9) Claim Objection Deadline, it will not be heard until August 1, 2019. Pursuant to Local Rule 9006-2, the 503(b)(9) Claim Objection Deadline is automatically extended without entry of an order until the Court resolves the Motion. LR 9006-2.

10. The Debtors and many of the Claimants are current litigating ownership-related issues pursuant to the Court's Uniform Procedures Order [ECF No. 395], as amended, and are in discussions about the bankruptcy estate's claims under Chapter 5 of the Bankruptcy Code.

11. Further, the Debtors and Claimants anticipate commencing numerous depositions in connection with the ownership litigation in July and August.

12. As a result of the ongoing discovery and litigation, and the multiple types of claims at issue (ownership, preference, 503(b)(9)), the Debtors believe an extension of the 503(b)(9) Claim Objection Deadline would conserve estate resources by allowing global settlement discussions to go forward without the added expense of objecting to 503(b)(9) Claims which may be settled through these negotiations.

**RELIEF REQUESTED**

13. By this Motion, the Debtors request a 90-day extension of the 503(b)(9) Claim Objection deadline, through and including October 10, 2019.

14. The Debtors seek this relief without prejudice to their right to seek further extensions of the deadline to file objections to 503(b)(9) Claims.

**BASIS FOR RELIEF**

15. Section 105(a) of the Bankruptcy Code provides that the Court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of title 11. *See* 11 U.S.C. § 105(a).

16. Since the Petition Date, the Debtors have continued to make substantial progress in these Cases, maximizing the value of the Debtors' estate for all creditors. The Debtors have, among other things (i) sold substantially all of their assets, (ii) engaged with the Creditors Committee, Senior Lenders, and Customers, in an effort to reach consensus on the terms of an

orderly transition into bankruptcy and through the sale process and liquidation, and (iii) addressed and resolved numerous operation issues necessary to these smooth transitions.

17. The Debtors continue in their efforts to move these Cases forward through litigation and settlement discussions with Claimants and other customers, over multiple types of claims.

18. An extension of the 503(b)(9) Claim Objection Deadline is appropriate under Section 105(a) of the Bankruptcy Code because it will prevent any waste of estate resources resulting from preparing and filing objections that may ultimately be unnecessary.

19. The Debtors submit that the requested extension will not prejudice any Claimant.

20. The Senior Lenders and the Committee support the relief requested herein.

21. The Debtors submit the requested extensions are in the best interests of the Debtors, their estates, their creditors, and all parties in interest, and should be granted.

### **MOTION PRACTICE**

15. This Motion includes citations to the applicable rules and statutory authorities upon which the relief requested herein is predicated and a discussion of their application to this Motion. Accordingly, the Debtors submit that this Motion satisfies Local Rule 9013-1(a).

### **NOTICE**

22. Notice of this Motion has been provided, in accordance with the *Order Establishing Certain Notice, Case Management, and Administrative Procedures* [ECF No. 55], to: (i) the Office of the United States Trustee for the Southern District of New York; (ii) counsel to the Official Committee of Unsecured Creditors; (iii) counsel to the Debtors' prepetition Senior Lenders; (iv) the Claimants; and (v) any party that has requested notice pursuant to Bankruptcy



Rule 2002. The Debtors submit that, in view of the facts and circumstances, such notice is sufficient and no other or further notice need be provided.

**NO PRIOR REQUEST**

23. No prior request for the relief sought in this Motion has been made to this or any other court.

WHEREFORE, the Debtors respectfully request that the Court enter the Order granting the relief requested herein and such other relief as the Court deems appropriate under the circumstances.

Dated: June 27, 2019

AKERMAN LLP

By: /s/Katherine C. Fackler

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*Counsel for Debtors and Debtors-in-Possession*

## **EXHIBIT A**

## **PROPOSED ORDER**

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

In re:	)	Chapter 11
	)	
MIAMI METALS I, INC., <i>et al.</i> , <sup>1</sup>	)	Case No. 18-13359 (SHL)
	)	
Debtors.	)	(Jointly Administered)
	)	

**ORDER GRANTING DEBTORS' MOTION TO EXTEND DEADLINE FOR FILING  
OBJECTIONS TO CLAIMS ASSERTED PURSUANT TO 11 U.S.C. § 503(b)(9)**

Upon the Motion (the "Motion") [ECF No. \_\_\_\_],<sup>2</sup> of Miami Metals I, Inc., *et al.*, the above-captioned Debtors and Debtors-in-Possession (collectively the "Debtors"), for entry of an order authorizing, pursuant to 11 U.S.C. §§ 105(a) of title 11 of the United States Code (the "Bankruptcy Code"), the Debtors for an extension of the deadline to file objections to 503(b)(9) Claims, all as more fully described in the Motion; and the Court having jurisdiction to consider the Motion and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334 and 1334 and the *Amended Standing Order of Reference from the United States District Court for the Southern District of New York*, dated January 31, 2012; and this proceeding being a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and the Court having reviewed the Motion; and no objections having been filed to the Motion; and it appearing that notice of the Motion as set forth

<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: Miami Metals I, Inc. (f/k/a Republic Metals Refining Corporation), 15 West 47th Street, Suites 206 and 209, New York, NY 10036 (3194); Miami Metals II, Inc. (f/k/a Republic Metals Corporation), 12900 NW 38th Avenue, Miami, FL 33054 (4378); Miami Metals III LLC (f/k/a Republic Carbon Company, LLC), 5295 Northwest 163rd Street, Miami Gardens, FL 33014 (5833); Miami Metals IV LLC (f/k/a J & L Republic LLC), 12900 NW 38th Avenue, Miami, FL 33054 (7604); Miami Metals V LLC (f/k/a R & R Metals, LLC), 12900 NW 38th Avenue, Miami, FL 33054 (7848); Miami Metals VI (f/k/a RMC Diamonds, LLC), 12900 NW 38th Avenue, Miami, FL 33054 (1507); Miami Metals VII (f/k/a RMC2, LLC), 12900 NW 38th Avenue, Miami, FL 33054 (4696); Miami Metals VIII (f/k/a Republic High Tech Metals, LLC), 13001 NW 38 Avenue, Miami, FL 33054 (6102); 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).

<sup>2</sup> Capitalized terms used herein and not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

therein is sufficient under the circumstances, and that no other or further notice need be provided; and it further appearing that the relief requested in the Motion is in the best interests of the Debtors' estates, creditors, and other parties-in-interest; and upon all of the proceedings had before the Court on August 1, 2019; and after due deliberation and cause appearing;

**IT IS HEREBY ORDERED THAT:**

1. The Motion is GRANTED.
2. The deadline for the Debtors to file objections to 503(b)(9) Claims is extended to and including October 10, 2019, without prejudice to the Debtors' ability to request additional extensions of that deadline.
3. This Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.

Dated: New York, New York  
August \_\_, 2019

**PROPOSED**

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HONORABLE SEAN H. LANE  
UNITED STATES BANKRUPTCY JUDGE

## **EXHIBIT B**

### **SCOTT AVILA DECLARATION**

John E. Mitchell (*Admitted Pro Hac Vice*)  
Yelena Archiyan (*Admitted in New York*)  
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*Counsel to the Debtors and Debtors in Possession*

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

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

**DECLARATION OF SCOTT AVILA IN SUPPORT OF  
DEBTORS' MOTION TO EXTEND DEADLINE FOR FILING  
OBJECTIONS TO CLAIMS ASSERTED PURSUANT TO 11 U.S.C. § 503(b)(9)**

I, SCOTT AVILA, being duly sworn, depose and say as follows:

1. My name is Scott Avila. I am a principal of Paladin Management Group, LLC ("Paladin"), a financial advisory firm. I submit this declaration (the "Declaration") in my capacity as Chief Restructuring Officer ("CRO") of Miami Metals I, Inc. (f/k/a Republic Metals

<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: Miami Metals I, Inc. (f/k/a Republic Metals Refining Corporation), 15 West 47th Street, Suites 206 and 209, New York, NY 10036 (3194); Miami Metals II, Inc. (f/k/a Republic Metals Corporation), 12900 NW 38th Avenue, Miami, FL 33054 (4378); Miami Metals III LLC (f/k/a Republic Carbon Company), 5295 Northwest 163rd Street, Miami Gardens, FL 33014 (5833); Miami Metals IV LLC (f/k/a J & L Republic LLC), 12900 NW 38th Avenue, Miami, FL 33054 (7604); Miami Metals V LLC (f/k/a R & R Metals, LLC), 12900 NW 38th Avenue, Miami, FL 33054 (7848); Miami Metals VI (f/k/a RMC Diamonds, LLC), 12900 NW 38th Avenue, Miami, FL 33054 (1507); Miami Metals VII (f/k/a RMC2, LLC), 12900 NW 38th Avenue, Miami, FL 33054 (4696); Miami Metals VIII (f/k/a Republic High Tech Metals, LLC), 13001 NW 38 Avenue, Miami, FL 33054 (6102), 12900 NW 38th Avenue, Miami, FL 33054 (1507); 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).

Refining Corporation) ("Miami Metals") and its affiliated debtors and debtors-in-possession (collectively, the "Debtors"), including Miami Metals, II, Inc. f/k/a Republic Metals Corp. ("Miami Metals II"), in the above-captioned chapter 11 cases pending before the United States Bankruptcy Court for the Southern District of New York (the "Court") in support of *Debtors' Motion to Extend the Deadline for Filing Objections to Claims Asserted Pursuant to 11 U.S.C. § 503(b)(9)* (the "Motion").

2. I am duly authorized to make this declaration on behalf of the Debtors.<sup>2</sup>

3. A history of the Debtors' businesses and the events leading to these Chapter 11 Cases are set forth in my Declaration, as Chief Restructuring Officer, in Support of Chapter 11 Petitions and First Day Motions (Docket No. 2, the "First Day Declaration"), and can be gleaned from reviewing the entirety of the Court's docket for these Chapter 11 Cases.

4. I have personal knowledge of the facts set forth herein and, if called as a witness, I could and would testify in support of the relief requested in the Objection.

5. In my capacity as CRO, I am one of the persons responsible for overseeing the claims reconciliation and objection process. I am generally familiar with the 503(b)(9) Claims asserted in these Cases. Further, I am aware that the 503(b)(9) Claim Objection Deadline is July 11, 2019. I am authorized to execute this Declaration.

6. Together with the Debtors' professional advisors, I am in the process of reviewing and analyzing all 503(b)(9) Claims filed in these Cases.

7. The Debtors and many of the Claimants are current litigating ownership-related issues pursuant to the Court's Uniform Procedures Order [ECF No. 395], as amended, and are in discussions about the bankruptcy estate's claims under Chapter 5 of the Bankruptcy Code.

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<sup>2</sup> Unless otherwise indicated, defined terms herein shall have the meaning as set forth in the Motion.

8. Further, the Debtors and Claimants anticipate commencing numerous depositions in connection with the ownership litigation in July and August.

9. As a result of the ongoing discovery and litigation, and the multiple types of claims at issue (ownership, preference, 503(b)(9)), I believe an extension of the 503(b)(9) Claim Objection Deadline would conserve estate resources by allowing global settlement discussions to go forward without the added expense of objecting to 503(b)(9) Claims which may be settled through these negotiations.

10. Accordingly, I believe the 90-day extension of the 503(b)(9) Claim Objection Deadline requested in the Motion is in the best interests of the bankruptcy estate and its creditors.

11. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 27, 2019

/s/Scott Avila

Scott Avila

Chief Restructuring Officer of Debtors