

PRESENTMENT DATE AND TIME: NOVEMBER 26, 2019 AT 12:00 P.M. (EDT)
OBJECTION DEADLINE DATE AND TIME: NOVEMBER 22, 2019 AT 4:00 P.M. (EDT)

John E. Mitchell (*Admitted Pro Hac Vice*)
Yelena Archiyan (*Admitted in New York*)
AKERMAN LLP
2001 Ross Avenue, Ste. 3600
Dallas, TX 75201
Tel.: (214) 720-4300
Fax: (214) 981-9339

Andrea S. Hartley (*Admitted Pro Hac Vice*)
Katherine C. Fackler (*Admitted Pro Hac Vice*)
Joanne Gelfand (*Admitted in New York*)
AKERMAN LLP
98 Southeast Seventh Street, Ste. 1100
Miami, FL 33131
Tel.: (305) 374-5600
Fax: (305) 374-5095

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> , ¹)	Case No. 18-13359 (SHL)
)	(Jointly Administered)
Debtors.)	
)	

**NOTICE OF PRESENTMENT OF ORDER REGARDING SECURE DATA ROOMS
MAINTAINED BY DEBTORS RELATING TO OWNERSHIP DISPUTES**

PLEASE TAKE NOTICE that the above-captioned debtors and debtors in possession (collectively, the “Debtors”), through their undersigned counsel, will present the attached proposed Order Regarding Secure Data Rooms Maintained by Debtors Relating to Ownership Disputes annexed hereto as **Exhibit A** (the “Order”) to the Honorable Sean H. Lane, United States Bankruptcy Judge, United States Bankruptcy Court for the Southern District of New York, on **November 26, 2019 at 12:00 p.m. (prevailing Eastern Time)** for approval and signature.

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 Joyeria Edificio Central, Delegación Cuauhtémoc, Mexico DF 6000 (2942).

PLEASE TAKE FURTHER NOTICE that, pursuant to Paragraph 23 of the *Order Establishing Certain Notice, Case Management and Administrative Procedures* [Doc. No. 55], the "the presentment of a proposed order, . . ., must be filed and served at least seven (7) calendar days before the presentment date, . . ."

PLEASE TAKE FURTHER NOTICE that responses or objections, if any, to entry of the Proposed Order must: (i) be made in writing, (ii) state with particularity the grounds therefor, (iii) be filed in accordance with the electronic filing procedures for the United States Bankruptcy Court for the Southern District of New York, with proof of service, with a courtesy copy delivered to the Chambers of the Honorable Sean H. Lane, One Bowling Green New York, New York 10004; and (iv) be served upon (a) counsel 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 33131 (Attn: Andrea S. Hartley, Esq. and Katherine C. Fackler, Esq.); (c) counsel for the Creditors' Committee, Cooley LLP, 55 Hudson Yards, New York, NY 10001-2157 (Attn: Seth Van Aalten, Esq. and Ian Shapiro, Esq.); (d) the Office of the United States Trustee for the Southern District of New York, U.S. Federal Office Building, 201 Varick Street, Suite 1006, New York, New York 10014 (Attn: Shannon Scott, Esq.); and (e) all entities requested notice in these chapter 11 cases under Fed. R. Bankr. P. 2002 so as to be received no later than **4:00 p.m. (prevailing Eastern Time) on November 22, 2019 (the "Objection Deadline")**.

PLEASE TAKE FURTHER NOTICE that if no objections are timely filed and received by the Objection Deadline, the Court may enter the Proposed Order without further notice or a hearing. If an objection is filed, you may be notified of a hearing to consider the

requested relief. The moving and objecting parties are required to attend the hearing, and failure to attend in person or by counsel may result in relief being granted or denied upon default.

Dated: November 19, 2019

AKERMAN LLP

By: /s/John Mitchell

Joanne Gelfand

(Admitted in New York)

Katherine C. Fackler

(Admitted Pro Hac Vice)

Andrea S. Hartley

(Admitted Pro Hac Vice)

98 Southeast Seventh Street, Suite 1100

Miami, FL 3313

Tel.: (305) 374-5600

Fax: (305) 374-5095

E-Mail: katherine.fackler@akerman.com

E-Mail: andrea.hartley@akerman.com

E-Mail: joanne.gelfand@akerman.com

-and-

John E. Mitchell

(Admitted Pro Hac Vice)

Yelena Archiyan

(Admitted in New York)

2001 Ross Avenue, Suite 3600

Dallas, TX 75201

Tel.: (214) 720-4300

Fax: (214) 981-9339

E-Mail: john.mitchell@akerman.com

E-Mail: yelena.archiyan@akerman.com

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> ¹)	Case No. 18-13359 (shl)
)	
)	(Jointly Administered)
Debtors.)	
)	

**ORDER REGARDING SECURE DATA ROOMS
MAINTAINED BY DEBTORS RELATING TO OWNERSHIP DISPUTES**

The Court having reviewed the *Order Approving Uniform Procedures for Resolution of Ownership Disputes* [ECF No. 395], as amended [ECF Nos. 913, 1196, 1516] (collectively the “Uniform Procedures Order”) and considering the status of the remaining customer ownership disputes and noting a confirmation hearing is scheduled in the jointly administered cases for December 12, 2019 wherein it is proposed *inter alia* a liquidating trustee will be appointed the Court finds that (i) it has jurisdiction over the matters herein pursuant to 28 U.S.C. §§ 157 and 1334; (ii) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and (iii) upon the record herein after due deliberation thereon good and sufficient cause exists for the relief provided herein.

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).

IT IS THEREFORE ORDERED:

1. The Debtors, as of midnight **December 31, 2019**, are authorized to discontinue hosting the “confidential document room[s] for all discovery with private and confidential folders for each Customer, the Debtors and the Senior Lenders” as set forth in Paragraph 13 of the Uniform Procedures Order.

2. All Customers, Senior Lenders and the Committee, shall advise the Debtors’ counsel, Esther McKean, Esq., Akerman LLP (esther.mckean@akerman.com) in writing, on or before **Tuesday, December 10, 2019** if they intend to export the data currently accessible to them pursuant to the Uniform Procedures Order and if so, the contact information of that party’s representative(s) who will be handling the export.

3. Any such export shall be at the requesting party's own cost.

4. If a party decides to export data, said export must be completed and fully verified and tested by the requesting party on or before **December 23, 2019**.

5. The Debtors and any successor, including a Litigation Trustee, shall be released from all liabilities and responsibilities for any data that is not timely exported by the Customer(s), Senior Lenders and Committee. Neither the Debtors nor any successor, including a Litigation Trustee, shall have any discovery inference used against them by virtue of (i) closing access to the document rooms, or (ii) a failure to properly export a document.

6. Paragraph 13 of the Uniform Procedures Order is hereby modified to the extent necessary to permit the implementation of this Order.

Dated: New York, New York
November ____, 2019

PROPOSED

HONORABLE SEAN H. LANE
UNITED STATES BANKRUPTCY JUDGE