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# UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF OHIO EASTERN DIVISION

In re:

Chapter 11

INFOTELECOM, LLC,

Case No. 11-18945

Debtor.

Judge Jessica E. Price Smith

# NOTICE OF BAR DATES REQUIRING FILING OF PROOFS OF CLAIM

TO ALL PERSONS AND ENTITIES WITH CLAIMS AGAINST INFOTELECOM, LLC (the "Debtor"):

PLEASE TAKE NOTICE that on December 22, 2012, the Court entered an order (Doc. No. 127) (the "Bar Dates Order") establishing February 1, 2012 (the "General Bar Date") as the deadline for filing proofs of claim against the Debtor. A copy of the Bar Dates Order is attached to this Notice as Exhibit 1. Under Section 101(5) of the Bankruptcy Code, the word "claim" means (a) right to payment, whether or not such right is reduced to judgment, liquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured; or (b) right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undipusted, secured or unsecured.

PLEASE TAKE FURTHER NOTICE that the Bar Dates Order establishes April 16, 2012 as the deadline for governmental units to file proofs of claim against the Debtor.

PLEASE TAKE FURTHER NOTICE that the Bar Dates Order establishes the bar date for the filing of proofs of claim related to the Debtor's rejection of an unexpired lease or executory contract as the later of (a) the General Bar Date; or (b) 30 days after the effective date of the Debtor's rejection of such executory contract or unexpired lease.

PLEASE TAKE FURTHER NOTICE that any entity that is required to file a proof of claim in this Chapter 11 case pursuant to the Bankruptcy Code or the Bankruptcy Rules with respect to a particular claim against the Debtor but fails to do so by the applicable Bar Date, shall be forever barred, estopped, and enjoined from: (a) asserting any claim against the Debtor that the entity has that (i) is in an amount exceeding the amount, if any, identified in the Schedules on behalf of such entity as undisputed, noncontingent, and liquidated or (ii) is of a different nature or a different classification than any claim identified in the Schedules on behalf of such entity (any such claim being referred to as an "Unscheduled Claim"); or (b) voting upon or receiving distributions under any plan of reorganization or liquidation in this Chapter 11 case in respect of an Unscheduled Claim.

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PLEASE TAKE FURTHER NOTICE that proofs of claim must conform substantially to the proof of claim form attached to this Notice as Exhibit 2 and be filed so as to be received by the relevant Bar Date at the following address:

Kenneth J. Hirz, Clerk of Court
United States Bankruptcy Court for the Northern District of Ohio
Howard M. Metzenbaum U.S. Courthouse
201 Superior Avenue
Cleveland, Ohio 44114-1235

The Debtor refers all creditors and interested parties to the Bar Dates Order and recommends that all creditors and interested parties consult with their own legal advisors concerning the filing and treatment of proofs of claim.

Dated: December 28, 2011

Respectfully submitted,

## TAFT STETTINIUS & HOLLISTER LLP

/s/ Dov. Y Frankel
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miller@taftlaw.com; silvers@taftlaw.com

ATTORNEYS FOR INFOTELECOM, LLC

# Exhibit 1: Bar Dates Order

IT IS SO ORDERED.

Dated: 22 December, 2011 11:20 AM



## UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF OHIO EASTERN DIVISION

In re:

Chapter 11

INFOTELECOM, LLC,

Case No. 11-18945

Debtor.

Judge Jessica E. Price Smith

# ORDER GRANTING DEBTOR'S MOTION FOR ENTRY OF ORDER ESTABLISHING BAR DATES FOR FILING PROOFS OF CLAIM AND APPROVING FORM, MANNER, AND SUFFICIENCY OF NOTICE THEREOF

This matter is before the Court on the motion of Infotelecom, LLC, debtor and debtor in possession (the "Debtor") for entry of an order (i) establishing February 1, 2012 as the bar date by which all entities must file proofs of claim in this Chapter 11 case (the "General Bar Date"); (ii) establishing April 16, 2012 as the bar date by which all governmental units must file proofs of claim in this Chapter 11 case (the "Governmental Unit Bar Date"); (iii) establishing a bar date by which all entities must file proofs of claim relating to the Debtor's rejection of executory contracts or unexpired leases (the "Rejection Bar Date," and, collectively with the General Bar Date and the Governmental Unit Bar Date, the "Bar Dates"); and (iv) approving the Debtor's proposed form and manner of notice of the Bar Dates (the "Motion"). Capitalized terms not

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otherwise defined in this Order have the meanings set forth in the Motion. The Court has reviewed the Motion and finds that (a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; (b) this matter constitutes a core proceeding pursuant to 28 U.S.C. § 157(b)(2); (c) notice sufficient under the circumstances has been provided to all appropriate parties and no other or further notice need be provided; (d) the relief sought in the Motion is in the best interests of the Debtor, its estate and creditors; and (e) the legal and factual bases set forth in the Motion establish just cause for the relief granted herein. It is therefore **ORDERED** that:

- 1. The Motion shall be and hereby is GRANTED in its entirety; and
- 2. The General Bar Date shall be and hereby is February 1, 2012; and
- 3. The Governmental Unit Bar Date shall be and hereby is April 16, 2012; and
- 4. The Rejection Bar Date shall be and hereby is the later of (a) the General Bar Date or (b) thirty days after the effective date of rejection; and
- 5. To the extent that the Debtor amends its Schedules and such amendment reduces the amount of a claim or changes its classification, the affected claimant shall have until the later of (a) the General Bar Date (or the Governmental Unit Bar Date in the case of a governmental unit) or (b) thirty days after the date of such amendment to file a proof of claim in respect of the amended scheduled claim.
- 6. Any entity that is required to file a proof of claim in this Chapter 11 case pursuant to the Bankruptcy Code or the Bankruptcy Rules with respect to a particular claim against the Debtor but fails to do so by the applicable Bar Date, shall be forever barred, estopped, and enjoined from: (a) asserting any claim against the Debtor that the entity has that (i) is in an amount exceeding the amount, if any, identified in the Schedules on behalf of such entity as

undisputed, noncontingent, and liquidated or (ii) is of a different nature or a different classification than any claim identified in the Schedules on behalf of such entity (any such claim being referred to as an "Unscheduled Claim"); or (b) voting upon or receiving distributions under any plan of reorganization or liquidation in this Chapter 11 case in respect of an Unscheduled Claim.

7. The Debtor's proposed form and manner of notice of the Bar Dates shall be and hereby is approved.

## IT IS SO ORDERED.

###

Submitted by:

## TAFT STETTINIUS & HOLLISTER LLP

/s/ Dov Y. Frankel Bruce J. L. Lowe (0010918) Stephen H. Jett (0046821) Dov Y. Frankel (0077562) 200 Public Square, Suite 3500 Cleveland, Ohio 44114 Telephone: (216) 241-2838 Facsimile: (216) 241-3707 blowe@taftlaw.com; dfrankel@taftlaw.com - and -W. Timothy Miller (0059952) Beth A. Silvers (0081236) 425 Walnut Street, Suite 1800 Cincinnati, Ohio 45202 Telephone: (513) 381-2838 Facsimile: (513) 381-0205 miller@taftlaw.com; silvers@taftlaw.com

ATTORNEYS FOR INFOTELECOM, LLC

## **CERTIFICATE OF SERVICE**

I certify that the foregoing Order was served on the following parties through the Court's ECF System at the electronic addresses registered with the Court or by regular U.S. mail:

Lenore Kleinman @usdoj.gov

Darryl S. Laddin bkrfilings@agg.com

Linda Boyle Linda.Boyle@twtelecom.com

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Federal Communications Commission 445 12th Street, SW Washington, DC 20554

To be served by the Court.

# **Exhibit 2: Proof of Claim Form**

B 10 (Official Form 10) (12/11) UNITED STATES BANKRUPTCY COURT DISTRICT OF PROOF OF CLAIM Name of Debtor: Case Number: NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503. Name of Creditor (the person or other entity to whom the debtor owes money or property): COURT USE ONLY Name and address where notices should be sent: D Check this box if this claim amends a previously filed claim. Court Claim Number: (If known) Telephone number: email: Filed on: Name and address where payment should be sent (if different from above): Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars. Telephone number: email: 1. Amount of Claim as of Date Case Filed: If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. O'Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges. 2. Basis for Claim: (See instruction #2) 3. Last four digits of any number 3a. Debtor may have scheduled account as: 3b. Uniform Claim Identifier (optional): by which creditor identifies debtor: (See instruction #3a) (See instruction #3b) Amount of arrearage and other charges, as of the time case was filed, 4. Secured Claim (See instruction #4) included in secured claim, if any: Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information. Nature of property or right of setoff: □Real Estate □ Motor Vehicle □ Other Basis for perfection: Describe: Amount of Secured Claim: Value of Property: \$\_\_ Amount Unsecured: \_\_\_% □ Fixed or □ Variable Annual Interest Rate (when case was filed) 5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount. ☐ Domestic support obligations under 11 ☐ Wages, salaries, or commissions (up to \$11,725\*) ☐ Contributions to an earned within 180 days before the case was filed or the U.S.C. §507(a)(1)(A) or (a)(1)(B). employee benefit plan debtor's business ceased, whichever is earlier -11 U.S.C. §507 (a)(5). 11 U.S.C. §507 (a)(4). Amount entitled to priority: □ Up to \$2,600\* of deposits toward ☐ Taxes or penalties owed to governmental units -□ Other - Specify

purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. §507 (a)(8).

\*Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)

7. Documents: Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. If the claim is secured, box 4 has been completed, and reducted copies of documents providing evidence of perfection of a security interest are attached. (See instruction #7, and the definition of "redacted") DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain: 8. Signature: (See instruction #8) Check the appropriate box. ☐ I am the creditor. ☐ I am the creditor's authorized agent. ☐ I am the trustee, or the debtor, ☐ I am a guarantor, surety, indorser, or other codebtor. or their authorized agent. (Attach copy of power of attorney, if any.) (See Bankruptcy Rule 3005.) (See Bankruptcy Rule 3004.) I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief. Print Name: Title: Company: Address and telephone number (if different from notice address above): (Signature) (Date) Telephone number: email:

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

#### INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, exceptions to these general rules may apply.

Items to be completed in Proof of Claim form

#### Court, Name of Debtor, and Case Number:

Fill in the federal judicial district in which the bankruptcy case was filed (for example, Central District of California), the debtor's full name, and the case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is at the top of the notice.

#### Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

## 1. Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

### 2. Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if an interested party objects to the claim

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor: State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

#### 3a. Debtor May Have Scheduled Account As:

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

#### 3b. Uniform Claim Identifier:

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

#### 4. Secured Claim:

Check whether the claim is fully or partially secured. Skip this section if the claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien documentation, and state, as of the date of the bankruptcy filing, the annual interest rate (and whether it is fixed or variable), and the amount past due on the claim.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. §507(a). If any portion of the claim falls into any category shown, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

#### 6. Credits:

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

#### 7. Documents

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

#### 8. Date and Signature:

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, attach a complete copy of any power of attorney, and provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

DEFINITIONS

#### Debtor

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

#### Creditor

A creditor is a person, corporation, or other entity to whom debtor owes a debt that was incurred before the date of the bankruptcy filing. See 11 U.S.C. §101 (10).

#### Claim

A claim is the creditor's right to receive payment for a debt owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured.

#### **Proof of Claim**

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed.

#### Secured Claim Under 11 U.S.C. §506(a)

A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien.

A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

#### **Unsecured Claim**

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

# Claim Entitled to Priority Under 11 U.S.C. §507(a)

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

#### Redacted

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor must show only the last four digits of any social-security, individual's tax-identification, or financial-account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.

#### **Evidence of Perfection**

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

INFORMATION

#### Acknowledgment of Filing of Claim

To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may access the court's PACER system

(www.pacer.psc.uscourts.gov) for a small fee to view your filed proof of claim.

#### Offers to Purchase a Claim

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 et seq.), and any applicable orders of the bankruptcy court.