

ORIGINAL

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:

BARCALOUNGER CORPORATION, et al.,

Debtors.

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Case No.: 10-11637 (BLS)

Jointly Administered

Chapter 11

**CLASS PROOF OF CLAIM ON BEHALF OF FORMER  
EMPLOYEES OF DEBTOR FOR WARN ACT DAMAGES**

This Proof of Claim is filed against the Debtor, Barcalounger Corporation (“Debtor”), pursuant to Bankruptcy Rules 7023 and 9014, Rules 23(a), and 23(b)(3) of the Federal Rules of Civil Procedure, and 29 U.S.C. § 2104(a)(5), by Angela M. Webb (the “Representative Claimant”), on behalf of herself and the other similarly situated former employees of the Debtor (the “Class Members”), each of whom was an employee of the Debtor, who worked at the Debtor’s facility located at 11 Redd Level Plant Road Martinsville, Virginia 24112 and who was terminated without cause as part of a plant closing or mass layoff on or about March 18, 2010 (the “Facility”) in violation of the Worker Adjustment and Retraining Notification Act, 29 U.S.C. §§ 2101 et seq. (the “WARN Act”).

On or about March 18, 2010 the Debtor carried out the plant closing or mass layoff within the meaning of the WARN Act, 29 U.S.C. § 2101(a)(2) at the Facility.

The Debtor failed to give 60 days advance written notice, to the Representative Claimant and the other Class Members, as required by the WARN Act, 29 U.S.C. § 2102(a).

The Representative Claimant and the other Class Members constitute a class within the meaning of Fed. R. Civ. P. 23(a), (b)(1)(B) and 23 (b)(3) and Bankruptcy Rule 7023.

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The Class is defined as follows: Representative Claimant and the other employees of Debtor who worked at or reported to the Facility and who were terminated on or about March 18, 2010 or thereafter by the Debtor without cause on their part from their employment at the Facility as the reasonably expected consequence of the plant closing or mass layoff carried out on or about March 18, 2010. Representative Claimant estimates that there are approximately 180 class members.

The WARN Act claims of the Representative Claimant and each Class Member present common issues of law and fact and those issues predominate over the issues unique to each Class Member. The claims of the Representative Claimant are typical of the claims of the other Class Members. The Representative Claimant will fairly and adequately protect the interests of the Class, having already engaged counsel that is highly skilled with WARN litigation and by diligently prosecuting the Class claim. None of the individual Class Members have asserted any interest in controlling the prosecution of the claim. Given the number of Class Members, it is highly efficient to handle all those claims in a single proceeding. This proceeding will not be difficult to manage as the names and addresses, the rates of compensation, and the fringe benefits of each Class Member is reflected in the books and records of the Debtor.

The amount of the claim asserted by the Representative Claimant on her own behalf and on behalf of each of the other Class Members is an amount equal to wages, salary, commissions and bonuses for 60 working days and holiday pay, medical insurance, life insurance, 401(k) benefits, pension benefits, stock option plans, maternity leave, severance benefits and other ERISA benefits for 60 days following the terminations of the Representative Claimant and each of the other Class Members.

The exact amount of the wages and benefits claim of each of the Class Members

is unknown to the Representative Claimant but is reflected in the Debtor's books and records, from which the exact amount of each such claim and the total of the Class claim hereunder can be calculated by the Debtor.


The Representative Claimant estimates that the total amount of the Class claim is \$1,260,000.

Based on the foregoing, the Representative Claimant seeks, on her own behalf and on behalf of each of the other Class Members, an allowed claim against the Debtor in favor of each, equal to the sum of: (a) unpaid wages, salary, commissions, bonuses, accrued holiday pay, accrued vacation pay, pension and 401(k) contributions and other ERISA benefits, for 60 days, that would have been covered and paid under the then applicable employee benefit plans had that coverage continued for that period, all determined in accordance with the WARN Act, 29 U.S.C. §2104(a)(1)(A). The first \$11,725 of each Class Members' allowed WARN Act claim against Debtor is entitled to priority status under 11 U.S.C § 507(a)(4), and the remainder as a general unsecured claim

The Representative Claimant also seek on her own behalf and on behalf of the other Class Members an allowed administrative priority claim under 11 U.S.C. § 503 for the reasonable attorneys' fees and the costs and disbursements incurred in prosecuting this action, as authorized by the WARN Act, 29 U.S.C. § 2104(a)(6).

Dated: July 30, 2010

LANKENAU & MILLER, LLP

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July 30, 2010

**VIA FEDEX OVERNIGHT MAIL**

BMC Group, Inc.  
Attn: Barcalounger Corporation Claims Processing  
18750 Lake Drive East  
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Re: Barcalounger Corporation, et al., Case No. 10-11637 (BLS)

To Whom It May Concern:

Enclosed are three original and copies of class proof of claims for former employees of Barcalounger Corporation and American of Martinsville. Please send a stamped copy of each proof of claim back to us in the enclosed return envelope.

Very Truly Yours,



Stuart J. Miller

Cc: Mary Olsen, Esq.  
Vance McCrary, Esq.