

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

In re:

SPORTCO HOLDINGS, INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 19-11299 (LSS)
(Jointly Administered)

Re: Docket No. 304

**ORDER (I) ESTABLISHING DEADLINES FOR FILING PROOFS
OF CLAIM; (II) APPROVING PROCEDURES FOR FILING PROOFS
OF CLAIM; AND (III) APPROVING THE FORM, MANNER, AND
SUFFICIENCY OF PROVIDING NOTICE THEREOF**

Upon the motion (the “Motion”)² of the Debtors, pursuant to Bankruptcy Code sections 501, 502, and 1111(a), Bankruptcy Rules 2002, 3003(c)(3), and 5005(a), and Local Rule 1009-2, 2002-1 and 3003-1 for an order (i) establishing deadlines for filing proofs of claim against the Debtors, (ii) approving procedures for filing proofs of claim, and (iii) approving the form, manner, and sufficiency of notice thereof; the Court having jurisdiction to consider the Motion and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334; and it appearing that proper and adequate notice of the Motion has been given and that no other or further notice is necessary; and the Court having determined that the relief sought in the Motion is in the best interests of the Debtors, their creditors, and all parties in interest; and upon the Motion and all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing therefor, IT IS HEREBY ORDERED THAT:

¹ The Debtors, together with the last four digits of each Debtor’s federal tax identification number, are: Bonitz Brothers, Inc. (4441); Ellett Brothers, LLC (7069); Evans Sports, Inc. (2654); Jerry’s Sports, Inc. (4289); Outdoor Sports Headquarters, Inc. (4548); Quality Boxes, Inc. (0287); Simmons Guns Specialties, Inc. (4364); SportCo Holdings, Inc. (0355); and United Sporting Companies, Inc. (5758). The location of the Debtors’ corporate headquarters and the service address for all Debtors is 267 Columbia Ave., Chapin, SC 29036.

² Capitalized terms used but not defined herein shall have the meanings ascribed to such terms in the Motion, except for Administrative Expense Claims, which definition now excludes claims arising under Bankruptcy Code section 503(b)(9).

1. The Motion is granted as set forth herein.
2. The Debtors are authorized and empowered to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Motion.
3. Except as otherwise provided herein, all holders of claims, as defined in Bankruptcy Code section 101(5), that wish to assert a claim against the Debtors that arose on or prior to the Petition Date, including a claim arising under Bankruptcy Code section 503(b)(9), must file a proof of claim with respect to such claim so that it is received on or before **October 16, 2019 at 5:00 p.m. (prevailing Eastern Time)** (the “General Bar Date”) (with the exception of proofs of claim of government units, the applicable bar date for which is hereby fixed as **December 9, 2019 at 5:00 p.m. (prevailing Eastern Time)**).
4. All Administrative Expense Claims incurred up to and including September 30, 2019, except for Professional Claims, must be filed no later than **October 16, 2019 at 5:00 p.m. (prevailing Eastern Time)** (the “First Administrative Expense Bar Date”). Administrative Expense Claims that arise on or after October 1, 2019, must be filed by **November 15, 2019 at 5:00 p.m. (prevailing Eastern Time)** (the “Second Administrative Expense Bar Date”).
5. Provision of notice of the Bar Dates as set forth in this Order constitutes adequate and sufficient notice of each of the Bar Dates and is deemed to satisfy all applicable notice requirements.
6. For any proof of claim to be validly filed, a signed original completed proof of claim, together with accompanying documentation, must be delivered to the Debtors’ noticing and claims agent, BMC Group, Inc., either by first-class mail, overnight delivery, or hand delivery to the address below or electronically using the interface available on BMC Group,

Inc.'s website at <https://onlineclaims.bmcgroup.com/SportCo/Claim/Filing410>, on or before 5:00 p.m. (prevailing Eastern Time) on the applicable Bar Date:

If by Regular Mail:

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

If by Messenger or Overnight Delivery:

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

7. The following procedures for the filing of proofs of claim shall apply:
 - a. Proofs of claim must conform substantially to Official Form No. 410;
 - b. Proofs of claim will be deemed timely filed only if **actually received** at the address set forth above on or before the General Bar Date;
 - c. Proofs of claim sent by facsimile, telecopy, or electronic mail will **not** be accepted or deemed filed;
 - d. Proofs of claim must (i) be signed by the claimant (or, if the claimant is not an individual, then by an authorized agent of the claimant); (ii) include any supporting documentation (if voluminous, a summary thereof must also be attached); (iii) be in the English language; and (iv) be denominated in United States currency;
 - e. Any holder of more than one claim must file a separate proof of claim with respect to each claim;
 - f. Any holder of a claim against more than one Debtor must file a separate proof of claim with respect to each such Debtor; and
 - g. All holders of claims must identify on their proofs of claim the specific Debtor against which their claim is asserted and the case number of that Debtor's bankruptcy case.
8. For any Administrative Expense Claim to be validly filed, a signed original completed proof of claim, together with accompanying documentation, must be delivered to the Debtors' noticing and claims agent, BMC Group, Inc., either by first-class mail, overnight

delivery, or hand delivery to the address below or electronically using the interface available on BMC Group, Inc.'s website at <https://onlineclaims.bmcgroup.com/SportCo/Claim/Filing410>, so as to be received on or before 5:00 p.m. (prevailing Eastern Time) on **October 16, 2019** for those claims that arose on or before September 30, 2019 or **November 15, 2019** for those claims that arose on or after October 1, 2019:

If by Regular Mail:

BMC Group
Attn: SportCo Claims Processing
PO Box 90100
Los Angeles, CA 900009

If by Messenger or Overnight Delivery:

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

9. The General Bar Date, First Administrative Expense Bar Date, and Second Administrative Expense Bar Date shall apply to all Persons and Entities (each as defined in Bankruptcy Code sections 101(41) and 101(15), but excluding governmental units) (each individually a "Person" or "Entity" and, collectively, "Persons" or "Entities"), holding claims against the Debtors that arose prior to the Petition Date, including the following:

- a. Any Person or Entity whose claim is listed on the Schedules as "disputed," "contingent," or "unliquidated" and which desires to share in any distribution or vote on any plan of reorganization or liquidation in these Chapter 11 Cases;
- b. Any Person or Entity that believes that its claim is improperly classified in the Schedules or listed in an incorrect amount in the Schedules and which desires to have its claim allowed in a classification or amount other than as set forth in the Schedules;
- c. Any Person or Entity whose claim against a Debtor is not listed in the applicable Debtor's Schedules; and
- d. Any Administrative Expense Claim, other than Professional claims, arising on or before September 30, 2019.

10. The following Persons or Entities need **not** file a proof of claim or interest on or prior to the General Bar Date with respect to any of the following categories of claims or interests:

a. Any Person or Entity that has already filed a proof of claim against the Debtors in a form that substantially conforms to (i) Official Form No. 410 and (ii) the provisions of paragraph 6 of this Order;

b. Any Person or Entity (i) whose claim is listed on the Schedules **and** (ii) whose claim is **not** listed as “disputed,” “contingent,” or “unliquidated,” **and** (iii) that agrees with the classification and amount of its claim as set forth in the Schedules;

c. Any holder of a claim that heretofore has been allowed by an order of this Court;

d. Any Person or Entity whose claim has been paid in full by any of the Debtors;

e. Any governmental unit, provided, however, that the applicable deadline for the filing of claims held by governmental units is hereby fixed as of December 9, 2019 at 5:00 p.m. (prevailing Eastern Time);

f. Any Debtor holding a claim against another Debtor; and

g. Any governmental entity with a claim arising under 28 U.S.C. § 1930 or with an administrative tax claim pursuant to Section 503(b)(1)(D) of the Bankruptcy Code who is not be required to file a request for payment.

11. If the Debtors amend their Schedules subsequent to the date on which this Order is entered to (a) add a claim that was not previously listed on the Schedules; (b) designate a claim as disputed, contingent, unliquidated, or undetermined; or (c) change the amount of a claim reflected on the Schedules, the Debtors shall give notice of any such amendment to the holders of claims affected thereby and any proof of claim with respect to such an amended or added claim shall be filed by the later of (i) twenty one days from the date of service of such notice and (ii) the General Bar Date. Provided that this provision shall not apply to any proof of claim that is timely filed prior to the amendment.

12. Any proof of claim with respect to a claim arising solely from, or as a consequence of, the rejection of an unexpired lease or executory contract of a Debtor shall be filed by the latest of (a) the General Bar Date; (b) twenty one days following the date of service upon contract or lease counter-parties of any order of the Court authorizing the Debtor to reject such unexpired lease or executory contract, or (c) the date set by any other order of this Court.

13. Nothing in this Order shall prejudice the rights of the Debtors or any other party in interest to (i) object to any claim, whether asserted in a proof of claim or scheduled, on any grounds; (ii) dispute, or assert offsets or defenses to, any claim reflected on the Schedules, or any amendments thereto, as to amount, liability, classification, or otherwise, and (iii) subsequently designate any claim as disputed, contingent, unliquidated, or undetermined.

14. Any holder of a claim against one of the Debtors who is required, but fails, to file a proof of such claim in accordance with this Order on or before the General Bar Date shall not be treated as a creditor (as defined in Bankruptcy Code section 101(10)) with respect to such claim for purposes of voting and distribution under any plan of reorganization or liquidation filed in these Chapter 11 Cases.

15. Any holder of an Administrative Expense Claim against any of the Debtors who is required, but fails, to file an Administrative Expense Claim in accordance with this Order on or before the First Administrative Expense Bar Date or Second Administrative Bar Date shall not be treated as a creditor (as defined in Bankruptcy Code section 101(10)) with respect to such claim for purposes of voting and distribution under any plan of reorganization or liquidation filed in these Chapter 11 Cases.

16. The Bar Date Notice attached to the Motion as Exhibit C is approved as amended on September 11, 2019 [Docket No. 374].

17. The Bar Date Notice is approved and shall be deemed adequate and sufficient if served by first-class mail (or the equivalent thereof) no later than three business days after entry of this Order on:

- a. All known creditors and their counsel (if known);
- b. All persons and entities that have requested notice of the proceedings in these Chapter 11 Cases as of the business day immediately preceding the mailing of the Bar Date Notice;
- c. Counsel to the Official Committee of Unsecured Creditors;
- d. The U.S. Trustee;
- e. All equity security holders;
- f. All taxing authorities for the jurisdictions in which the debtors did business, including the Internal Revenue Service;
- g. All persons or entities that have filed proofs of claim;
- h. All persons and entities listed on the Schedules as being a party to an executory contract or unexpired lease with any of the Debtors; and
- i. All parties to litigation with any of the Debtors described in the Schedules or currently pending in the bankruptcy court.

18. The form of the Publication Notice attached to the Motion as **Exhibit D** is approved as amended.

19. The Publication Notice shall be published, on one occasion in the *USA today National Edition* at least 21 days before the General Bar Date.

20. The Publication Notice is hereby determined to be valid and proper due process notice of the Bar Dates to unknown creditors of the Debtors.

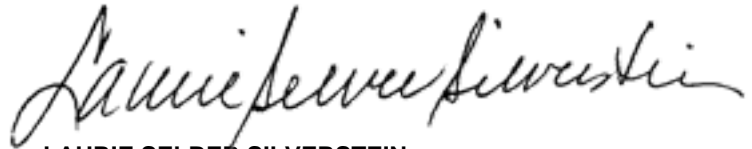
21. The Debtors are authorized to enter into such transactions, to cause such publication to be made, and to make reasonable payments required for such publication.

22. The entry of this Order is without prejudice to the right of the Debtors to seek a further order of this Court fixing a date by which holders of claims or interests not subject to the Bar Dates established herein must file proofs of claim or interest or be barred from doing so.

23. This Court shall retain jurisdiction to hear and determine all matters, claims, rights, or disputes arising from the implementation of this Order.

24. Notwithstanding any Bankruptcy Rule to the contrary, this Order shall take effect immediately upon its entry.

Dated: September 12th, 2019
Wilmington, Delaware



LAURIE SELBER SILVERSTEIN
UNITED STATES BANKRUPTCY JUDGE