

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

In re:

SUGARFINA INC., *et al.*,

Debtors.<sup>1</sup>

Chapter 11

Case No. 19-11973 (MFW)

(Jointly Administered)

RE D.I. 153

**ORDER ESTABLISHING BAR DATES FOR FILING CLAIMS  
AND APPROVING FORM AND MANNER OF NOTICE THEREOF**

Upon the motion (the “Motion”)<sup>2</sup> of the Debtors for entry of an order under Bankruptcy Code sections 501, 502, 503, and 1111(a), Bankruptcy Rules 2002 and 3003(c)(3), and Local Rule 2002-1(e) (i) establishing deadlines for filing Proofs of Claim against the Debtors in these chapter 11 cases and (ii) approving the form and manner of notice thereof; and the Court having reviewed the Motion; and the Court having determined that the relief requested in the Motion is in the best interests of the Debtors, their estates, creditors, and other parties in interest; and it appearing that proper and adequate notice of the Motion has been given and that no other or further notice is necessary; and upon the record herein; and after due deliberation thereon; and good and sufficient cause appearing therefor, it is hereby

ORDERED, ADJUDGED AND DECREED THAT:

1. The Motion is GRANTED as set forth herein.
2. All objections to the entry of this Order, to the extent not withdrawn or settled, are overruled.

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number or Canadian Revenue Agency, as applicable are (1) Sugarfina, Inc., a Delaware corporation (4356), (2) Sugarfina International, LLC, a Delaware limited liability company (1254) and (3) Sugarfina (Canada), Ltd. (4480). The location of the Debtors' corporate headquarters is 1700 E. Walnut Ave., 5th Floor, El Segundo, California 90245.

<sup>2</sup> Capitalized terms used herein without definition shall have the meaning ascribed to them in the Motion.

3. Each person or entity, including, without limitation, each individual, partnership, joint venture, corporation, limited liability company, estate, trust or governmental unit, that holds or asserts a claim, as defined in Bankruptcy Code section 101(5), against the Debtors shall file a Proof of Claim in the bankruptcy cases of the Debtors so that it is filed, as provided below, on or before **the date that is thirty-one (31) days from the date of this Order, at 5:00 p.m. (prevailing Eastern Time)**, as the General Bar Date and **March 4, 2020, at 5:00 p.m. (prevailing Eastern Time)** as the Governmental Unit Bar Date. The Debtors shall include the designated General Bar Date and the Governmental Unit Bar Date in the Bar Date Notice.

4. If, on or after the date on which the Debtors serve the Bar Date Notice, the Debtors amend or supplement their Schedules (a) to reduce the undisputed, noncontingent, and liquidated amount of a claim, (b) to change the nature or characterization of a claim, or (c) to add a new claim to the Schedules, the affected claimant shall file a Proof of Claim or amend any previously filed Proof of Claim in respect of the amended scheduled claim in accordance with the procedures described herein so that it is filed, as provided below, on or before the later of (x) the General Bar Date or (y) thirty (30) days after the claimant is served with notice of the applicable amendment or supplement to the Schedules. For the avoidance of doubt, creditors shall not be required to file new or amended proofs of claim in response to an amendment to the Schedules or the Statement of Financial Affairs which occurs after the Bar Date, if they filed a proof of claim by the Bar Date and do not assert any different information.

5. Each proof of claim, including supporting documentation, must be **filed** with the Claims Agent no later than 5:00 p.m. prevailing Eastern Time on the applicable Bar Date in the following manner:

**If by Regular Mail:**

BMC Group  
Attn: Sugarfina Claims Processing  
PO Box 90100  
Los Angeles, CA 90009

**If by Messenger or Overnight Delivery:**

BMC Group  
Attn: Sugarfina Claims Processing  
3732 West 120th Street  
Hawthorne, CA 90250

Additionally, Proofs of Claim may be delivered electronically using the interface available on the Claims Agent's website at [www.bmcgroup.com/sugarfina](http://www.bmcgroup.com/sugarfina).

**Proof of Claim Forms submitted by facsimile or e-mail will not be accepted.**

If any Claimant mails its Proof of Claim to the Claims Agent for filing, the Claimant must mail it early enough so that the Claims Agent will **receive it on or before** the applicable Bar Date.

6. The Claims Agent shall not accept Proofs of Claim by facsimile or telecopy.
7. The following persons or entities are not required to file Proofs of Claim:
  - the U.S. Trustee, on account of claims for fees payable pursuant to 28 U.S.C. § 1930;
  - claimants who already submitted a Proof of Claim against the Debtors with the Clerk of the Bankruptcy Court for the District of Delaware in a form substantially similar to Official Bankruptcy Form 410 or with the Claims Agent;
  - any person or entity (i) whose claim is listed in the Debtors' Schedules or any amendments thereto and is not described therein as "disputed," "contingent," or "unliquidated," and (iii) who does not dispute the amount or characterization of its claim as set forth in the Schedules (including that the claim is an obligation of the specific Debtor against which the claim is listed in the Schedules);
  - professionals retained by the Debtors or any statutory committee pursuant to orders of this Court who assert administrative claims for fees and expenses subject to the Court's approval pursuant to Bankruptcy Code sections 330, 331, and 503(b);

- any Claimant who holds a Claim that is subject to specific deadlines, aside from those established pursuant to the Motion, fixed by this Court by separate order;
- any Claimant who holds a Claim that has been paid in full by the Debtors or any other party;
- current officers and directors of the Debtors who assert claims for indemnification and/or contribution arising as a result of such officers' or directors' prepetition or post-petition services to the Debtors; and
- any person or entity whose claim against the Debtors has been allowed by an order of the Court, entered on or before the applicable Bar Date.

8. Any person or entity that is required to file a timely Proof of Claim in the form and manner specified by this Order and who fails to do so on or before the Bar Date associated with such claim (a) may be forever barred, estopped, and enjoined from asserting such claim against the Debtors or thereafter filing a Proof of Claim with respect thereto in these chapter 11 cases; (b) may not, with respect to such claim, be treated as a creditor of the Debtors for the purpose of voting on any plan in these chapter 11 cases; and (c) may not receive or be entitled to receive any payment or distribution of property from the Debtors or their successors or assigns with respect to such claim.

9. The Bar Date Notice, substantially in the form attached hereto as Exhibit 1, and the Proof of Claim form, substantially in the form attached hereto as Exhibit 2, are hereby approved in all respects.

10. The Debtors shall serve the Bar Date Notice and the Proof of Claim Form within one (1) day of the date on which this order is entered.

11. The Debtors are permitted to make supplemental mailings of the Bar Date Package in the event that (a) notices are returned by the post office with forwarding addresses (unless notices are returned as "returned to sender" without a forwarding address, in which cases the

Debtors, after reasonable investigation to ascertain the proper address of such creditor to no avail, should not be required to mail additional notices to such creditors), (b) certain parties acting on behalf of parties in interest decline to pass along notices to these parties and instead return their names and addresses to the Debtors for direct mailing, (c) additional potential Claimants become known as the result of the noticing process, and (d) other similar circumstances at any time in advance of the General Bar Date, with any such mailings being deemed timely and the General Bar Date being extended to 30 days after mailing the Bar Date Package.

12. Notice of this Order shall be served on (a) all known persons and entities holding potential claims against the Debtors, and their counsel (if known), including, but not limited to, holders of merchandise credits and gift cards and gift certificates (or if such holder is not known then the purchaser of gift cards and gift certificates if known to the Debtors); (b) all known equity holders (c) the Office of the U.S. Trustee for the District of Delaware; (d) all parties who have filed proofs of claim in these cases; (e) all parties that have requested notice pursuant to Bankruptcy Rule 2002; (f) all entities who are parties to executory contracts and unexpired leases with the Debtors; (g) all entities who are parties to litigation with the Debtors, or their counsel (if known); (h) the District Director of the Internal Revenue Service for the District of Delaware; (i) all other taxing authorities for the jurisdictions in which the Debtors maintain or conduct business; (j) the Securities and exchange Commission; (k) any environmental authorities listed in Part 12 of the Debtors' Statement of Financial Affairs; and (l) all current employees and all former employees who left the Debtors' employment within two years prior to the Petition Date.

13. The form and manner of the notice of the Bar Dates as set forth in this order and in the manner set forth herein (including, without limitation, the Bar Date Notice, the Bar Date Package, and any supplemental notices that the Debtors may send from time to time) is approved

and constitutes (a) good, adequate, and sufficient notice to all known creditors of the Bar Dates and their rights and obligations in connection with any Claims they may assert against the Debtors' in these Chapter 11 Cases and (b) satisfies the requirements of the Bankruptcy Code, the Bankruptcy Rules, and the Local Rules.

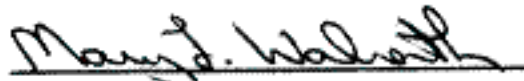
14. Nothing in this Order shall prejudice the rights of the Debtors or any other party in interest herein to dispute, or to assert offsets or defenses to, any claim reflected in the Schedules as to amount, liability, characterization, or otherwise, and to subsequently designate any claim as disputed, contingent or unliquidated.

15. The Debtors are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Motion.

16. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation or enforcement of this Order.

Dated: October 8th, 2019  
Wilmington, Delaware

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MARY F. WALRATH  
UNITED STATES BANKRUPTCY JUDGE