

H42369 670046

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE		PROOF OF CLAIM	
In re Women First HealthCare, Inc., Debtor		Case Number 04-11278 (MFW)	
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.		<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case. <input type="checkbox"/> Check box if this address differs from the address on the envelope sent to you by the court.	
Name of Creditor and Address HENRY H. STRAUSS 12 HOWARD AVE TAPPAN, NY 10983-1006		If you have already filed a proof of claim with the Bankruptcy Court or BMC, you do not need to file again. THIS SPACE IS FOR COURT USE ONLY	
Creditor Telephone Number ()			
ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR Wickovia Sec 8137-2383		Check here <input type="checkbox"/> replaces or amends a previously filed claim dated _____.	
1 BASIS FOR CLAIM <input type="checkbox"/> Goods sold <input type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a) <input type="checkbox"/> Services performed <input type="checkbox"/> Taxes <input type="checkbox"/> Wages, salaries, and compensation (Fill out below) <input type="checkbox"/> Money loaned <input checked="" type="checkbox"/> Other (describe briefly): STOCK PURCHASE Last four digits of SS #: _____ Unpaid compensation for services performed from _____ to _____ (date) (date)			
2 DATE DEBT WAS INCURRED		3 IF COURT JUDGMENT, DATE OBTAINED	
4 TOTAL AMOUNT OF CLAIM AT TIME CASE FILED \$ _____ (unsecured) \$ _____ (secured) \$ _____ (unsecured priority) \$ 8794 (Total)			
If all or part of your claim is secured or entitled to priority, also complete Item 5 or 7 below. <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.			
5 SECURED CLAIM <input type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff). Brief description of collateral: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other _____ Value of Collateral: \$ _____ Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ _____		7 UNSECURED PRIORITY CLAIM <input type="checkbox"/> Check this box if you have an unsecured priority claim. Amount entitled to priority: \$ _____ Specify the priority of the claim: <input type="checkbox"/> Wages, salaries, or commissions (up to \$4,925) earned within 90 days before filing of the bankruptcy petition or cessation of the Debtor's business, whichever is earlier. 11 U.S.C. § 507(a)(3) <input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(4) <input type="checkbox"/> Up to \$2,225* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(6) <input type="checkbox"/> Alimony, maintenance, or support owed to a spouse, former spouse, or child. 11 U.S.C. § 507(a)(7) <input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8) <input checked="" type="checkbox"/> Other: Specify applicable paragraph of 11 U.S.C. § 507(a) (_____) STOCK PURCHASE <small>*Amounts are subject to adjustment on 4/1/07 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</small>	
6 UNSECURED NONPRIORITY CLAIM \$ 8794 <input type="checkbox"/> Check this box if: a) there is no collateral or lien securing your claim; or b) your claim exceeds the value of the property securing it; or c) none or only part of your claim is entitled to priority.			
8 CREDITS The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.			
9 SUPPORTING DOCUMENTS Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.			
10 DATE-STAMPED COPY To receive an acknowledgment of your claim, please enclose a self-addressed, stamped envelope and an additional copy of this proof of claim.			
The original of this completed proof of claim form must be sent by mail or hand delivered (FAXES NOT ACCEPTED) so that it is received on or before 4:00 pm, Eastern Time on October 26, 2004 for Governmental Units. BY MAIL TO: Women First HealthCare, Inc. c/o BMC Group /f/k/a Bankruptcy Management Corp. PO Box 983 El Segundo, CA 90245-0983		BY HAND OR OVERNIGHT DELIVERY TO: Women First HealthCare, Inc. c/o BMC Group /f/k/a Bankruptcy Management Corp. 1330 East Franklin Ave. El Segundo, CA 90245	
DATE SIGNED		SIGN and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any). Henry H. Strauss	
Penalty for presenting fraudulent claim is a fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 1593 and 1594.			

THIS SPACE FOR COURT
USE ONLY

FILED

NOV 03 2004

BMC

Women First Healthcare, Inc.



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8 Upon the advance express written consent of the Debtor, a claimant's proof of claim may be filed without the documents required by Bankruptcy Rules 3001(c) and 3001(d), provided, however, that any claimant that receives such a written consent shall be required to transmit these documents in support of its claim to BMC, the Debtor or other parties in interest within ten (10) days after the date of a written request for such documents

Dated Wilmington, Delaware
July _____, 2004

Aug 2



Mary F. Walrath
Chief United States Bankruptcy Judge

INSTRUCTIONS FOR FILING PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In particular types of cases or circumstances such as bankruptcy cases that are not filed voluntarily by a debtor there may be exceptions to the general rules

DEFINITIONS

DEBTOR

The person, corporation, or other entity that has filed a bankruptcy case is called the debtor

CREDITOR

A creditor is any person, corporation, or other entity to whom the debtor owed a debt on the date that the bankruptcy case was filed

PROOF OF CLAIM

A form telling the bankruptcy court how much the debtor owed a creditor at the time the bankruptcy case was filed (the amount of the creditor's claim). This form must be filed with the court appointed Claims Agent, BMC Group f/k/a Bankruptcy Management Corporation at the address listed on the reverse side of this page

SECURED CLAIM

A claim is a secured claim to the extent that the creditor has a lien on the property of the debtor (collateral) that gives the creditor the right to be paid from that property before creditors who do not have liens on the property

Examples of liens are a mortgage on real estate and a security interest in a car, truck, boat, television set, or other item of property. A lien may have been obtained through a court proceeding before a bankruptcy case began. In some states a court judgment is a lien. In addition, to the extent a creditor also owes money to the debtor (has a right of setoff), the creditor's claim may be a secured claim. (See also *Unsecured Claim*)

UNSECURED CLAIM

If a claim is not a secured claim it is an unsecured claim. A claim may be partly secured and partly unsecured if the property on which a creditor has a lien is not worth enough to pay the creditor in full.

UNSECURED PRIORITY CLAIM

Certain types of unsecured claims are given priority, so they are to be paid in bankruptcy cases before most other unsecured claims (if there is sufficient money or property available to pay these claims). The most common types of priority claims are listed on the proof of claim form. Unsecured claims that are not specifically given priority status by the bankruptcy laws are classified as *Unsecured Nonpriority Claims*.

ITEMS TO BE COMPLETED IN PROOF OF CLAIM FORM (IF NOT ALREADY PROPERLY FILLED IN)

Court, Name of Debtor, and Case Number

Fill in the name of the federal judicial district where the bankruptcy case was filed, the name of the debtor in the bankruptcy case, and the bankruptcy case number. If you received a notice of the case from the Claims Agent, BMC Group f/k/a Bankruptcy Management Corporation, all of this information is near the top of the notice.

Information about Creditor

If not already accurately pre-printed, complete the section giving the name, address, and telephone number of the creditor to whom the debtor owes money or property and the debtor's account number, if any. If (a) anyone else has already filed a proof of claim relating to this debt, (b) if you never received notices from the Claims Agent, BMC Group f/k/a Bankruptcy Management Corporation about this case, (c) if your address differs from that to which the Claims Agent sent this notice, or (d) if this proof of claim replaces or amends a proof of claim that was already filed, check the appropriate boxes on the form.

1 Basis for Claim

Check the type of debt for which the proof of claim is being filed. If the type of debt is not listed, check "Other" and briefly describe the type of debt. If you were an employee of the debtor, fill in your social security number and the dates of work for which you were not paid.

2 Date Debt Incurred

Fill in the date when the debt first was owed by the debtor.

3 Court Judgments

If you have a court judgment for this debt, state the date the court entered the judgment.

4 Total Amount of Claim at Time Case Filed

Fill in the applicable amounts, including the total amount of the entire claim. If interest or other charges in addition to the principal amount of the claim are included, check the appropriate place on the form and attach an itemization of the interest and charges.

5 Secured Claim

If your claim is a secured claim, check the appropriate boxes in this section. You must state the type and value of property that is collateral for the claim, attach copies of the documentation of your lien, and state

the amount past due on the claim as of the date the bankruptcy case was filed. A claim may be partly secured and partly unsecured. (See DEFINITIONS above)

6 Unsecured Nonpriority Claim

If your claim is an unsecured nonpriority claim, sometimes referred to as a "general unsecured claim" (See DEFINITIONS, above), check the appropriate box in this section. If your claim is partly secured and partly unsecured, state here the amount that is unsecured. If part of your claim is entitled to priority, state here the amount not entitled to priority.

7 Unsecured Priority Claim

If your claim is an unsecured priority claim (See DEFINITIONS, above), check the appropriate boxes in this section, and state the amount entitled to priority. A claim may be partly priority and partly nonpriority if, for example, the claim is for more than the amount given priority by the law. Check the appropriate place to specify the type of priority claim.

8 Credits

By signing this proof of claim, you are stating under oath that in calculating the amount of your claim you have given the debtor credit for all payments received from the debtor.

9 Supporting Documents

You must attach to this proof of claim form copies of documents that show the debtor owes the debt claimed or, if the documents are too lengthy, a summary of those documents. If documents are not available, you must attach an explanation of why they are not available.

Please read – important information upon completion of this claim form: you are certifying that the statements herein are true.

Be sure to date the claim and place original signature of claimant or person making the claim for creditor where indicated at the bottom of the claim form. Please type or print name of individual under the signature. Be sure all items are answered on the claim form. If not applicable, insert "Not Applicable."

Return claim form and attachments, if any. If you wish to receive an acknowledgement of your claim, please enclose a self-addressed stamped envelope and a second copy with any attachments to the Claims Agent, BMC Group f/k/a Bankruptcy Management Corporation at the address on the front of this form.

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

In re)	Chapter 11
)	
WOMEN FIRST HEALTHCARE, INC ,)	Case No 04-11278 (MFW)
)	
Debtor)	

**NOTICE OF GOVERNMENTAL UNIT BAR DATE
FOR FILING OF PROOFS OF CLAIM**

TO ALL GOVERNMENTAL UNITS

On August 2, 2004, the United States Bankruptcy Court for the District of Delaware (the "Court") entered an order in the above-captioned chapter 11 case [D I 274] (the "Governmental Unit Bar Date Order") establishing a governmental unit bar date in the chapter 11 case of the above-captioned debtor and debtor in possession (the "Debtor"). By the Governmental Unit Bar Date Order, the Court authorized the Debtor to fix October 26, 2004 as the governmental unit bar date (the "Governmental Unit Bar Date") in the Debtor's chapter 11 case.¹ Except as described below, the Governmental Unit Bar Date Order requires all Governmental Units that have or assert any prepetition Claims against the Debtor to file proofs of claim with Bankruptcy Management Corporation ("BMC"), the claims noticing and balloting agent in this case, so that their proofs of claim are received by BMC on or before 4 00 p m , Eastern Daylight Time, on the Governmental Unit Bar Date. Please note that the terms "Governmental Unit" and "Claim" are defined below.

For your convenience, enclosed with this Notice is a proof of claim form, which identifies on its face the amount, nature and classification of your Claim(s), if any, listed in the Debtor's schedules of assets and liabilities and statement of financial affairs filed in this case (collectively, the "Schedules")

KEY DEFINITIONS

As used in this Notice, the term "Governmental Unit" shall mean, in accordance with section 101(27) of the Bankruptcy Code, 11 U.S.C. §§ 101-1330 (the "Bankruptcy Code") United States, State, Commonwealth, District, Territory, municipality, foreign state, department, agency or instrumentality of the United States (but not a United States trustee while serving as a trustee in a case under this title), a State, a Commonwealth, a District, a Territory, a municipality, or a foreign state, or other foreign or domestic government.

As used in this Notice, the term "Claim" shall mean, as to or against the Debtor and in accordance with section 101(5) of the Bankruptcy Code: (a) any 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) any 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

¹ By Order dated June 25, 2004 [D I 203] (the "General Bar Date"), the Court established a general bar date of August 31, 2004 for all creditors. The General Bar Date shall remain in effect and shall bind all creditors of the Debtor, except Governmental Unit creditors subject to the terms of the Governmental Unit Bar Date Order.

an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured or unsecured

WHO MUST FILE A PROOF OF CLAIM AND THE APPLICABLE BAR DATES

The Governmental Unit Bar Date Pursuant to the Governmental Unit Bar Date Order, all Entities holding Claims against the Debtor (whether secured, unsecured priority or unsecured nonpriority) that arose prior to April 29, 2004, are required to file proofs of claim by the Governmental Unit Bar Date, including Entities whose Claims against the Debtor arise out of the obligations of those Entities under a contract for the provision of liability insurance to the Debtor

Governmental Units That Must File Proofs of Claims by the Governmental Unit Bar Date

The following Governmental Units must file proofs of claim on or before the Governmental Unit Bar Date

- a) any Governmental Unit whose prepetition Claim against the Debtor is not listed in the Debtor's Schedules or is listed as "disputed," "contingent" or "unliquidated" and that desires to participate in this chapter 11 case or share in any distribution in this chapter 11 case, and
- b) any Governmental Unit that believes its prepetition Claim is improperly classified in the Schedules or is listed in an incorrect amount and that desires to have its Claim allowed in a classification or amount other than that identified in the Schedules

Governmental Units Not Required to File Proofs of Claim by the Governmental Unit Bar Date

The Bar Date Order further provides that the following Governmental Units need not file proofs of claim by the Governmental Unit Bar Date

- a) any Governmental Unit that already has properly filed a proof of claim against the Debtor in accordance with the procedures described in this Notice,
- b) any Governmental Unit (i) whose Claim against the Debtor is not listed as "disputed," "contingent" or "unliquidated" in the Schedules and (ii) that agrees with the nature, classification and amount of its Claim as identified in the Schedules, and
- c) any Governmental Unit whose Claim against the Debtor previously has been allowed by, or paid pursuant to, an order of the Court

No Requirement to File Proofs of Interest

Any Governmental Unit holding an interest in the Debtor (an "Interest Holder"), which interest is based exclusively upon the ownership of common or preferred stock in a corporation, a general or limited partner interest in a limited partnership, a membership interest in a limited liability company or warrants or rights to purchase, sell or subscribe to such a security or interest (any such security or interest being referred to in this Notice as an "Interest"), need not file a proof of interest on or before the Governmental Unit Bar Date, provided, however, that Interest

Holders who wish to assert Claims against the Debtor that arise out of or relate to the 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 Governmental Unit Bar Date, unless another exception identified in this Notice applies

CONSEQUENCES OF FAILURE TO FILE PROOF OF CLAIM

Any Governmental Unit that is required to file a proof of claim, but that fails to do so by the Governmental Unit Bar Date described in this Notice, shall be forever barred, estopped and enjoined from the following

- a) asserting any Claim against the Debtor that the Governmental Unit has that (i) is in an amount that exceeds the amount, if any, that is identified in the Schedules on behalf of such Governmental Unit as undisputed, noncontingent and liquidated or (ii) is of a different nature or a different classification than any Claim identified in the Schedules on behalf of such Governmental Unit (any such Claim being referred to in this Notice as an "Unscheduled Claim"), or
- b) voting upon, or receiving distributions under, any plan or plans in this chapter 11 case in respect of an Unscheduled Claim

If it is unclear from the Schedules whether your Claim is disputed, contingent or unliquidated as to amount or is otherwise properly listed and classified, you must file a proof of claim on or before the Governmental Unit Bar Date. Any Governmental Unit that relies on the information in the Schedules bears responsibility for determining that its Claim is accurately listed therein

RESERVATION OF RIGHTS

The Debtor reserves the right to (a) dispute, or to assert offsets or defenses against, any filed Claim or any Claim listed or reflected in the Schedules as to nature, amount, liability, classification or otherwise, and (b) subsequently designate any Claim as disputed, contingent or unliquidated. Nothing contained in this Notice shall preclude the Debtor from objecting to any Claim, whether scheduled or filed, on any grounds

PROCEDURE FOR FILING PROOFS OF CLAIM

A signed original of a completed proof of claim, together with any accompanying or supporting documentation, must be delivered to Women First HealthCare, Inc., care of BMC Group, f/k/a Bankruptcy Management Corporation, P O Box 983, El Segundo, California 90245-0983, so as to be received no later than 4 00 p m, Eastern Daylight Time, on October 26, 2004. Proofs of claim may be submitted in person or by courier service, hand delivery or mail addressed to BMC at the foregoing address. *Any proof of claim submitted by facsimile or e-mail will not be accepted and will not be deemed filed until the proof of claim is submitted by one of the methods described in the foregoing sentence.* Proofs of claim will be deemed filed only when actually received by BMC. If you wish to receive acknowledgement of BMC's receipt of your proof of claim, you must also submit by 4 00 p m, Eastern Daylight Time, on October 26, 2004 and, concurrently with submitting your original proof of claim, (a) a copy of your original proof of claim and (b) a self-addressed, stamped return envelope

Proofs of claim must include all documentation required by Bankruptcy Rules 3001(c) and 3001(d), including an original or a copy of any written document that forms the basis of the Claim or, for secured Claims, evidence that the alleged security interest has been perfected. However, upon the advance express written consent of the Debtor, a claimant's proof of claim may be filed without the documents required by Bankruptcy Rules 3001(c) and 3001(d), provided, however, that any claimant that receives such a written consent will be required to transmit these documents in support of its Claim to BMC, the Debtor or other parties in interest within ten (10) days after the date of a written request for such documents.

ADDITIONAL INFORMATION

If you require additional information regarding the filing of a proof of claim, you may contact BMC at (888) 909-0100 or visit BMC's website at <http://www.bmccorp.net/wfhc>. You also may contact BMC by writing to Women First HealthCare, Inc., care of BMC Group, f/k/a Bankruptcy Management Corporation, P O Box 983, El Segundo, California 90245-0983. The claims register for the Debtor will be available for review during normal business hours in BMC's offices.

Dated Wilmington, Delaware
August 4, 2004

YOUNG, CONAWAY, STARGATT & TAYLOR, LLP



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Attorneys for Debtor and Debtor in Possession

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

In re)	Chapter 11
)	
WOMEN FIRST HEALTHCARE, INC.,)	Case No 04-11278 (MFW)
)	
Debtor)	Ref. Docket. Nos. 164 and 203
)	

**SUPPLEMENTAL ORDER ESTABLISHING A GOVERNMENTAL UNIT
BAR DATE FOR FILING PROOFS OF CLAIM AND APPROVING
THE FORM AND MANNER OF NOTICE THEREOF**

Upon the Debtor's Motion for an Order Establishing Bar Dates for Filing Proofs of Claim and Approving Form and Manner of Notice Thereof (the "Motion"),¹ filed by the above-captioned debtor and debtor-in-possession (the "Debtor") on June 8, 2004 [Docket No 164], this Court entered an Order [Docket No 203] (the "Bar Date Order") establishing August 31, 2004 at 4 00 p.m. (prevailing Eastern Time) as the general bar date by which all entities must file claims in this chapter 11 case (the "General Bar Date"), and it having come to the attention of the Debtor after establishment of the General Bar Date that various governmental units (as such term is defined in 11 U S C § 101(27)) (the "Governmental Units") have requested additional time to file claims, and it appearing that (i) establishing a final date and time for the Governmental Units to file claims against the Debtor or be forever barred in accordance with the authority granted to this Court by the Bankruptcy Code and the Bankruptcy Rules is necessary for the prompt and efficient administration of this chapter 11 case and to protect the interests of the Debtor, its estate and creditors, and (ii) notification of the relief granted by this Order in the manner proposed by the Debtor, as set forth herein, is fair and reasonable and will provide sufficient and proper notice to the Governmental Units of their rights and obligations in connection with any Claims they may have against the Debtor in this chapter 11 case, and

pursuant to Local Rule 2002-1(e), due and sufficient notice having been given, and it appearing that no other or further notice need be given, and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT

1 Capitalized terms not otherwise defined herein have the meanings given to them in the Motion. In addition, as used herein, the term "claim" has the meaning given to it in section 101(5) of the Bankruptcy Code.

2 The form of the notice attached hereto as Exhibit A (the "Governmental Unit Bar Date Notice"), the proof of claim form attached hereto as Exhibit B (the "Proof of Claim Form"), and together with the Governmental Unit Bar Date Notice, the "Governmental Unit Bar Date Package"), and the manner of providing notice of the Governmental Unit Bar Date, are approved in all respects pursuant to Bankruptcy Rules 2002(a)(7) and 2002(l) and Local Rule 2002-1(e). The form and manner of notice of the Governmental Unit Bar Date approved herein is deemed to fulfill the notice requirements of the Bankruptcy Rules and the Local Rules, and notice of the Governmental Unit Bar Date in the form and manner as proposed by the Debtor herein is fair and reasonable and will provide good, sufficient, and due notice to all Governmental Units of their rights and obligations in connection with claims and equity interests they may assert against the Debtor's estate in this chapter 11 case.

3 As soon as practicable, but in any event no later than ten (10) days after the date that the Court enters this Order, the Debtor, through Bankruptcy Management Corporation ("BMC"), the claims noticing and balloting agent in this case, shall serve the

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion

Governmental Unit Bar Date Package by first class United States mail, postage prepaid, on all known Governmental Units holding potential prepetition claims and their counsel (if known), all parties that have requested notice in this case, all equity security holders, all indenture trustees, the U S Trustee and all taxing authorities for the jurisdictions in which the Debtor does business. The date on which the Debtor actually serves the Governmental Unit Bar Date Package is referred to herein as the "Governmental Unit Service Date."

4. Pursuant to Bankruptcy Rule 3003(c)(3), all Governmental Units holding or wishing to assert a claim arising on or prior to the Petition Date against the Debtor or its property are required to file, on or before 4:00 p.m. Eastern Time on October 26, 2004 (the "Governmental Unit Bar Date"), a separate, completed and executed proof of claim form (conforming substantially to Official Bankruptcy Form No. 10) on account of any claim such Governmental Unit holds or wishes to assert against the Debtor.

5. Except as may be permitted under 11 U.S.C. §§ 726(a)(2) and (3), pursuant to Bankruptcy Rule 3003(c)(2), any Governmental Unit that is required to file a proof of claim in this chapter 11 case pursuant to the Bankruptcy Code, the Bankruptcy Rules or this Order with respect to a particular claim against the Debtor, but that fails to do so by the Governmental Unit Bar Date, shall be forever barred, estopped and enjoined from: (a) asserting any claim against the Debtor that the Governmental Unit has that (i) is in an amount that exceeds the amount, if any, that is identified in the Schedules on behalf of such entity as undisputed, noncontingent and liquidated or (ii) is of a different nature or a different classification than any claim identified in the Schedules on behalf of such entity (any such claim being referred to herein as an "Unscheduled Claim"); or (b) voting upon, or receiving distributions under, any plan or plans of reorganization in this chapter 11 case in respect of an Unscheduled Claim.

6 The Debtor shall serve on all known Governmental Units holding potential prepetition claims (a) the Governmental Unit Bar Date Notice, and (b) a Proof of Claim Form. The Debtor shall state on each Proof of Claim Form (a) whether the Governmental Unit's claim is listed in the Schedules and, if so, (b) the entity against which the Governmental Unit's claim is scheduled and (c) whether the claim is listed as disputed, contingent or unliquidated. If a claim is listed in the Schedules in a liquidated amount that is not disputed or contingent, the Debtor also shall identify on the Proof of Claim Form the dollar amount of the claim as listed in the Schedules. Any Governmental Unit that relies on the information in the Schedules shall bear responsibility for determining that its claim is accurately listed therein.

7 For any proof of claim to be validly and properly filed, a signed original of the completed proof of claim, together with any accompanying documentation required by Bankruptcy Rules 3001(c) and 3001(d), must be delivered to BMC at the address identified on the Governmental Unit Bar Date Notice so as to be received no later than 4.00 p.m., Eastern Daylight Time, on October 26, 2004. Proofs of claim may be submitted in person or by courier service, hand delivery or mail. Proofs of claim submitted by facsimile or e-mail shall not be accepted. Proofs of claim shall be deemed filed when actually received by BMC. If a creditor wishes to receive acknowledgement of BMC's receipt of a proof of claim, the creditor also must submit to BMC by the Governmental Unit Bar Date and concurrently with submitting its original proof of claim (a) a copy of the original proof of claim and (b) a self-addressed, stamped return envelope.