

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

In re:

SUGARFINA INC., *et al.*,

Debtors.

Chapter 11

Case No. 19-11973 (MFW)

Jointly Administered

**NOTICE OF DESIGNATION OF BAR DATES**

**TO: ALL ENTITIES WHO MAY HAVE PREPETITION CLAIMS AGAINST SUGARFINA, INC., SUGARFINA INTERNATIONAL, LLC AND SUGARFINA (CANADA) LTD.:**

**PLEASE TAKE NOTICE THAT:**

- On September 6, 2019 (the “**Petition Date**”), the Debtors filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code (the “**Bankruptcy Code**”) in the United States Bankruptcy Court for the District of Delaware (the “**Court**”). Set forth below is the name, the last four digits of the federal tax identification number, and address for each Debtor:

| <b>DEBTORS (other names, if any, used by the Debtor(s) in the last 8 years appear in parentheses)</b> | <b>Last Four Digits of EIN</b> | <b>Address</b>  |
|---|--------------------------------|---|
| Sugarfina, Inc.   | 4356                           | 1700 E. Walnut Ave., 5th Floor,<br>El Segundo, California 90245 |
| Sugarfina International, LLC  | 1254                           | 1700 E. Walnut Ave., 5th Floor,<br>El Segundo, California 90245 |
| Sugarfina (Canada) Ltd.   | 4480                           | 1700 E. Walnut Ave., 5th Floor,<br>El Segundo, California 90245 |

- Pursuant to an order of this Court entered on **October 8, 2019** [Docket No. 228] (the “**Bar Date Order**”), the deadline for creditors to proofs of claim for prepetition claims against the Debtors is **November 8, 2019 at 5:00 p.m. (PDT)** (the “**General Bar Date**”), and the deadline for governmental units to file proofs of claim against the Debtors is **March 4, 2020 at 5:00 p.m. (PDT)** (the “**Governmental Unit Bar Date**,” and together with the General Bar Date, the “**Bar Dates**”). The Bar Dates apply to all claims against the Debtors that arose before the Petition Date; provided however, that the Bar Dates do not apply to the Excluded Claims listed in paragraph 4 below. The Bar Date Order also sets procedures to be used for filing proofs of claim, which are summarized in this notice for your convenience.
- Unless you fall into one of the categories listed in paragraph 4, you MUST file a proof of claim if you have a claim against the Debtors that arose before September 6, 2019.**

Acts or omissions that occurred before September 6, 2019 may give rise to claims subject to the Bar Dates even if the claims may not have become known or fixed or liquidated until after September 6, 2019. Under section 101(5) of the Bankruptcy Code and as used herein, the word “claim” means: (a) a right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured or unsecured; or (b) a 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, undisputed, secured or unsecured.

4. The Bar Date Order provides that creditors do **NOT** have to file proofs of claim by the Bar Dates for the types of claims and interests listed below in this paragraph 4 (collectively, the “**Excluded Claims**”). **You need not file a proof of claim at this time for any Excluded Claim.** The Court may enter one or more separate orders at a later time requiring creditors to file proofs of claim for certain types of Excluded Claims and setting related deadlines. If the Court does enter such an order, you will receive notice of it. Excluded Claims include claims of:

- i. the U.S. Trustee, on account of claims for fees payable pursuant to 28 U.S.C. § 1930;
- ii. 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;
- iii. 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) **(FOR ADDITIONAL INFORMATION REGARDING SCHEDULED CLAIMS, PLEASE SEE BELOW)**;
- iv. 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);
- v. 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;
- vi. any Claimant who holds a Claim that has been paid in full by the Debtors or any other party;

- vii. 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;
  - viii. 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;
  - ix. Any person or entity that holds an interest in the Debtors, which interest is based exclusively upon ownership of common or preferred stock, membership interest, partnership interest, or warrants or rights to purchase, sell, or subscribe to such a security or interest; provided, however, that interest holders that wish to assert Claims (as opposed to ownership interest) against the Debtors other than with respect to ownership or purchase of an interest, including Claims arising out of or relating to the sale issuance or distribution of the interest, must file proofs of claim on or before the General Bar Date, unless another exception identified herein applies; and
  - x. Any holder of a claim allowable under sections 503(b) or 507(a) of the Bankruptcy Code as an administrative expense of this chapter 11 case.
5. **THE FACT THAT YOU HAVE RECEIVED THIS NOTICE DOES NOT MEAN THAT YOU HAVE A CLAIM OR THAT THE DEBTORS BELIEVE YOU HAVE A CLAIM.**
6. **ACCESSING SCHEDULED CLAIMS AMOUNTS.** All parties can search each of the Debtors' Schedules of Assets and Liabilities to determine whether they have been listed by any of the Debtors as having a claim, and whether they are listed as having a claim that is contingent, unliquidated or disputed, by doing the following:
- a. Access the Claims Agent's website at [www.bmcgroup.com/sugarfina](http://www.bmcgroup.com/sugarfina);
  - b. Click on the link for the Debtors' Schedules of Assets and Liabilities located in the orange box on or before October 12, 2019;
  - c. Click on each of the Debtors' names to access that particular Debtors' Schedules of Assets and Liabilities; and
  - d. Press the control key and the "F" key on the keyboard and search for a particular name.
7. If the Debtors amend the Schedules after you receive this notice, the Debtors will give notice of that amendment to the holders of the claims that are affected, and those holders shall be afforded the later of thirty (30) days from the date on which such notice is given or the General Bar Date or the Governmental Bar Date, as applicable, to submit a proof of claim with respect to such amended Claim. Creditors who filed a proof of claim by the

Bar Dates and do not assert any different information shall not be required to file new or amended proofs of claim in response to an amendment to the Schedules.

**INSTRUCTIONS FOR FILING PROOFS OF CLAIM:**

8. If you file a proof of claim, your filed proof of claim must (i) be signed by the creditor asserting the claim or, if the claimant is not an individual, by an authorized agent of the claimant, (ii) be written in English, (iii) include a claim amount denominated in United States dollars, (iv) conform substantially with the proof of claim form provided by the Debtors or based on the Official Bankruptcy Form No. 410, and (v) clearly state a claim against the Debtors. The Debtors are enclosing a proof of claim form for use in these chapter 11 cases. If you require additional proof of claim forms, you may obtain a proof of claim form from any bankruptcy court clerk's office, your lawyer, or by writing, through regular mail, overnight mail or hand delivery, to the Claims Agent at BMC Group, Attn: Sugarfina Claims Processing, 3732 West 120<sup>th</sup> Street, Hawthorne, CA 90250, or at [www.bmcgroup.com/sugarfina](http://www.bmcgroup.com/sugarfina).
9. Your proof of claim form and/or motion must be **filed** on or before **5:00 p.m. prevailing Pacific Time on November 8, 2019** (non-governmental creditors) or **5:00 p.m. prevailing Pacific Time on March 4, 2020** (governmental creditors). You can file the proof of claim 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 you mail your Proof of Claim to the Claims Agent for filing, you must mail it early enough so the Claims Agent will **receive it on or before** the applicable Bar Date.

**CONSEQUENCES OF MISSING THE DEADLINE FOR FILING CLAIMS:**

10. EXCEPT WITH RESPECT TO EXCLUDED CLAIMS (AS DESCRIBED IN PARAGRAPH 4 HEREOF), IF YOU FAIL TO FILE A PROOF OF CLAIM ON OR BEFORE 5:00 P.M. (PREVAILING EASTERN TIME) ON THE APPLICABLE BAR DATE ON ACCOUNT OF ANY CLAIM YOU WISH TO ASSERT AGAINST THE DEBTORS (OR IF YOU DO NOT SUBMIT YOUR CLAIM VIA U.S. MAIL, HAND DELIVERY OR OVERNIGHT MAIL SO AS TO BE ACTUALLY RECEIVED ON OR BEFORE 5:00 P.M. (PREVAILING PACIFIC TIME) ON THE APPLICABLE BAR DATE), THEN:
- YOU WILL NOT BE TREATED AS A CREDITOR FOR PURPOSES OF THESE CHAPTER 11 CASES;
  - YOU WILL NOT RECEIVE ANY DISTRIBUTION IN THESE CHAPTER 11 CASES ON ACCOUNT OF THAT CLAIM; AND
  - YOU WILL NOT BE PERMITTED TO VOTE ON ANY PLAN OR PLANS OF REORGANIZATION OR LIQUIDATION FOR THE DEBTORS ON ACCOUNT OF THESE BARRED CLAIMS.

**EXAMINATION OF BAR DATE ORDER AND SCHEDULES:**

11. Copies of the Bar Date Order, the Schedules and other documents filed in these chapter 11 cases may be examined between the hours of 8:00 a.m. and 4:00 p.m., Prevailing Eastern Time, Monday through Friday, at the Office of the Clerk of the Bankruptcy Court, 824 North Market Street, 3rd Floor, Wilmington, Delaware 19801.

**QUESTIONS:**

12. Proof of claim forms and a copy of the Bar Date Order may be obtained by visiting [www.bmcgroup.com/sugarfina](http://www.bmcgroup.com/sugarfina). The Claims Agent cannot advise you how to file, or whether you should file, a proof of claim.

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DATED: October 10, 2019  
Wilmington, Delaware

**MORRIS JAMES LLP**

/s/ Brya M. Keilson

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