



Order Filed on October 1, 2018  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
Caption in Compliance with D.N.J. LBR 9004-2(c)

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*Proposed Counsel to the Debtors and  
Debtors-in-Possession*

In re:

Duro Dyne National Corp., *et al.*,<sup>1</sup>

Debtors.

Chapter 11

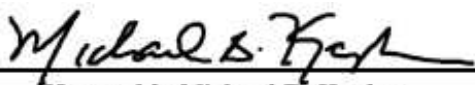
Case No. 18-27963 (MBK)

(Jointly Administered)

**FINAL ORDER PURSUANT TO 11 U.S.C. §§ 105(a), 363(b) and 507(a)  
(I) AUTHORIZING THE DEBTORS TO PAY PREPETITION WAGES  
AND SALARIES AND RELATED OBLIGATIONS AND TAXES AND  
(II) DIRECTING ALL BANKS TO HONOR CHECKS AND TRANSFERS  
FOR PAYMENT OF PREPETITION EMPLOYEE OBLIGATIONS**

The relief set forth on the following pages, numbered two (2) through and including four (4), is hereby **ORDERED**.

**DATED: October 1, 2018**

  
Honorable Michael B. Kaplan  
United States Bankruptcy Judge

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's tax identification number, are: Duro Dyne National Corp. (4664); Duro Dyne Machinery Corp. (9699); Duro Dyne Corporation (3616); Duro Dyne West Corp. (5943); and Duro Dyne Midwest Corp. (4662).

Debtor: Duro Dyne National Corp., *et al.*

Case No.: 18-27963 (MBK)

Caption: Final Order Pursuant to 11 U.S.C. §§ 105(a) and 507(a) (I) Authorizing the Debtors to Pay Prepetition Wages and Salaries and Related Obligations and Taxes and (II) Directing All Banks to Honor Checks and Transfers for Payment of Prepetition Employee Obligations

Upon consideration of the motion (the “Motion”)<sup>2</sup> of the above-captioned debtors and debtors-in-possession (collectively, the “Debtors”) for entry of a final order (the “Final Order”) pursuant to sections 105(a) and 507(a)(4) and (5) of title 11 of the United States Code (the “Bankruptcy Code”) (i) authorizing the Debtors to pay prepetition wages and salaries and related obligations and taxes and (ii) directing all banks to honor checks and transfers for payment of prepetition employee obligations; and the Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Standing Order of Reference to the Bankruptcy Court Under Title 11* dated as of September 18, 2012 (Simandle, C.J.); and venue being proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and this matter being a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and an *Interim Order Pursuant To 11 U.S.C. §§ 105(a), 363(b) and 507(a)(i) Authorizing the Debtors to Pay Prepetition Wages and Salaries and Related Obligations and Taxes and (ii) Directing all Banks to Honor Checks and Transfers For Payment of Prepetition Employee Obligations* having been entered on September 11, 2018; and notice of the Motion being sufficient under the circumstances; and it appearing that no other or further notice need be provided; and the Court having determined that the relief sought in the Motion is in the best interests of the Debtors, their estates and creditors; and after due deliberation and sufficient cause appearing therefor;

**IT IS HEREBY ORDERED THAT:**

1. The Motion is **GRANTED** as set forth herein.
2. The Debtors are hereby authorized, but not directed, to pay all prepetition Employee claims for wages, salaries, contractual compensation, sick pay, vacation pay, holiday pay and other accrued compensation subject to the statutory cap of \$12,850 per employee under section 507(a)(4) and 507(a)(5) of the Bankruptcy Code.

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<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.

Debtor: Duro Dyne National Corp., *et al.*

Case No.: 18-27963 (MBK)

Caption: Final Order Pursuant to 11 U.S.C. §§ 105(a) and 507(a) (I) Authorizing the Debtors to Pay Prepetition Wages and Salaries and Related Obligations and Taxes and (II) Directing All Banks to Honor Checks and Transfers for Payment of Prepetition Employee Obligations

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3. The Debtors are hereby authorized, but not directed, to pay all payroll taxes associated with all Employee Obligations, including, without limitation, the payroll tax payments in connection with the outstanding payroll obligations described above and to continue to pay such obligations as required in the ordinary course of business.

4. The Debtors are hereby authorized, but not directed, to honor all liabilities to its Employees with respect to vacation, sick and holiday leave and other health and welfare benefit programs that arose prior to the Petition Date and to continue such policies post-petition.

5. The Debtors are hereby authorized, but not directed, to pay all amounts due and owing as of the Petition Date with respect to the Flexible Spending Accounts and Health Savings Plans and to continue such benefits post-petition.

6. The Debtors are hereby authorized, in their discretion and in the exercise of their business judgment, to continue to honor all of their obligations with respect to the Employee Business Expenses in the ordinary course of business, regardless of when such obligations arose.

7. The Debtors are hereby authorized, but not directed, to pay all amounts owing as of the Petition Date with respect to the Savings Plan and Defined Benefit Plan and to continue performing under the Savings Plan and Defined Savings Plan in the ordinary course of business.

8. All banks and financial institutions at which the Debtors maintain accounts are (i) authorized to honor prepetition payroll and transfers on or after the Petition Date, and to the extent that any bank or financial institution may have honored any prepetition payroll checks prior to the Petition Date, such honoring is ratified, (ii) authorized to process and honor all other checks and transfers issued for payments approved by this Final Order and/or reissue checks for any payments approved by this Final Order where such checks may be dishonored post-petition, and (iii) prohibited from placing holds on, or attempting to reverse, automatic transfers to Employee accounts for Employee Obligations.

Debtor: Duro Dyne National Corp., *et al.*

Case No.: 18-27963 (MBK)

Caption: Final Order Pursuant to 11 U.S.C. §§ 105(a) and 507(a) (I) Authorizing the Debtors to Pay Prepetition Wages and Salaries and Related Obligations and Taxes and (II) Directing All Banks to Honor Checks and Transfers for Payment of Prepetition Employee Obligations

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9. Nothing herein shall be deemed an assumption or adoption by the Debtors of any agreements or policies providing for prepetition compensation or benefits to the Debtors' Employees.

10. Nothing in this Final Order shall impair the Debtors' ability to contest the validity or amount of any Employee Obligations pursuant to any applicable law.

11. The requirement set forth in Local Rule 9013-2 that any motion or other request for relief be accompanied by a memorandum of law is hereby deemed satisfied by the contents of the Motion or otherwise waived.

12. To the extent applicable, the requirements of Bankruptcy Rule 6004(a) are hereby waived.

13. Notwithstanding the possible applicability of Bankruptcy Rule 6004(h), this Final Order shall be immediately effective and enforceable upon its entry.

14. The Debtors are authorized to take all actions necessary to effectuate the relief granted pursuant to this Final Order.

15. This Court shall retain exclusive jurisdiction to hear and decide any and all disputes related to or arising from the implementation, interpretation and enforcement of this Final Order.

16. Notwithstanding anything in this Final Order to the contrary, the relief granted in this Final Order is limited to the statutory caps in 11 U.S.C. § 1129(a)(4) and (5).

In re:  
Duro Dyne National Corp.  
Debtor

Case No. 18-27963-MBK  
Chapter 11

### CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Oct 01, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 03, 2018.

db +Duro Dyne National Corp., 100 Horizon Center Boulevard, Hamilton, NJ 08691-1903

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Oct 03, 2018

Signature: /s/Joseph Speetjens

### CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 1, 2018 at the address(es) listed below:

Christina Salem on behalf of Interested Party The North River Insurance Company  
christina.salem@kennedyscmk.com  
Christina Salem on behalf of Interested Party Hartford Accident and Indemnity Company  
christina.salem@kennedyscmk.com  
Jeffrey A. Cooper on behalf of Creditor 4 Site, LLC jcooper@rltlawfirm.com,  
cooperatty@aol.com;rgaydos@rltlawfirm.com  
Jeffrey D. Prol on behalf of Debtor Duro Dyne Machinery Corp. jprol@lowenstein.com,  
tfreedman@lowenstein.com;dclaussen@lowenstein.com  
Jeffrey D. Prol on behalf of Debtor Duro Dyne National Corp. jprol@lowenstein.com,  
tfreedman@lowenstein.com;dclaussen@lowenstein.com  
Jeffrey D. Prol on behalf of Interested Party Duro Dyne Midwest jprol@lowenstein.com,  
tfreedman@lowenstein.com;dclaussen@lowenstein.com  
Jeffrey D. Prol on behalf of Interested Party Duro Dyne Corporation jprol@lowenstein.com,  
tfreedman@lowenstein.com;dclaussen@lowenstein.com  
Jeffrey D. Prol on behalf of Interested Party Duro Dyne Machinery jprol@lowenstein.com,  
tfreedman@lowenstein.com;dclaussen@lowenstein.com  
Jeffrey D. Prol on behalf of Debtor Duro Dyne Corporation jprol@lowenstein.com,  
tfreedman@lowenstein.com;dclaussen@lowenstein.com  
Jeffrey D. Prol on behalf of Other Prof. Getzler Henrich & Associates, LLC  
jprol@lowenstein.com, tfreedman@lowenstein.com;dclaussen@lowenstein.com  
Jeffrey D. Prol on behalf of Interested Party Duro Dyne West jprol@lowenstein.com,  
tfreedman@lowenstein.com;dclaussen@lowenstein.com  
Jeffrey D. Prol on behalf of Debtor Duro Dyne West Corp. jprol@lowenstein.com,  
tfreedman@lowenstein.com;dclaussen@lowenstein.com  
Jeffrey D. Prol on behalf of Debtor Duro Dyne MidWest Corp. jprol@lowenstein.com,  
tfreedman@lowenstein.com;dclaussen@lowenstein.com  
Jeffrey M. Sponder on behalf of U.S. Trustee U.S. Trustee jeffrey.m.sponder@usdoj.gov,  
jeffrey.m.sponder@usdoj.gov  
John A. Fialcowitz on behalf of Creditor Committee Official Committee of Asbestos Claimants  
john@fialcowitzlaw.com  
Karl J. Norgaard on behalf of Unknown Role Type Undisclosed Interested Party  
knorgaard@norgaardfirm.com,  
sferreira@norgaardfirm.com;184grandno@gmail.com;kcimmino@norgaardfirm.com  
Mark S. Lichtenstein on behalf of Interested Party Federal Insurance Company  
mlichtenstein@crowell.com, mplevin@crowell.com;tyoon@crowell.com  
Matthew B. Heimann on behalf of Creditor Mestek, Inc. and Mestek Machinery, Inc.  
mheimann@mccarter.com  
Mitchell Hausman on behalf of U.S. Trustee U.S. Trustee Mitchell.B.Hausman@usdoj.gov  
Sean M. Beach on behalf of Other Prof. Lawrence Fitzpatrick bankfilings@ycst.com  
Stephen Forte on behalf of Interested Party Hartford Accident and Indemnity Company  
sforte@goodwin.com, bankruptcy@goodwin.com;bankruptcy@paralegal@goodwin.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 22