

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

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

**AGREED ORDER ON DEBTORS' FIRST OMNIBUS OBJECTION
TO THE CLAIMS ASSERTED PURSUANT TO 11 U.S.C. § 503(b)(9)
AS TO CLAIM NO. 206 OF MIDWEST REFINERIES LLC
[INCONSISTENT WITH DEBTORS' BOOKS AND RECORDS]**

Upon consideration of the objection (the "Objection") [ECF No. 1120]² of the debtors and debtors in possession, Miami Metals I, Inc., *et al.*, to the 503(b)(9) claim of Midwest Refineries LLC (Claim No. 206) (the "Midwest 503(b)(9) Claim"), all as more fully described in the Objection; and the Notice of Filing Corrected Schedules to Correct Claim Numbers [ECF No. 1135]; the Response filed to the Objection by Midwest Refineries, LLC [ECF No. 1165]; and the Court having previously adjourned the hearing on the Midwest 503(b)(9) Claim by Order dated July 19, 2019 [ECF No. 1262]; and the Debtors and Midwest Refineries LLC having reached an agreement resolving all issues raised in the Objection; and the Court having jurisdiction to consider the Objection and the relief requested therein pursuant to 28 U.S.C. §§

¹ 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).

² Defined terms from the Objection are incorporated by reference herein.

157 and 1334; and consideration of the Objection and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A),(B) and (O); and venue being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that the relief granted herein is in the best interests of the Debtors, their creditors and other parties in interest; and that notice of the Objection and the hearing with respect to the Midwest 503(b)(9) Claim was appropriate under the particular circumstances; and after due deliberation and sufficient cause appearing therefor;

IT IS HEREBY ORDERED THAT:

1. The Objection to the Midwest 503(b)(9) Claim is sustained in part and overruled in part, as set forth herein.

2. The Midwest Claim (Claim No. 206) is hereby allowed as a 503(b)(9) Claim against the estate of Miami Metals II in the amount of \$42,613.87. The balance of the Midwest 503(b)(9) Claim is hereby disallowed as a 503(b)(9) claim (the "Disallowed Portion").

3. Nothing in this Order shall or is intended to impact or disallow Midwest's unsecured proof of claim (Claim No. 207) filed in this matter, which includes the Disallowed Portion.

4. Except as otherwise expressly stated herein, all parties reserve all of their respective rights and defenses with respect to any claims that may be asserted by the Debtors and/or their estates and/or by Midwest; provided however, that Midwest shall not be entitled to seek reconsideration or allowance of the Disallowed Portion of the Midwest 503(b)(9) Claim as a claim pursuant to 11 U.S.C. § 503(b)(9).

5. The official claims register in these chapter 11 cases shall be modified in accordance with this Order.

6. The Debtors are authorized to take all actions necessary to effectuate the relief pursuant to this Order in accordance with the Objection.

7. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: New York, New York
August 6, 2019

/s/ Sean H. Lane
HONORABLE SEAN H. LANE
UNITED STATES BANKRUPTCY JUDGE

AGREED:

DATED: July 29, 2019

DATED: July 29, 2019

AKERMAN LLP

**MCELROY, DEUTSCH, MULVANEY &
CARPENTER, LLP**

By: /s/ Katherine C. Fackler

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