

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

SOUTHEASTERN METAL
PRODUCTS LLC, *et al.*,

Debtors

Chapter 11

Case No. 19-10989 (BLS)

(Jointly Administered)

Re: Docket No. 452

**NOTICE OF (I) ENTRY OF ORDER CONFIRMING AND OCCURRENCE OF
EFFECTIVE DATE OF AMENDED JOINT PLAN OF ORDERLY LIQUIDATION OF
THE DEBTORS AND THE OFFICIAL COMMITTEE OF UNSECURED
CREDITORS; (II) BAR DATE FOR ADMINISTRATIVE CLAIMS; AND
(III) CERTAIN RELEASES AND INJUNCTION THEREUNDER**

PLEASE TAKE NOTICE OF THE FOLLOWING:

1. Confirmation of the Plan.

On June 24, 2020, the United States Bankruptcy Court for the District of Delaware (the "Bankruptcy Court") entered an order (the "Confirmation Order") confirming the *Amended Joint Plan of Orderly Liquidation of the Debtors and the Official Committee of Unsecured Creditors* [Docket No. 452] (collectively with all exhibits and supplements and any modifications or other amendments thereto, the "Plan") in the Chapter 11 cases of the above-captioned Debtors (the "Debtors"). Capitalized terms used but not defined in this Notice have the meanings given to them in the Plan and the Confirmation Order.

2. Occurrence of the Effective Date; Plan Administrator.

Pursuant to paragraph 6 of the Confirmation Order, the Plan became effective on July 9, 2020 (the "Effective Date"). As of the Effective Date, among other things, the Plan Administrator was appointed with all powers and authority to implement the Plan, to make distributions under the Plan, and to wind down the businesses and affairs of the Debtors under applicable provisions of the Plan and bankruptcy and non-bankruptcy law. Except as otherwise provided in the Plan, all distributions to be made to creditors under the Plan shall be made by the Plan Administrator.

3. Resolution of Disputed Claims.

Except as otherwise provided in Article VII of the Plan, unless otherwise ordered by the Bankruptcy Court after notice and a hearing, and subject to section 502(a) of the Bankruptcy Code, the Plan Administrator has the right to make, file, prosecute, settle, compromise, withdraw, or resolve objections to Claims within 180 days of Confirmation.

4. Injunction and Exculpation.

Injunction. Except as otherwise provided in the Plan or the Confirmation Order, as of the Confirmation Date, all Entities that have held, hold or may hold a Claim or other debtor liability against the Debtors or Interest in the Debtors are (a) permanently enjoined from taking any of the following actions against the Debtors or any of their property on account of such Claims or Interests and (b) permanently enjoined from taking any of the following actions against any of the Debtors or their respective successors and assigns, Affiliates, current (as of the Effective Date) directors, officers, principals, members, employees, agents, and attorneys, solely in their respective capacities as such or their property with respect to any claims, obligations, suits, judgments, damages, demands, debts, rights, remedies, Causes of Action or liabilities released pursuant to the Plan: (i) commencing or continuing, in any manner or in any place, any action or other proceeding; (ii) enforcing, attaching, collecting or recovering in any manner any judgment, award, decree or order; (iii) creating, perfecting or enforcing any Lien or encumbrance; (iv) asserting any right of setoff, subrogation or recoupment of any kind against any debt, liability or obligation including, but not limited to, on account of or in connection with or with respect to any Claims or Interests unless such holder has filed a motion requesting the right to perform such setoff on or before the Confirmation Date; and (c) commencing or continuing in any manner or in any place, any action that does not comply with or is inconsistent with the provision; provided, however, that the foregoing injunction shall have no effect on the liability of any person or Entity that results from any act or omission based on or arising out of gross negligence, fraud or willful misconduct.

Exculpation. Effective as of the Effective Date, no Exculpated Party shall have or incur, and each Exculpated Party is hereby released and exculpated from, any Exculpated Claim or liability for any Exculpated Claim; provided, however, that the foregoing exculpation shall have no effect on the liability of any person or Entity that results from any act or omission based on or arising out of fraud or willful misconduct. The Exculpated Parties have, and upon Confirmation shall be deemed to have, participated in good faith and in compliance with the applicable provisions of the Bankruptcy Code with regard to the solicitation of acceptances and rejections of the Plan and the making of distributions pursuant to the Plan and, therefore, are not and shall not be liable at any time for the violation of any applicable, law, rule, or regulation governing the solicitation of acceptances or rejections of the Plan or such distributions made pursuant to the Plan.

5. Rejection of Executory Contracts and Unexpired Leases Not Assumed.

As of the Effective Date, pursuant to section 365 of the Bankruptcy Code, the Debtors rejected each executory contract and unexpired lease not previously assumed, assumed and assigned, or rejected during the Chapter 11 Cases, except as otherwise provided in (i) the Plan; (ii) any contract, instrument, release, or other agreement or document entered into in connection with the Plan; or (iii) a Final Order of the Bankruptcy Court.

6. Bar Dates.

Administrative Bar Date. Unless previously filed or as otherwise governed by a bar date order or in another order of the Court, requests for payment of Administrative Claims must be filed with the Court by August 9, 2020, which is thirty (30) days after the Effective

Date (the "Administrative Claim Bar Date"). Holders of Administrative Claims that are required to file and serve a request for payment of such Administrative Claims and that not file and serve such a request by the Administrative Claim Bar Date shall be forever barred from asserting such Administrative Claims against the Debtors, the Estates, or their property.

7. Retention of Jurisdiction by Bankruptcy Court.

Notwithstanding the entry of the Confirmation Order and the occurrence of the Effective Date, the Bankruptcy Court retains jurisdiction over the Chapter 11 Case after the Effective Date to the fullest extent legally permissible.

8. Notice Parties Service Addresses.

For purposes of serving requests for payment of Administrative Claims, applications for allowance of Professional Fee Claims, and any other papers required to be served on the notice parties set forth in the Plan, such service should be made, as applicable, on:

- a. Plan Administrator: Southeastern Metal Products LLC, c/o CBIZ, 5 Bryant Park at 1065 Avenue of the Americas, New York, NY 10018 (Attn: Charles Berk);
- b. Counsel to the Debtors: Weir & Partners LLP, 824 N. Market Street, Suite 800, Wilmington, DE 19801 (Attn: Jeffrey S. Cianciulli, Esq.);
- c. Counsel to the Committee: Lowenstein Sandler, LLP, One Lowenstein Drive, Roseland, NJ 07068 (Attn: Jeffrey D.Prol, Esq.);
- d. Counsel to Fairview: Morrison & Foerster LLP, 200 Clarendon Street, 20th Floor, Boston, MA 02116 (Attn: Alexander G. Rheaume, Esq.).

9. Service Upon Claims and Noticing Agent.

Proofs of Claim arising from the rejection of executory contracts or unexpired leases should be served on the Debtors' claims and noticing agent by mailing the original proof of claim to *Southeastern Metal Products, Inc., et al.*, Voting Agent, Omni Agent Solutions, 5955 DeSoto Ave., Suite 100, Woodland Hills, CA 91367. Proofs of Claim submitted by facsimile or e-mail shall not be accepted.

10. Copies of Confirmation Order.

Copies of the Plan and the Confirmation Order may be obtained for free at <http://www.omnimgt.com/southeastern> or upon request from counsel to the Plan Administrator.

Dated: July 9, 2020

WEIR & PARTNERS LLP

By: /s/ Jeffrey S. Cianciulli

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