

**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)
)	
Debtors.)	(Jointly Administered)
)	

**ORDER GRANTING IN PART DEBTORS AND SENIOR LENDERS' JOINT MOTION
FOR SUMMARY JUDGMENT AS TO BUCKET 1 CUSTOMERS AND OVERRULING
CASH COLLATERAL OBJECTIONS AS TO CERTAIN BUCKET 1 CUSTOMERS**

Upon the: (i) Notice of Debtors and Senior Lenders' Joint Motion for Summary Judgment as to Bucket 1 Customers [ECF No. 937]; Memorandum of Law in Support of Debtors and Senior Lenders Joint Motion for Summary Judgment as to Bucket 1 Customers [**ECF No. 938**]; Amended Declaration of Scott Avila in Support of Debtors and Senior Lenders' Joint Motion for Summary Judgment as to Bucket 1 Customers [**ECF No. 1005**]; Debtors and Senior Lenders' Joint Statement of Mutual Undisputed Facts pursuant to S.D.N.Y. Local Bankr. Rule 7056-1 [**ECF No. 939**]; and Debtors and Senior Lenders' Joint Reply Memorandum of Law [**ECF No. 1139**] (collectively, the "Motion"); (ii) Bucket 1 Customers' Joint Memorandum of Law in Opposition to Debtors and Senior Lenders' Joint Motion for Summary Judgment [**ECF No. 1080**]; and Joint Response to Debtors and the Senior Lenders' Joint Statement of Mutual Undisputed Facts [**ECF No. 1081**]

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, 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).

(collectively the “Opposition Briefs”); (iii) Joinders to Opposition Briefs [ECF Nos. 1083, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1097, 1098, 1099]; Declarations in Opposition to the Motion [ECF Nos. 1086, 1087, 1096, 1100, 1101, 1103, 1100]; and Declarations in Support of Opposition Briefs [ECF Nos. 1104 and 1005] (collectively the “Joinders in Opposition”); and (v) Joint Response of Contract Customers to the Motion [ECF No. 1119] (the “Joint Response”), and (vi) Contract Customers’ Notice of Supplemental Authority for Consideration in Connection with the Debtors and Senior Lenders’ Motion for Summary Judgment as to Bucket 1 Customers [ECF No. 1158]; and Joinder of So Accurate Group, Inc., in the Supplemental Authority [ECF No. 1177] (together, the “Supplemental Authority,” and together with the Motion, the Opposition Briefs, and Joinders in Opposition, the “Pleadings”); and this Court having jurisdiction to consider the Motion and relief requested therein pursuant to 28 U.S.C. § 1334; and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided; and the Court having reviewed the Pleadings and the relief requested therein, and having considered the arguments and representations of the parties at the hearing held on June 10, 2019 (the “Hearing”); being otherwise duly advised in the premises and after due deliberation and sufficient cause appearing and for the reasons set forth by the Court in its Memorandum of Decision dated August 9, 2019 (the “Decision”) [ECF No. 1317],

NOW THEREFORE, IT IS HEREBY ORDERED, AS FOLLOWS:

1. The Motion is **GRANTED** to the extent set forth herein.

2. The Debtors and Senior Lenders are awarded judgment in their favor and against the *Silo One Customers*.²

3. The assets that the Silo One Customers contend are property of the Silo One Customers and are not property of the Debtors' bankruptcy estates (the "Silo One Disputed Assets"), constitute property of the Debtors' bankruptcy estates free and clear of any claimed interest of the Silo One Customers and the Silo One Customers do not have any ownership or other interests in the Silo One Disputed Assets.

4. The claim of each of the Silo One Customers concerning the Disputed Assets shall be general unsecured claims against Miami Metals II, Inc. (f/k/a Republic Metals Corp.), without prejudice to any pending claims for priority according to 11 U.S.C. §§ 503(b)(1) and 503(b)(9).

5. This is a final order within the meaning of 28 U.S.C. §§ 157 and 158 and is effective immediately upon its entry and the Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

6. The Court reserves ruling as to Music City Group, LLC.

7. The Objections filed by the Silo One Customers [**ECF Nos. 147, 152, 164 and 185**] to the *Debtors' Motion For Entry of Interim and Final Orders (i) Authorizing the Debtors To Use Cash Collateral, (ii) Granting Adequate Protection to the Secured Parties, (iii) Scheduling a Final Hearing and (iv) Granting Related Relief [ECF No. 10]* are overruled.

² The Silo One Customers are: (i) Alex Morningstar Corp. d/b/a Morningstar's Jewelers & Pawnbrokers; (ii) Bay Area Metals; (iii) Brilliant Jewelers / MJJ Inc.; (iv) Geib Refining Corp.; (v) Mitchell Levine (Erie Management Partners, LLC) (Plat/Co.); (vi) Noble Metal Services, Inc.; (vii) Pyropure, Inc. d/b/a Pyromet; and (viii) Texas EZPAWN, L.P. As to Mitchell Levine, Erie Management Partners, LLC, and Plat/Co, the only assets subject to the Motion and this Order are those defined as the "Plat Assets" in Levine's Statement of Claimed Ownership and Claims [ECF Nos. 468, 749] (the "Levine Customer Statement"). This Order and Decision are without prejudice to any other rights, claims, defenses and interests relating to the Levine Customer Statement, including, but not limited to, those related to the assets defined as the "Leased Assets."

8. Each party shall bear its own costs and attorneys' fees subject to the Debtors' entitlement to file fee applications herein.

9. Nothing set forth in this Order shall impact or impair any parties' rights or defenses with respect to any other pending claims not the subject of the Uniform Ownership Procedures, including for administrative priority pursuant to Sections 503(b)(1) and 503(b)(9).

10. Except as set forth in the Decision, this Order is without prejudice to any parties' (other than the Silo One Customers which are expressly excluded from this paragraph) rights, claims (including pending claims that are the subject of the Uniform Ownership Procedures), or interests, including in the Silo One Disputed Assets.

Dated: New York, New York
September 18, 2019

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