

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE:)
)
ITT EDUCATIONAL SERVICES, INC., *et al.*¹) Case No. 16-07207-JMC-7A
)
Debtors.) Jointly Administered

**NOTICE OF DEADLINE FOR ASSERTING CERTAIN ADMINISTRATIVE
EXPENSE CLAIMS IN THE AFFILIATED DEBTORS' BANKRUPTCY CASES**

On September 16, 2016 (the "Petition Date"), ITT Educational Services, Inc. ("ITT"), ESI Service Corp. ("ESI") and Daniel Webster College, Inc. ("Webster College," and together with ITT and ESI, the "Affiliated Debtors") filed voluntary petitions for relief under chapter 7 of Title 11 of the United States Code (the "Bankruptcy Code").

PLEASE TAKE NOTICE THAT on May 24, 2021, the United States Bankruptcy Court for the Southern District of Indiana, Indianapolis Division (the "Court") entered an order (the "Administrative Expense Claims Bar Date Order") in the Affiliated Debtors' bankruptcy cases establishing July 29, 2021 at 4:00 p.m. (prevailing Eastern time) as the deadline for asserting Covered Administrative Expense Claims (as defined below) in the Affiliated Debtors' bankruptcy cases. The Administrative Expense Claims Bar Date Order applies to all administrative expense claims that can be asserted in the Affiliated Debtors' bankruptcy cases pursuant to section 503(b) and 507(a)(2) of the Bankruptcy Code which are not Excluded Claims (defined below). The following are Excluded Claims:

- (a) Claims of professionals retained pursuant to section 327 and 328 of the Bankruptcy Code, who may seek fees and expenses for their services;
- (b) Claims of any person or entity who is providing ongoing services or that may provide services in the future to the Trustee and/or the Affiliated Debtors' bankruptcy estates;
- (c) Any and all claims of the Trustee;
- (d) Any and all administrative expense claims previously allowed by order of the Court;
- (e) Any and all administrative expense claims and/or any other type of claims that could be asserted by an Affiliated Debtor in one of the other Affiliated Debtor's bankruptcy estates, including but not limited to, any type of administrative expense claims in connection with the allocation of asset recovery and income and the allocation of claims and expenses among the various bankruptcy estates that may have arisen during the administration of these cases;

¹ The debtors in these cases, along with the last four digits of their respective federal tax identification numbers are ITT Educational Services, Inc. [1311]; ESI Service Corp. [2117]; and Daniel Webster College, Inc. [5980].

- (f) Any and all administrative expense claims held by landlords of the Affiliated Debtors that were required to file applications for administrative expense claims by no later than January 30 2017;² and
- (g) Any and all administrative expense claims that could be asserted by taxing authorities for the jurisdictions in which the Affiliated Debtors conducted business.

The administrative expense claims covered by the Administrative Expense Claims Bar Date Order are hereafter referred to as the “Covered Administrative Expense Claims.”

You should not assert a Covered Administrative Expense Claim if you do not hold a Covered Administrative Expense Claim. The fact that you receive this notice does not necessarily mean that you hold a Covered Administrative Expense Claim or that either the Trustee or the Court believes that you hold a Covered Administrative Expense Claim.

PLEASE TAKE FURTHER NOTICE that pursuant to the terms of the Administrative Expense Claims Bar Date Order, the following procedures govern the filing of Covered Administrative Expense Claims:

- (a) Any person or entity wishing to assert a Covered Administrative Expense Claim must, on or before **July 29, 2021 at 4:00 p.m. (prevailing Eastern time)** (the “Administrative Expense Claims Bar Date”), **file an application** requesting allowance and payment of such Covered Administrative Expense Claim. The application shall be filed in the case for the respective bankruptcy estate that the claimant asserts owes the Covered Administrative Expense Claim and must comply with the *Notice, Case Management and Administrative Procedures* (the “Case Management Procedures”) [Doc 220] approved by the Court on October 4, 2016; provided however, all timely filed Covered Administrative Expense Claims shall be set for the omnibus hearing on **August 18, 2021 at 1:30 p.m. (prevailing Eastern time)**, unless otherwise continued.
- (b) All asserted Covered Administrative Expense Claims must be accompanied by supporting documentation.
- (c) Any person or entity wishing to assert a Covered Administrative Expense Claim must do so by filing an application. The request for allowance of a Covered Administrative Expense Claim will not be properly filed if asserted in a proof of claim. For the avoidance of doubt, this includes any person or entity that has previously asserted a Covered Administrative Expense Claim in a proof of claim, and such person or entity

² For the avoidance of doubt, pursuant to the *Order Granting Trustee’s First Motion for Entry of an Order (i) Extending the Time for Performance by the Trustee; (ii) Authorizing Rejection of Certain Executory Contracts and Unexpired Leases and Abandonment of Personal Property; and (iii) Approving Lease Rejection Notice Procedure* [Doc 574], any and all landlords of the Affiliated Debtors were required to file applications for allowance of administrative expense claims by no later than January 30, 2017. Accordingly, nothing in this notice shall be interpreted as extending the time for any landlord to file an application for allowance of an administrative expense claim.

shall be required to file an application prior to the expiration of the Administrative Expense Claims Bar Date.

- (d) Any person or entity that fails to file an application asserting a Covered Administrative Expense Claim on or before the Administrative Expense Claims Bar Date: (i) shall be forever barred, estopped and enjoined from asserting such claims against the Affiliated Debtors' bankruptcy estates or thereafter filing a request for payment on account of the potential Covered Administrative Expense Claim; and (ii) shall not receive or be entitled to receive any payment or distribution of property from the Affiliated Debtors' bankruptcy estates with respect to such potential Covered Administrative Expense Claim.

Copies of the Administrative Expense Claims Bar Date Order are available through the case website at www.omnimgt.com/itt, or on PACER, or from the Clerk of the Court.

The Trustee reserves the right to dispute or assert offsets or defenses against any filed Covered Administrative Expense Claim on any grounds.

RECIPIENTS OF THIS NOTICE SHOULD CONSULT AN ATTORNEY IF THEY HAVE ANY QUESTIONS REGARDING ANY CLAIM THEY MAY HAVE AGAINST THE AFFILIATED DEBTORS' BANKRUPTCY ESTATES, INCLUDING WHETHER THEY SHOULD FILE AN APPLICATION ASSERTING A COVERED ADMINISTRATIVE EXPENSE CLAIM TO PROTECT THEIR INTERESTS.

Respectfully submitted,

RUBIN & LEVIN, P.C.

By: /s/ Meredith R. Theisen

Meredith R. Theisen

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