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2017 Southwest Bankruptcy Conference

Case Administration in the 21st Century: How to Use Tech to Run Cases More Efficiently

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Public access website screenshot:

The screenshot shows the public access website for the bankruptcy case of 21st Century Oncology Holdings, Inc. et al. The browser address bar shows www.kcclic.net/21co. The KCC logo is in the top left, and navigation links for "Active Cases", "KCC Precedent", and "Client Login" are in the top right. A left sidebar contains links: "Case Home", "Submit Electronic Proof of Claim (ePOC)", "Download Proof of Claim Form (PDF)", "Submit an Inquiry", "Claim/Creditor Search", "Claims Register", "Court Documents", "Email Pleading Notifications", and "First Day Motions". The main content area features the case name and number, a case management order, and general information about the bankruptcy filing.

21st Century Oncology Holdings, Inc. et al.
Case Number: 17-22770

In re 21st Century Oncology Holdings, Inc., Case No. 17-22770 (RDD) Jointly Administered
United States Bankruptcy Court, Southern District of New York (<http://www.nysb.uscourts.gov>)

Case Management Order:
Please review the **Final Order (i) Establishing Certain Notice, Case Management, and Administrative Procedures and (ii) Granting Related Relief** [Docket No. 125] prior to filing documents in the 21st Century Oncology Holdings, Inc. bankruptcy.

General Information:
On May 25, 2017, each of the 61 Debtors filed voluntary petitions for relief under Chapter 11 of the United States Bankruptcy Code (the "Bankruptcy Code"). The cases (collectively, the "Bankruptcy Cases") are jointly administered under Case No. 17-22770 before the Honorable Robert D. Drain in the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court").

Pursuant to the Bankruptcy Code (specifically including, but not limited to, 11 U.S.C. § 362), a debtor is afforded certain protection against its creditors; the Bankruptcy Code prohibits creditors from taking certain actions related to debts that may have been owing prior to the commencement of the Bankruptcy Cases. If you believe that you might be a creditor of the Debtors based upon debts arising prior to May

Client access website screenshot:

The screenshot shows the client access website for the bankruptcy case of AMF Bowling Worldwide, Inc. The browser address bar shows <https://clientaccess.kcclic.com/12-36495/21/>. The KCC logo is in the top left, and navigation links for "Cases", "Reset Password", and "Logout" are in the top right. A left sidebar contains links: "Case Home", "Court Documents", "Documents Search", "Claims Reports", "Claims/Creditor Search", "Ballot Reports", "Ballot Search", and "Industry Links". The main content area features the case name and number, and two bar charts showing "Filed Claims" and "Scheduled Claims".

AMF Bowling Worldwide, Inc.
Case Number: 12-36495

CLIENT ACCESS

Filed Claims

Claim Type	Count	Amount
General Unsecured	1,191	\$27,905,299
Priority	126	\$15,354
Secured	106	\$18,244
Admin Priority	151	\$62,793

Scheduled Claims

Claim Type	Count	Amount
General Unsecured	2,353	\$214,988,959
Priority	398	\$5,257,301
Secured	46	\$4,754,644,166
Admin Priority	0	\$0

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ePOC screenshot:

The screenshot shows the KCC ePOC web application interface. The browser address bar displays <https://epoc.kccilc.net/securepages/B10workSheet5.aspx>. The page features a sidebar with seven steps: Step 1 Creditor Info, Step 2 Notice Party Info, Step 3 Amending/Acquiring Claim, Step 4 Other Information, Step 5 Debtor Selection (highlighted in blue), Step 6 Total Amount of Claim, and Step 7 Amount of Secured Claim. The main content area for Step 5 shows the debtor selection process. It includes the text "Select the bankruptcy debtor's case number and name." and a dropdown menu titled "Debtor against which this claim is asserted (Select only one debtor) (Required)". The dropdown menu is open, showing a list of debtors: 17-22045 | rue21, inc., 17-22046 | Rhodes Holdco, Inc., 17-22047 | r services, llc, and 17-22048 | rue services corporation. The first option, 17-22045 | rue21, inc., is selected and highlighted in blue. Above the dropdown, the case information for rue21, inc. is displayed: "rue21, inc., et al." and "Case Number: 17-22045". Below the case number, there is a link to a "Blank Proof Of Claim Form with Instructions" and contact information for phone assistance: (888) 647-1736 (Domestic US) and 001-310-823-9000 (International).

eBallot screenshot:

The screenshot shows the KCC eBallot web application interface. The browser address bar displays <https://eballot.kccilc.net/midstates/2796>. The page contains a disclaimer: "You should review the Disclosure Statement and the Plan before you vote. You may wish to seek legal advice concerning the Plan and the Plan's classification and treatment of your Claim. Your Claim has been placed in Class 7, Unsecured Note/General Unsecured Claims, under the Plan. If you hold Claims in more than one Class, you will receive a ballot for each Class in which you are entitled to vote." Below the disclaimer, there are three items for voting: Item 1: Amount of Claim, Item 2: Vote on Plan, and Item 3: Important information regarding the Third Party Release. Item 1 asks the user to certify the amount of the claim as of the Voting Record Date. The user has entered "\$1.00". Item 2 asks the user to vote on the Plan. The user has selected "Accept". Item 3 asks the user to elect to Opt Out of the Third Party Release. The user has selected "No". At the bottom of the page, there is a link to "Article VIII, E of the Plan contains the following provision:".

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Ballot detail report on client access website screenshot:

The screenshot shows a web browser window with the URL <https://clientaccess.kccilc.com/16-42529/26/ballot/classdetails/2867/V>. The page header includes the KCC logo and navigation links: Cases, Reset Password, and Logout. The main header area displays the Peabody Energy Corporation logo and the case name "Peabody Energy Corporation, et al." with Case Number 16-42529. A "CLIENT ACCESS" button is also present.

Ballot Class Detail Report

[Go back](#) [Download in Excel](#) [Download in Text](#) [Print](#)

400 items per page 1 - 132 of 132 items

Ballot Number	Creditor Name	Date Received	Date Signed	Voting Amount	Total Votes	Votes Accept	Votes Rejec
32	24/7 Service and Supply Inc.	02/16/2017	02/13/2017	\$62,041.59	1	1	
741	A and B Business Solutions	03/02/2017	02/27/2017	\$198.46	1	1	

Advance System 2000

LOCAL RULE FROM THE EASTERN DISTRICT OF MICHIGAN

Rule 2002-1 Authorization for a Special Service List

(e) Claims and Noticing Agents. Unless otherwise ordered by the court, in any case where an individual or entity is appointed as a claims and/or noticing agent under 28 U.S.C. § 156(c), the order approving appointment of the claims and/or noticing agent must contain the following language:

“Upon completion of administration of the bankruptcy case, the claims and/or noticing agent must:

(1) deliver to the clerk of the court electronic images of the claims register maintained by the claims agent and electronic images of all claims and supporting documentation for such claims received by the claims agent;

(2) file in the bankruptcy case in which the claims agent was appointed, an affidavit:

(A) attesting that the electronic images delivered to the clerk of the court are true and correct copies of the claims register, claims and supporting documentation; and

(B) stating the location and the contact information of the individual or entity in possession of the claims register, claims and supporting documentation; and

(3) retain the claims register, claims and supporting documentation, and must not deliver them to the clerk or destroy them, unless and until specifically authorized to do so by the court in the case in which the claims agent was appointed.”

6/2017

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

	:	
In re:	:	Case No. _____
	:	
	:	Chapter 11
	:	
	:	
Debtors	:	
	:	

APPLICATION FOR AN ORDER APPOINTING [name of claims and
noticing agent] AS CLAIMS AND NOTICING AGENT FOR THE
DEBTORS PURSUANT TO 28 U.S.C. § 156(c), 11 U.S.C. § 105(a)
AND LBR 2002-1(f)

The debtors and debtors in possession in the above-captioned cases (collectively, the “Debtors”) hereby move for entry of an order, substantially in the form of Exhibit C hereto (the “Retention Order”) pursuant to section 156(c) of title 28 of the United States Code and section 105(a) of title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* (the “Bankruptcy Code”), appointing [name of claims and noticing agent] as claims and noticing agent (“Claims and Noticing Agent”) in the Debtors’ cases (the “Section 156(c) Application”). In support of the Section 156(c) Application, the Debtors respectfully represent as follows:

JURISDICTION AND VENUE

1. The Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b). Venue is proper in this district under 28 U.S.C. §§ 1408 and 1409.

BACKGROUND

2. On _____, 20__ (the “Petition Date”), the Debtors filed separate voluntary petitions under chapter 11 of the Bankruptcy Code. The Debtors continue to operate their businesses and manage their properties as debtors in possession, pursuant to §§ 1107(a) and

1108 of the Bankruptcy Code.

3. Pursuant to a separate application filed on the Petition Date, the Debtors requested joint administration of the Debtors' estates, as provided for in Rule 1015(b) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules").

4. The Debtors are engaged in [*type of business*] and currently employ [*number of employees*] people at all of their locations. [*Insert other pertinent information about the Debtors' business here.*]

RELIEF REQUESTED

5. This Section 156(c) Application is made pursuant to 28 U.S.C. § 156(c), section 105(a) of the Bankruptcy Code and LBR 2002-1(f) for an order appointing Claims and Noticing Agent to act as the claims and noticing agent in order to assume full responsibility for the distribution of notices and the maintenance, processing and docketing of proofs of claim filed in the Debtors' cases. The Debtors' selection of Claims and Noticing Agent to act as the claims and noticing agent has satisfied the Court's *Protocol for the Employment of Claims and Noticing Agents under 28 U.S.C. § 156(c)*, in that the Debtors have obtained and reviewed engagement proposals from at least two (2) other court-approved claims and noticing agents to ensure selection through a competitive process. Moreover, the Debtors submit, based on all engagement proposals obtained and reviewed, that Claims and Noticing Agent's rates are competitive and reasonable given Claims and Noticing Agent's quality of services and expertise. The terms of retention are set forth in the Engagement Agreement annexed hereto as Exhibit A (the "Engagement

Agreement”); provided, however, that Claims and Noticing Agent is seeking approval solely of the terms and provisions as set forth in this Application and the proposed order attached hereto.

6. Although the Debtors have not yet filed their schedules of assets and liabilities, they anticipate that there will be in excess of [_____] entities to be noticed. In view of the number of anticipated claimants and the complexity of the Debtors’ businesses, the Debtors submit that the appointment of a claims and noticing agent is both necessary and in the best interests of both the Debtors’ estates and their creditors.

7. Claims and Noticing Agent has acted as the claims and noticing agent in numerous cases of comparable size, including several cases currently pending in the United States Bankruptcy Court for this District. [LIST REPRESENTATIVE CASE CITATIONS]¹

8. By appointing Claims and Noticing Agent as the claims and noticing agent in these cases, the distribution of notices and the processing of claims will be expedited, and the clerk’s office will be relieved of the administrative burden of processing what may be an overwhelming number of claims. In support of this Section 156(c) Application, the Debtors submit the Claims and Noticing Agent’s affidavit attached hereto as Exhibit B (the “Claims and Noticing Agent Affidavit”).

9. This Section 156(c) Application pertains only to the work to be performed by Claims and Noticing Agent under the Clerk’s delegation of duties permitted by 28 U.S.C. § 156(c) and

¹ Because of the voluminous nature of the orders cited herein, they are not attached to the Section 156(c)

SLBR 2002-1(f), and any work to be performed by Claims and Noticing Agent outside of this scope is not covered by this Section 156(c) Application or by any Order granting approval hereof. Specifically, Claims and Noticing Agent will perform the following tasks in its role as claims and noticing agent (the "Claims and Noticing Services"), as well as all quality control relating thereto:

- (a) Prepare and serve required notices and documents in the cases in accordance with the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") in the form and manner directed by the Debtors and/or the Court, including (i) notice of the commencement of the cases and the initial meeting of creditors under Bankruptcy Code § 341(a), (ii) notice of any claims bar date, (iii) notices of transfers of claims, (iv) notices of objections to claims and objections to transfers of claims, (v) notices of any hearings on a disclosure statement and confirmation of the Debtors' plan or plans of reorganization, including under Bankruptcy Rule 3017(d), (vi) notice of the effective date of any plan and (vii) all other notices, orders, pleadings, publications and other documents as the Debtors or Court may deem necessary or appropriate for an orderly administration of the cases.
- (b) Maintain an official copy of the Debtors' schedules of assets and liabilities and statement of financial affairs (collectively, "Schedules"), listing the Debtors' known creditors and the amounts owed thereto;

Application. Copies of these orders, however, are available on request of the Debtors' proposed counsel.

- (c) Maintain (i) a list of all potential creditors, equity holders and other parties-in-interest; and (ii) a "core" mailing list consisting of all parties described in sections 2002(i), (j) and (k) and those parties that have filed a notice of appearance pursuant to Bankruptcy Rule 9010; update said lists and make said lists available upon request by a party-in-interest or the Clerk;
- (d) Furnish a notice to all potential creditors of the last date for the filing of proofs of claim and a form for the filing of a proof of claim, after such notice and form are approved by this Court, and notify said potential creditors of the existence, amount and classification of their respective claims as set forth in the Schedules, which may be effected by inclusion of such information (or the lack thereof, in cases where the Schedules indicate no debt due to the subject party) on a customized proof of claim form provided to potential creditors;
- (e) Maintain a post office box or address for the purpose of receiving claims and returned mail, and process all mail received;
- (f) For *all* notices, motions, orders or other pleadings or documents served, prepare and file or caused to be filed with the Clerk an affidavit or certificate of service within seven (7) business days of service which includes (i) either a copy of the notice served or the docket numbers(s) and title(s) of the pleading(s) served, (ii) a list of persons to whom it was mailed (in alphabetical order) with their addresses, (iii) the manner of service, and (iv) the date served;

- (g) Process all proofs of claim received, including those received by the Clerk's Office, and check said processing for accuracy, and maintain the original proofs of claim in a secure area;
- (h) Maintain the official claims register for each Debtor (the "Claims Registers") on behalf of the Clerk; upon the Clerk's request, provide the Clerk with certified, duplicate unofficial Claims Registers; and specify in the Claims Registers the following information for each claim docketed:
 - (i) the claim number assigned, (ii) the date received, (iii) the name and address of the claimant and agent, if applicable, who filed the claim, (iv) the amount asserted, (v) the asserted classification(s) of the claim (*e.g.*, secured, unsecured, priority, *etc.*), (vi) the applicable Debtor, and (vii) any disposition of the claim;
- (i) Provide public access to the Claims Registers, including complete proofs of claim with attachments, if any, without charge;
- (j) Implement necessary security measures to ensure the completeness and integrity of the Claims Registers and the safekeeping of the original claims;
- (k) Record all transfers of claims and provide any notices of such transfers as required by Bankruptcy Rule 3001(e);
- (l) Relocate, by messenger or overnight delivery, all of the court-filed proofs of claim to the offices of Claims and Noticing Agent, not less than weekly;
- (m) Upon completion of the docketing process for all claims received to date for each case, turn over to the Clerk copies of the claims register for the Clerk's review (upon the Clerk's request);

- (n) Monitor the Court's docket for all notices of appearance, address changes, and claims-related pleadings and orders filed and make necessary notations on and/or changes to the claims register;
- (o) Assist in the dissemination of information to the public and respond to requests for administrative information regarding the case as directed by the Debtors or the Court, including through the use of a case website and/or call center.
- (p) If the case is converted to chapter 7, contact the Clerk's Office within three (3) days of the notice to Claims and Noticing Agent of entry of the order converting the case;
- (q) Thirty (30) days prior to the close of these cases, to the extent practicable, request that the Debtors submit to the Court a proposed Order dismissing the Claims and Noticing Agent and terminating the services of such agent upon completion of its duties and responsibilities and upon the closing of these cases;
- (r) Within seven (7) days of notice to Claims and Noticing Agent of entry of an order closing the chapter 11 cases, provide to the Court the final version of the claims register as of the date immediately before the close of the cases; and
- (s) At the close of these cases, box and transport all original documents, in proper format, as provided by the Clerk's Office, to (i) the Federal Archives Record Administration, located at 14700 Townsend Road, Philadelphia, PA 19154-1096 or (ii) any other location requested by the Clerk's Office.

10. The Claims Registers shall be opened to the public for examination without charge during regular business hours and on a case-specific website maintained by Claims and Noticing Agent.

11. Claims and Noticing Agent shall not employ any past or present employee of the Debtors for work that involves the Debtors' bankruptcy cases.

12. The Debtors respectfully request that the undisputed fees and expenses incurred by Claims and Noticing Agent in the performance of the above services be treated as administrative expenses of the Debtors' estates pursuant to 28 U.S.C. § 156(c) and 11 U.S.C. § 503(b)(1)(A) and be paid in the ordinary course of business without further application to or order of the Court. Claims and Noticing Agent agrees to maintain records of all services showing dates, categories of services, fees charged and expenses incurred, and to serve monthly invoices on the Debtors, the office of the United States Trustee, counsel for the Debtors, counsel for any official committee, if any, monitoring the expenses of the Debtors and any party-in-interest who specifically requests service of the monthly invoices. If any dispute arises relating to the Engagement Agreement or monthly invoices, the parties shall meet and confer in an attempt to resolve the dispute; if resolution is not achieved, the parties may seek resolution of the matter from the Court.

13. Prior to the Petition Date, the Debtors provided Claims and Noticing Agent a retainer in the amount of \$_____. Claims and Noticing Agent seeks to first apply the retainer to all pre-petition invoices, and thereafter, to have the retainer replenished to the original retainer amount, and thereafter, to hold the retainer under the Engagement Agreement during the cases as

security for the payment of fees and expenses incurred under the Engagement Agreement.

14. In connection with its retention as claims and noticing agent, Claims and Noticing Agent represents in the Claims and Noticing Agent Affidavit, among other things, that:

- (a) Claims and Noticing Agent will not consider itself employed by the United States government and shall not seek any compensation from the United States government in its capacity as the claims and noticing agent in the cases;
- (b) By accepting employment in the cases, Claims and Noticing Agent waives any rights to receive compensation from the United States government in connection with the Debtors' cases;
- (c) In its capacity as the claims and noticing agent in the cases, Claims and Noticing Agent will not be an agent of the United States and will not act on behalf of the United States; and
- (d) It is a "disinterested person" as that term is defined in section 101(14) of the Bankruptcy Code with respect to the matters upon which it is to be engaged.

15. To the extent that there is any inconsistency between this Application, the Retention Order and the Engagement Agreement, the Retention Order shall govern.

16. This Section 156(c) Application complies with the *Protocol for the Employment of Claims and Noticing Agents under 28 U.S.C. § 156(c)* and conforms to the standard Section

156(c) Application in use in this Court. The Debtors have provided copies of this Section 156(c) Application to the Clerk of Court and to the United States Trustee [ADD ADDITIONAL NOTICE PARTIES AS APPROPRIATE] and submit that no further notice is necessary under the circumstances.

WHEREFORE, the Debtors request entry of an order, in the form annexed hereto as Exhibit C, authorizing [*name of claims and noticing agent*] to act as claims and noticing agent for the maintenance and processing of claims and the distribution of notices.

Dated: _____, 20__

Attorneys for Debtors or Debtors in Possession

By: _____

Name: _____

Address: _____

Telephone: _____

6/2017

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

In re:	:	
	:	Case No. _____
	:	
	:	Chapter 11
	:	
	:	
Debtors	:	

**ORDER AUTHORIZING RETENTION AND APPOINTMENT
OF [name of claims and noticing agent] AS CLAIMS AND NOTICING
AGENT UNDER 28 U.S.C. § 156(c), 11 U.S.C. § 105(a) AND LBR 2002-1(f)**

Upon the application (the "Application") of [name of Debtors], Debtors and Debtors in possession (the "Debtors"), for an order authorizing the retention and appointment of [name of claims and noticing agent] as Claims and Noticing Agent ("Claims and Noticing Agent"), under 28 U.S.C. § 156(c), Section 105(a) of the Bankruptcy Code¹ and LBR 2002-1(f) and to, among other things, (i) distribute required notices to parties in interest, (ii) receive, maintain, docket and otherwise administer the proofs of claim filed in the Debtors' cases, and (iii) provide such other administrative services – as required by the Debtors – that would fall within the purview of services to be provided by the Clerk's Office and upon the affidavit of

_____ submitted in support of the Application; and the Debtors having estimated that there are in excess of [1,000] creditors in these cases, many of which are expected to file proofs of claim, and it appearing that the receiving, docketing and maintaining of proofs of claim would be unduly time consuming and burdensome for the Clerk; and the Court being authorized under 28 U.S.C. § 156(c) to utilize, at the Debtors' expense, outside agents and facilities to provide notices to parties in title 11 cases and to receive, docket, maintain, photocopy and transmit proofs of claim; and the Court being satisfied that Claims and Noticing Agent has the capability and experience to provide such services and that Claims and Noticing Agent does

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Application.

not hold an interest adverse to the Debtors or the estates respecting the matters upon which it is to be engaged; and good and sufficient notice of the Application having been given; and no other or further notice being required; and it appearing that the employment of Claims and Noticing Agent is in the best interests of the Debtors, the estates and creditors; and sufficient cause appearing therefor; it is hereby

ORDERED, that, notwithstanding the terms of the Engagement Letter attached to the Application, the Application is approved solely as set forth in this Order; and it is further

ORDERED, that the Debtors are authorized to retain Claims and Noticing Agent effective [date] under the terms of the Engagement Agreement, and Claims and Noticing Agent is authorized and directed to perform noticing services and to receive, maintain, record and otherwise administer the proofs of claim filed in these cases, and all related tasks, all as described in the Application (the "Claims and Noticing Services"); and it is further

ORDERED, that Claims and Noticing Agent shall serve as the custodian of court records and shall be designated as the authorized repository for all proofs of claim filed in these cases and is authorized and directed to maintain official claims registers for each of the Debtors, to provide public access to every proof of claim unless otherwise ordered by the Court and to provide the Clerk with a certified duplicate thereof upon the request of the Clerk; and it is further

ORDERED, that Claims and Noticing Agent is authorized and directed to obtain a post office box or address for the receipt of proofs of claim; and it is further

ORDERED, that Claims and Noticing Agent is authorized to take such other action to comply with all duties set forth in the Application; and it is further

ORDERED, that the Debtors are authorized to compensate Claims and Noticing Agent in accordance with the terms of the Engagement Agreement upon the receipt of reasonably detailed invoices setting forth the services provided by Claims and Noticing Agent and the rates charged for each, and to reimburse Claims and Noticing Agent for all reasonable and necessary

expenses it may incur, upon the presentation of appropriate documentation, without the need for Claims and Noticing Agent to file fee applications or otherwise seek Court approval for the compensation of its services and reimbursement of its expenses; and it is further

ORDERED, that Claims and Noticing Agent shall maintain records of all services showing dates, categories of services, fees charged and expenses incurred, and shall serve monthly invoices on the Debtors, the office of the United States Trustee, counsel for the Debtors, counsel for any official committee, if any, monitoring the expenses of the Debtors and any party-in-interest who specifically requests service of the monthly invoices; and it is further

ORDERED, that the parties shall meet and confer in an attempt to resolve any dispute which may arise relating to the Engagement Agreement or monthly invoices, and that the parties may seek resolution of the matter from the Court if resolution is not achieved; and it is further

ORDERED, that pursuant to section 503(b)(1)(A) of the Bankruptcy Code, the fees and expenses of Claims and Noticing Agent under this Order shall be an administrative expense of the Debtors' estates; and it is further

ORDERED, that Claims and Noticing Agent may apply its retainer to all pre-petition invoices, which retainer shall be replenished to the original retainer amount, and thereafter, Claims and Noticing Agent may hold its retainer under the Engagement Agreement during the chapter 11 cases as security for the payment of fees and expenses incurred under the Engagement Agreement; and it is further

ORDERED, that the Debtors shall indemnify Claims and Noticing Agent under the terms of the Engagement Agreement; and it is further

ORDERED, that Claims and Noticing Agent shall not be entitled to indemnification, contribution or reimbursement pursuant to the Engagement Agreement for services other than the services provided under the Engagement Agreement, unless such services and the

indemnification, contribution or reimbursement therefore are approved by the Court; and it is further

ORDERED, that notwithstanding anything to the contrary in the Engagement Agreement, the Debtors shall have no obligation to indemnify Claims and Noticing Agent, or provide contribution or reimbursement to Claims and Noticing Agent, for any claim or expense that is either: (i) judicially determined (the determination having become final) to have arisen from Claims and Noticing Agent's gross negligence, willful misconduct, or fraud; (ii) for a contractual dispute in which the Debtors allege the breach of Claims and Noticing Agent's contractual obligations if the Court determines that indemnification, contribution or reimbursement would not be permissible pursuant to *In re United Artists Theatre Co., et al.*, 315 F.3d 217 (3d Cir. 2003), or (iii) settled prior to a judicial determination under (i) or (ii), but determined by this Court, after notice and a hearing, to be a claim or expense for which Claims and Noticing Agent should not receive indemnity, contribution or reimbursement under the terms of the Engagement Agreement as modified by this Order; and it is further

ORDERED, that if, before the earlier of (i) the entry of an order confirming a chapter 11 plan in these cases (that order having become a final order no longer subject to appeal), or (ii) the entry of an order closing these cases, Claims and Noticing Agent believes that it is entitled to the payment of any amounts by the Debtors on account of the Debtors' indemnification, contribution and/or reimbursement obligations under the Engagement Agreement (as modified by this Order), including without limitation the advancement of defense costs, Claims and Noticing Agent must file an application therefore in this Court, and the Debtors may not pay any such amounts to Claims and Noticing Agent before the entry of an order by this Court approving the payment. This paragraph is intended only to specify the period of time under which the Court shall have jurisdiction over any request for fees and expenses by Claims and Noticing Agent for

indemnification, contribution or reimbursement, and not a provision limiting the duration of the Debtors' obligation to indemnify Claims and Noticing Agent. All parties in interest shall retain the right to object to any demand by Claims and Noticing Agent for indemnification, contribution or reimbursement; and it is further

ORDERED, that in the event Claims and Noticing Agent is unable to provide the services set out in this order, Claims and Noticing Agent will immediately notify the Clerk and Debtors' attorney and cause to have all original proofs of claim and computer information turned over to another claims and noticing agent with the advice and consent of the Clerk and Debtors' attorney; and it is further

ORDERED, that the Debtors may submit a separate retention application, pursuant to 11 U.S.C. § 327 and/or any applicable law, for work that is to be performed by Claims and Noticing Agent but is not specifically authorized by this Order; and it is further

ORDERED, that the Debtors and Claims and Noticing Agent are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Application; and it is further

ORDERED, that, notwithstanding any term in the Engagement Agreement to the contrary, the Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order; and it is further

ORDERED, that Claims and Noticing Agent shall not cease providing claims processing services during the case(s) for any reason, including nonpayment, without an order of the Court; and it is further

ORDERED, that in the event of any inconsistency between the Engagement Agreement, the Application and the Order, the Order shall govern.

2017 SOUTHWEST BANKRUPTCY CONFERENCE

Dated: _____, 20__

UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT FOR THE
DISTRICT OF DELAWARE

PROTOCOL FOR THE EMPLOYMENT OF CLAIMS AND NOTICING AGENTS
UNDER 28 U.S.C. § 156(c)

An application seeking to retain a claims and noticing agent under 28 U.S.C. § 156(c) [“Section 156(c) Application”] should be limited in scope to those duties that would be performed by a Clerk of Court with respect to providing notice and processing claims (such as maintaining a claims register).¹ The Section 156(c) Application should exclude those duties that would *not* be performed by a Clerk of Court, for example, duties involving the preparation of schedules, acting as balloting and tabulation agent, or distributing assets pursuant to a confirmed plan of reorganization; such services should be the subject of a *separate* application to and order of the Court.

To ensure the use of a competitive process in the selection of claims and noticing agents in instances where the Court has authorized such use under 28 U.S.C. § 156(c), the following protocol has been established for this Court:

1. A debtor or trustee seeking to retain a claims and noticing agent under chapter 7, 11 or 15 shall obtain and review engagement proposals from at least three court-approved claims and noticing agents. A list of approved claims and noticing agents is accessible from www.deb.uscourts.gov.
2. An application for retention of a claims and noticing agent shall contain an affirmative statement – under penalty of perjury and Fed. R. Bankr. P. 9011 – that the applicant chose the claims and noticing agent after the review and competitive comparison of at least three proposals.
3. As a condition of retention, the claims and noticing agent has a duty to comply with all relevant statutory provisions and rules of procedure, including local rules of procedure, general orders and applicable guidelines.
4. As a condition of retention, the claims and noticing agent shall agree to maintain records of all services which, at a minimum, will show dates, categories of services, fees charged, and expenses incurred.
5. The fee structure shall be included in the engagement agreement. The engagement agreement shall be annexed to the application for retention.
6. The claims and noticing agent shall file and serve monthly invoices on the Debtor, U.S. Trustee, the Committee, if any, monitoring the expenses of the debtor, and any party-in-interest who requests, in writing directed to the Claims Agent, service of the monthly invoices.
7. If requested by the claims and noticing agent, the debtor or trustee may pay an agreed sum as a retainer to cover fees and expenses such as postage, printing, publication, etc.

¹ The duties that would be performed by a claims and noticing agent are listed in paragraph 9 of the attached Section 156(c) Application.

8. If any dispute arises relating to an engagement agreement or monthly invoices, the parties shall meet and confer in an attempt to resolve the dispute. If resolution is not achieved, the parties may seek resolution of the matter from the Court.
9. Debtor's counsel shall notify both the Clerk's Office and the claims and noticing agent within seven (7) days of an order of dismissal or conversion of the case.
10. At the end of a case or upon termination of the claims and noticing agent's services, the debtor or the trustee must obtain a termination order to terminate the services of the claims and noticing agent. The claims and noticing agent is responsible for archiving the claims with the Federal Archives Record Administration, if applicable.

Other than the specific obligations of the applicant, debtor or the trustee set forth above in paragraphs 1, 2, 9 and 10, the failure to comply with the duties set out in this Protocol, as applicable, and with the provisions set out in a Section 156(c) Application and order may lead to removal of the claims and noticing agent's name from the list of approved agents. Claims and noticing agents should be a disinterested person as that term is defined in section 101(14) of Code with respect to the matters upon which it is to be engaged.

Dated: February 1, 2012


Clerk Of The Court
District of Delaware


Search Results

16-38523 Jeffrey Graham Sowka

Type: bk Chapter: 13 Office: 1 (Chicago)
 Assets: y Judge: DRC
 Date Filed: 12/06/2016 Last Date to File Claims: 04/24/2017 Last Date to File (Govt): 06/05/2017
 Trustee: Tom Vaughn

Claim#	Amount claimed*	Date filed	Creditor number	Creditor name
2	\$11780.56	12/15/2016	25180141	Ally Bank (Creditor)
3	\$790.12	01/10/2017	25239823	CREDIT FIRST NA (Creditor)
4	\$642.92	01/17/2017	25257576	Quantum3 Group LLC as agent for (Creditor)
5	\$2166.20	01/27/2017	25286551	Capital One Bank (USA), N.A. (Creditor)
6	\$2148.34	02/09/2017	25326006	Navient CFC (Creditor)
7	\$3631.34	02/09/2017	25326006	Navient CFC (Creditor)
8	\$66312.22	03/14/2017	25435312	Navient Solutions, Inc. on behalf (Creditor)

* Includes general unsecured claims

- ☐ Edit claims
☐ Add attachments to claims
☐ Modify the description of claims and attachments
☐ Modify the security of claims and attachments
☐ Delete attachments (not claims)
☐ Delete claims
☒ Claims register Sort Claims History by Oldest date first 

Fill in this information to identify the case:

Debtor 1 _____

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: _____ District of _____

Case number _____

Official Form 410

Proof of Claim

04/16

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach 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. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?		
Name of the current creditor (the person or entity to be paid for this claim) _____		
Other names the creditor used with the debtor _____		
2. Has this claim been acquired from someone else?		
<input type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____		
3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent?	Where should payments to the creditor be sent? (if different)
	Name _____	Name _____
	Number _____ Street _____	Number _____ Street _____
	City _____ State _____ ZIP Code _____	City _____ State _____ ZIP Code _____
	Contact phone _____	Contact phone _____
	Contact email _____	Contact email _____
	Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	
4. Does this claim amend one already filed?		
<input type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ <div style="text-align: right;">MM / DD / YYYY</div>		
5. Do you know if anyone else has filed a proof of claim for this claim?		
<input type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____		

AMERICAN BANKRUPTCY INSTITUTE

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6.	Do you have any number you use to identify the debtor?	<input type="checkbox"/> No <input type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____	
7.	How much is the claim? \$ _____	Does this amount include interest or other charges? <input type="checkbox"/> No <input type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).	
8.	What is the basis of the claim?	Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information. _____	
9.	Is all or part of the claim secured?	<input type="checkbox"/> No <input type="checkbox"/> Yes. The claim is secured by a lien on property. Nature of property: <input type="checkbox"/> Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> . <input type="checkbox"/> Motor vehicle <input type="checkbox"/> Other. Describe: _____ Basis for perfection: _____ Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.) Value of property: \$ _____ Amount of the claim that is secured: \$ _____ Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.) Amount necessary to cure any default as of the date of the petition: \$ _____ Annual Interest Rate (when case was filed) _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable	
10.	Is this claim based on a lease?	<input type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____	
11.	Is this claim subject to a right of setoff?	<input type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____	

2017 SOUTHWEST BANKRUPTCY CONFERENCE

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)? ☐ No ☐ Yes. Check one:

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

	Amount entitled to priority
<input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).	\$ _____
<input type="checkbox"/> Up to \$2,850* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).	\$ _____
<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,850*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).	\$ _____
<input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).	\$ _____
<input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).	\$ _____
<input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.	\$ _____

* Amounts are subject to adjustment on 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- ☐ I am the creditor.
☐ I am the creditor's attorney or authorized agent.
☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that 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.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date MM / DD / YYYY

Signature _____

Print the name of the person who is completing and signing this claim:

Name First name Middle name Last name

Title _____

Company _____
 Identify the corporate servicer as the company if the authorized agent is a servicer.

Address Number Street

City State ZIP Code

Contact phone _____ Email _____

B 410 (Official Form 410) (Committee Note) (12/15)

COMMITTEE NOTE

Official Form 410, *Proof of Claim*, applies in all cases. Form 410 replaces Official Form 10, Proof of Claim. It is renumbered to distinguish it from the forms used by debtors for case opening, and includes stylistic changes throughout the form. It is revised as part of the Forms Modernization Project, making it easier to read and, as a result, likely to generate more complete and accurate responses. Because the goals of the Forms Modernization Project include improving the interface between technology and the forms so as to increase efficiency and reduce the need to produce the same information in multiple formats, many of the open-ended questions and multiple-part instructions have been replaced with more specific questions.

Official Form 410 has been substantially reorganized. A new question has been added at line 10 that solicits information about claims based on leases.

Official Form 410A, *Mortgage Proof of Claim Attachment*, is revised in its content and format. Rather than requiring a home mortgage claimant to fill in blanks with itemized information about the principal, interest, and fees due as of the petition date and the amount necessary to cure a prepetition default, the form now requires the claimant to provide a loan history that reveals when payments were received, how they were applied, when fees and charges were incurred, and when escrow charges were satisfied. Because completion of the revised form can be automated, it will permit claimants to comply with Rule 3001(c)(2)(C) with efficiency and accuracy. Attachment of a loan history with a home mortgage proof of claim will also provide transparency about the basis for the claimant's calculation of the claim and arrearage amount.

The loan history should begin with the first date on which the borrower failed to make a payment in accordance with the terms of the note and mortgage, unless the note was subsequently brought current with no principal,

B 410 (Official Form 410) (Committee Note) (12/15)

interest, fees, escrow payments, or other charges immediately payable.

Official Forms 410S1 and 410S2, *Notice of Mortgage Payment Change* and *Notice of Postpetition Mortgage Fees, Expenses, and Charges*, are revised as part of the Forms Modernization Project. There are formatting changes throughout the forms.

Official Form 410

Instructions for Proof of Claim

United States Bankruptcy Court

12/15

These instructions and definitions generally explain the law. In certain circumstances, such as bankruptcy cases that debtors do not file voluntarily, exceptions to these general rules may apply. You should consider obtaining the advice of an attorney, especially if you are unfamiliar with the bankruptcy process and privacy regulations.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157 and 3571.

How to fill out this form

- Fill in all of the information about the claim as of the date the case was filed.
- Fill in the caption at the top of the form.
- If the claim has been acquired from someone else, then state the identity of the last party who owned the claim or was the holder of the claim and who transferred it to you before the initial claim was filed.
- Attach any supporting documents to this form.
Attach redacted copies of any documents that show that the debt exists, a lien secures the debt, or both. (See the definition of *redaction* on the next page.)
Also attach redacted copies of any documents that show perfection of any security interest or any assignments or transfers of the debt. In addition to the documents, a summary may be added. Federal Rule of Bankruptcy Procedure (called "Bankruptcy Rule") 3001(c) and (d).
- Do not attach original documents because attachments may be destroyed after scanning.
- If the claim is based on delivering health care goods or services, do not disclose confidential health care information. Leave out or redact confidential information both in the claim and in the attached documents.
- A Proof of Claim form and any attached documents must show only the last 4 digits of any social security number, individual's tax identification number, or financial account number, and only the year of any person's date of birth. See Bankruptcy Rule 9037.
- For a minor child, fill in only the child's initials and the full name and address of the child's parent or guardian. For example, write *A.B., a minor child (John Doe, parent, 123 Main St., City, State)*. See Bankruptcy Rule 9037.

Confirmation that the claim has been filed

To receive confirmation that the claim has been filed, either enclose a stamped self-addressed envelope and a copy of this form or go to the court's PACER system (www.pacer.psc.uscourts.gov) to view the filed form.

Understand the terms used in this form

Administrative expense: Generally, an expense that arises after a bankruptcy case is filed in connection with operating, liquidating, or distributing the bankruptcy estate. 11 U.S.C. § 503.

Claim: A creditor's right to receive payment for a debt that the debtor owed on the date the debtor filed for bankruptcy. 11 U.S.C. §101 (5). A claim may be secured or unsecured.

Creditor: A person, corporation, or other entity to whom a debtor owes a debt that was incurred on or before the date the debtor filed for bankruptcy. 11 U.S.C. §101 (10).

Debtor: A person, corporation, or other entity who is in bankruptcy. Use the debtor's name and case number as shown in the bankruptcy notice you received. 11 U.S.C. § 101 (13).

Evidence of perfection: Evidence of perfection of a security interest may include documents showing that a security interest has been filed or recorded, such as a mortgage, lien, certificate of title, or financing statement.

Information that is entitled to privacy: A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, an individual's tax identification number, or a financial account number, only the initials of a minor's name, and only the year of any person's date of birth. If a claim is based on delivering health care goods or services, limit the disclosure of the goods or services to avoid embarrassment or disclosure of confidential health care information. You may later be required to give more information if the trustee or someone else in interest objects to the claim.

Priority claim: A claim within a category of unsecured claims that is entitled to priority under 11 U.S.C. §507(a). These claims are paid from the available money or property in a bankruptcy case before other unsecured claims are paid. Common priority unsecured claims include alimony, child support, taxes, and certain unpaid wages.

Proof of claim: A form that shows the amount of debt the debtor owed to a creditor on the date of the bankruptcy filing. The form must be filed in the district where the case is pending.

Redaction of information: Masking, editing out, or deleting certain information to protect privacy. Filers must redact or leave out information entitled to **privacy** on the *Proof of Claim* form and any attached documents.

Secured claim under 11 U.S.C. §506(a): A claim backed by a lien on particular property of the debtor. A claim is secured to the extent that a creditor has the right to be paid from the property before other creditors are paid. The amount of a secured claim usually cannot be more than the value of the particular property on which the creditor has a lien. Any amount owed to a creditor that is more than the value of the property normally may be an unsecured claim. But exceptions exist; for example, see 11 U.S.C. § 1322(b) and the final sentence of 1325(a).

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 may be a lien.

Setoff: Occurs when a creditor pays itself with money belonging to the debtor that it is holding, or by canceling a debt it owes to the debtor.

Uniform claim identifier: An optional 24-character identifier that some creditors use to facilitate electronic payment.

Unsecured claim: A claim that does not meet the requirements of a secured claim. A claim may be unsecured in part to the extent that the amount of the claim is more than the value of the property on which a creditor has a lien.

Offers to purchase a claim

Certain entities purchase claims for an amount that is less than the face value of the claims. These entities may contact creditors offering to purchase their claims. Some 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, the bankruptcy trustee, or the debtor. A creditor has no obligation to sell its claim. However, if a creditor decides to sell its claim, any transfer of that claim is subject to Bankruptcy Rule 3001(e), any provisions of the Bankruptcy Code (11 U.S.C. § 101 et seq.) that apply, and any orders of the bankruptcy court that apply.

Do not file these instructions with your form.

**U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS**

LOCAL RULE

RULE 1007-2 CLAIMS REGISTERS

A. Clerk to Supervise

The clerk will supervise preparation and maintenance of claims registers in all cases.

B. Claims Agent

On motion of the debtor or trustee, the court may authorize retention of a claims agent under 28 U.S.C. § 156(c) to prepare and maintain the claims register. In all cases with more than 500 creditors, the debtor must file a motion to employ a notice or claims agent approved by the clerk to perform this function. The claims register prepared and maintained by a claims agent retained under this Rule will be the official claims register of the court.