

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:) Chapter 11
) Case No. 15-35358
LB STEEL, LLC,)
) Honorable Janet S. Baer
Debtor.)

NOTICE OF MOTION

PLEASE TAKE NOTICE that on **November 30, 2015 at 10:30 a.m.**, the undersigned shall appear before the Honorable Janet S. Baer, or any judge sitting in her stead, in Courtroom 615 of the Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Chicago, Illinois, and then and there present *Debtor's Motion for Entry of an Order Establishing Bar Dates For Filing Proofs of Claim, Including Claims Arising Under Section 503(B)(9) of the Bankruptcy Code*, at which time you may appear.

Dated: November 23, 2015

Respectfully submitted,

LB STEEL, LLC,

By: /s/ Daniel A. Zazove
PERKINS COIE LLP
Daniel A. Zazove
David J. Gold
131 S. Dearborn Street, Suite 1700
Chicago, Illinois 60603-5559
Telephone: (312) 324-8400
Facsimile: (312) 324-9400

Attorneys for the Debtor

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:) Chapter 11
) Case No. 15-35358
LB STEEL, LLC,)
) Honorable Janet S. Baer
Debtor.)

**DEBTOR’S MOTION FOR ENTRY OF AN ORDER ESTABLISHING
BAR DATES FOR FILING PROOFS OF CLAIM, INCLUDING CLAIMS ARISING
UNDER SECTION 503(b)(9) OF THE BANKRUPTCY CODE**

LB Steel, LLC (the “Debtor”) submits this motion, pursuant to sections 501, 502, 503(b)(9) and 1111(a) of the Bankruptcy Code, and Rules 2002(a)(7), 3003(c)(3) and 5005(a) of the Federal Rules of Bankruptcy Procedure, for entry of an order establishing February 1, 2016 as the bar date for filing proofs of claims for all prepetition unsecured and secured claims and all claims asserted under section 503(b)(9) of the Bankruptcy Code and established February 16, 2016 as the bar date for all governmental claims, and states as follows:

JURISDICTION

1. The Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409. The bases for the relief requested herein are sections 501, 502, 503(b)(9), and 1111(a) of the Bankruptcy Code and Rules 2002(a)(7), 3003(c)(3) and 5005(a) of the Federal Rules of Bankruptcy Procedure.

BACKGROUND

2. On October 18, 2015, the Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code. The Debtor’s business and history are more fully set forth in the Declaration of Michael Goich filed on October 19, 2015.

RELIEF REQUESTED

3. The Debtor requests the entry of an order (a) establishing February 1, 2016 as the final date by which proofs of claim of all creditors except governmental units, as defined by 11 U.S.C. § 101(27), asserting claims against the Debtor that arose before the petition date, including 503(b)(9) claims, must be filed; (b) establishing February 16, 2016 as the final date by which governmental claims must be filed; and (c) approving the form and manner of notice.

BASIS FOR RELIEF REQUESTED

4. Bankruptcy Rule 3003(c)(3) provides that “[t]he court shall fix and for cause shown may extend the time within which proofs of claim or interest may be filed.” Neither this Bankruptcy Rules nor the Local Rules specify a time by which proofs of claim must be filed in chapter 11 cases, except as is provided by section 502(b)(9) of the Bankruptcy Code for governmental units.

5. The circumstances of this Chapter 11 Case justify fixing the bar dates as requested herein. The sale of substantially all of the Debtor’s assets is expected to close on or about January 25, 2016 and it is essential for the Debtor to determine what course of action will lead to the best result for its creditors. Accordingly, the Debtor requests that the Court set the bar dates for the filing of claims against the Debtor’s estate, including all prepetition secured and unsecured claims and all claims arising under Section 503(b)(9) of the Bankruptcy Code.

6. To this end, the Debtor requests that the Court set February 1, 2016 as the general bar date for filing claims, which is approximately 60 days from the Debtor’s proposed date of service of the bar date notice.

7. All parties in interest, including the Debtor, shall retain the right to dispute, or assert offsets or defenses against, any filed claim as to its nature, amount, liability, classification or otherwise.

8. The Debtor anticipates that certain creditors may assert claims in connection with the Debtor's rejection of executory contracts and unexpired leases pursuant to section 365 of the Bankruptcy Code. The Debtor proposes that, for any claim relating to the Debtor's rejection of an executory contract or unexpired lease that is approved by an order of the Court, unless otherwise stated in such order, the bar date for filing any such claim shall be the February 1, 2016, or 21 days following the entry of the rejection order, whichever is later.

9. Section 502(b)(9) of the Bankruptcy Code provides that governmental units shall have 180 days after the petition date to file proofs of claim. Accordingly, the Debtor requests that the Court set February 16, 2016 as the date for governmental units to file proofs of claim.

10. Pursuant to Bankruptcy Rule 3003(c)(2), any person or entity that is required to file a proof of claim in this Chapter 11 Case but that fails to do so in a timely manner should be forever barred, estopped and enjoined from: (a) asserting any such unsecured claim against the Debtor that such person or entity has that (i) exceeds the amount, or (ii) is of a different nature or in a different classification, if any, of that which is set forth in the Debtor's Schedules of Assets and Liabilities (any such claim referred to as an "Unscheduled Claim"); and (b) voting upon, or receiving distributions under, any plan in this Chapter 11 Case with respect to an Unscheduled Claim.

PARTIES NOT REQUIRED TO FILE PROOFS OF CLAIM

11. The Debtor submits that proofs of claim are not required to be filed by creditors holding or wish asserting claims of the following types:

- (a) Claims on account of which a proof of claim has already been properly filed with the Court;
- (b) Claims previously allowed by, or paid pursuant to, an order of the Court;
- (c) Claims that are scheduled by the Debtor in undisputed, noncontingent and liquidated amounts for which the creditors holding

such claims do not dispute the amount, nature or classification in which their claims have been scheduled;

- (d) Claims authorized by the Court to be paid under orders entered in this Chapter 11 Case; and
- (e) Claims made by any holder of equity securities of the Debtor solely with respect to such holder's ownership interest in or possession of such equity securities, *provided, however*, that any such holders who wish to assert a claim against the Debtor based on transactions in the Debtor's securities, including, but not limited to, claims for damages or rescission based on the purchase or sale of such securities, must file a proof of claim on or prior to the general bar date.

PROCEDURES FOR PROVIDING NOTICE OF BAR DATES

12. The Debtor proposes to provide notice, in accordance with Bankruptcy Rule 9007, of the entry of a bar date order by first class United States mail within five days of entry of the order granting this motion, substantially in the form of the notice attached as Exhibit A, to (a) all known creditors and parties in interest, (b) the Office of the United States Trustee, and (c) any parties requesting notice pursuant to Bankruptcy Rule 2002. Together with the bar date notice, the Debtor will include a proof of claim form similar in form to that attached this Motion as Exhibit B. The proof of claim form will be customized for this case and will include the applicable bar date(s) for filing proofs of claim and mailing instructions. It will also be customized with the creditor's name and address and amount and classification of scheduled claim, as applicable.

PROCEDURES FOR FILING PROOFS OF CLAIM

13. The Debtor proposes that for a proof of claim form to be validly and properly filed, a signed original thereof, together with accompanying documentation, must be submitted either (a) by filing with the Bankruptcy Court or (b) *via* regular mail, hand delivery or overnight

courier to the claims agent appointed by the Court, Garden City Group, LLC,¹ as follows: If by regular mail: LB Steel, LLC, c/o GCG, P.O. Box 10258, Dublin, OH 43017-5758; If by hand delivery or overnight courier: LB Steel, LLC, c/o GCG, 5151 Blazer Parkway, Suite A, Dublin, OH 43017-5758. Signed Original Forms must be actually received on or before 4:00 p.m. (prevailing Central Time) by the claims agent on the general bar date (or on or before the governmental bar date, if such creditor is a governmental unit) (not the date of the postmark). Submission by facsimile and electronic mail will not be accepted.

NOTICE

14. Notice of this motion has been given to: (a) the Office of the United States Trustee; (b) counsel to the Official Committee of Unsecured Creditors; (c) counsel to MB Financial Bank, N.A.; and (d) all other parties requesting notice pursuant to Bankruptcy Rule 2002. In light of the nature of the relief requested, the Debtor submits that no further notice is required.

WHEREFORE, the Debtor respectfully requests that the Court enter an order establishing the bar dates set forth herein and granting the Debtor such other and further relief as is just and proper.

¹The Debtor has filed an application for entry of an order, pursuant to 28 U.S.C. § 156(c), authorizing and approving the retention and appointment of Garden City Group, LLC as the Debtor's notice, claims, and balloting agent as of November 20, 2015.

Dated: November 23, 2015

Respectfully submitted,

LB STEEL, LLC,

By: /s/ Daniel A. Zazove

PERKINS COIE LLP

Daniel A. Zazove

David J. Gold

131 S. Dearborn Street, Suite 1700

Chicago, Illinois 60603-5559

Telephone: (312) 324-8400

Facsimile: (312) 324-9400

Attorneys for the Debtor

EXHIBIT A

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:) Chapter 11
) Case No. 15-35358
LB STEEL, LLC,)
) Honorable Janet S. Baer
Debtor.)

**NOTICE OF DEADLINE FOR FILING OF PROOFS
OF PREPETITION UNSECURED AND SECURED
AND § 503(b)(9) ADMINISTRATIVE EXPENSE CLAIMS**

TO: ALL CREDITORS

PLEASE TAKE NOTICE that on October 18, 2015 (the “Petition Date”), LB Steel, LLC (the “Debtor”) filed a voluntary petition for relief under chapter 11 of the United States Bankruptcy Code.

Pursuant to order of the Court, any creditor holding or wishing to assert prepetition unsecured or secured claims or administrative expense claims against the Debtor arising or accruing prior to the Petition Date are required to file a separate, completed and executed proof of claim (either the proof of claim form enclosed herewith, a form conforming substantially to Official Bankruptcy Form 410, or an appropriate proof of administrative expense claim) (each a “Form” and, collectively, the “Forms”) on account of each such claim on or before **February 1, 2016** (the “General Bar Date”).

Any governmental unit holding or wishing to assert claims against the Debtor is required to file a separate, completed and executed proof of claim form on or before **February 16, 2016** (the “Governmental Bar Date”).

AT THIS TIME, proofs of claim ARE NOT REQUIRED to be filed by creditors holding or wishing to assert claims against the Debtor of the following types (collectively the “Excluded Claims”):

- (a) Claims on account of which a proof of claim has already been properly filed with the Court;
- (b) Claims previously allowed by, or paid pursuant to, an order of the Court;
- (c) Claims that are scheduled by the Debtor in undisputed, noncontingent and liquidated amounts for which the creditors holding such claims do not dispute the amount, nature or classification in which their claims have been scheduled;
- (d) Claims authorized by the Court to be paid under orders entered in this Chapter 11 Case; and

- (e) Claims made by any holder of equity securities of the Debtor solely with respect to such holder's ownership interest in or possession of such equity securities, *provided, however*, that any such holders who wish to assert a claim against the Debtor based on transactions in the Debtor's securities, including, but not limited to, claims for damages or rescission based on the purchase or sale of such securities, must file a proof of claim on or prior to the General Bar Date.

Each Form must specifically set forth the full name of the Debtor and the Debtor's case number, as set forth in the caption on the first page of this notice. The Form must be submitted either: (a) electronically to the Bankruptcy Court; or (b) through submission of the original form via regular mail, hand delivery or overnight courier to the claims agent appointed by the Bankruptcy Court, Garden City Group, LLC, as follows:

If by regular mail: LB Steel, LLC, c/o GCG, P.O. Box 10258, Dublin, OH 43017-5758;

If by hand delivery or overnight courier: LB Steel, LLC, c/o GCG, 5151 Blazer Parkway, Suite A, Dublin, OH 43017-5758.

Signed Original Forms must be actually received on or before 4:00 p.m. (prevailing Central Time) by Garden City Group, LLC on the General Bar Date (or on or before the Governmental Bar Date, if such creditor is a governmental unit) (not the date of the postmark). Submission by facsimile and electronic mail will not be accepted.

A Form is enclosed with this notice and may be used to file your claim(s). Forms must be signed, be in English and amounts must be in U.S. Dollars.

You may also obtain a Form and a copy of the Bar Date Order by contacting Garden City Group, LLC at the above address(es), calling the case administration hotline toll-free (US & Canada) (855) 907-3148 or toll (International) (614) 524-5576 or by accessing the case administration website, www.gardencitygroup.com/cases/LBT. Garden City Group, LLC cannot advise you whether you should file a Proof of Claim.

To receive a date-stamped copy of your Form, please provide a self-addressed stamped envelope and a copy of your Form when you submit the original to Garden City Group, LLC. You will also receive an acknowledgment letter from Garden City Group, LLC after your Form has been processed. You will also be able to view the details of your claim and the first page of your Form on the case administration website, www.gardencitygroup.com/cases/LBT.

PLEASE TAKE FURTHER NOTICE THAT, EXCEPT WITH RESPECT TO CLAIMS OF THE TYPE SET FORTH IN PARAGRAPHS (a) THROUGH (d) ABOVE AND GOVERNMENTAL UNITS (WHICH MUST FILE PROOFS OF CLAIM ON OR BEFORE FEBRUARY 16, 2016), ANY CREDITOR THAT IS REQUIRED TO FILE A PROOF OF CLAIM BUT FAILS TO DO SO ON OR BEFORE FEBRUARY 1, 2016 SHALL BE FOREVER BARRED, ESTOPPED AND ENJOINED FROM ASSERTING SUCH CLAIM, AND THE DEBTOR AND ITS ESTATE SHALL BE

FOREVER DISCHARGED FROM ANY AND ALL INDEBTEDNESS OR LIABILITY WITH RESPECT TO SUCH CLAIM, AND SUCH HOLDER SHALL NOT BE PERMITTED TO VOTE ON ANY CHAPTER 11 PLAN OR PARTICIPATE IN ANY DISTRIBUTION IN THE DEBTOR'S CHAPTER 11 CASE ON ACCOUNT OF SUCH CLAIM(S).

In the event that the Debtor amends its Schedules of Assets and Liabilities subsequent to the date hereof, the Debtor shall give notice of such amendment to the holders of the claims affected thereby, and such holders shall be afforded the later of the General Bar Date or thirty (30) days from the date on which such notice has been given to such holders (or such other time period as may be fixed by the Court) to file proofs of claim or forever be barred from doing so.

In the event that a claim arises with respect to the Debtor's rejection of an executory contract or unexpired lease, and except as otherwise set forth in any order authorizing rejection of an executory contract or unexpired lease, the holder of such claim will be afforded the later of the General Bar Date or fourteen (14) days after the effective date of any order authorizing the rejection of the executory contract or unexpired lease to file a proof of claim or forever be barred from doing so.

The Debtor's Schedules of Assets and Liabilities may be examined and inspected by interested parties during regular business hours online at the office of the Clerk of the United States Bankruptcy Court for the Northern District of Illinois, Dirksen Federal Building, 219 S. Dearborn St., Room 713, Chicago, Illinois 60604. The staff of the Bankruptcy Clerk's Office is prohibited by law from giving legal advice. A copy of the Debtor's Schedules of Assets and Liabilities and other information on this Chapter 11 Case may be accessed on the case administration website, www.gardencitygroup.com/cases/LBT. Creditors wishing to rely on the Schedules of Assets and Liabilities are responsible for determining whether their claims are accurately listed therein.

THE FACT THAT YOU HAVE RECEIVED THIS NOTICE DOES NOT MEAN THAT YOU HAVE A CLAIM AGAINST THE DEBTOR. YOU SHOULD CONSULT WITH YOUR OWN ADVISORS TO DETERMINE WHETHER YOU HOLD A CLAIM AGAINST THE DEBTOR. YOU SHOULD NOT FILE A PROOF OF CLAIM IF YOU DO NOT HAVE A CLAIM AGAINST THE DEBTOR. QUESTIONS CONCERNING THIS NOTICE MAY BE DIRECTED TO THE DEBTOR'S COUNSEL BELOW.

Dated: _____

Respectfully submitted,

LB STEEL, LLC,

By: _____

PERKINS COIE LLP

Daniel A. Zazove

David J. Gold

131 S. Dearborn Street, Suite 1700

Chicago, Illinois 60603-5559

Telephone: (312) 324-8400

Facsimile: (312) 324-9400

Attorneys for the Debtor

EXHIBIT B

Fill in this information to identify the case:

Debtor 1 _____

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: _____ District of _____
(State)

Case number _____

Official Form 410

Proof of Claim

12/15

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?

Name of the current creditor (the person or entity to be paid for this claim)

Other names the creditor used with the debtor _____

2. Has this claim been acquired from someone else?

No
 Yes. From whom? _____

3. Where should notices and payments to the creditor be sent?

Where should notices to the creditor be sent?

Where should payments to the creditor be sent? (if different)

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

Name

Name

Number Street

Number Street

City State ZIP Code

City State ZIP Code

Contact phone

Contact phone

Contact email

Contact email

Uniform claim identifier for electronic payments in chapter 13 (if you use one):

4. Does this claim amend one already filed?

No
 Yes. Claim number on court claims registry (if known) _____

Filed on _____
MM / DD / YYYY

5. Do you know if anyone else has filed a proof of claim for this claim?

No
 Yes. Who made the earlier filing? _____

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? No Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: ____ ____ ____ ____

7. How much is the claim? \$_____. Does this amount include interest or other charges? No Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information.

9. Is all or part of the claim secured? No Yes. The claim is secured by a lien on property.

Nature of property:

Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.

Motor vehicle

Other. Describe: _____

Basis for perfection: _____

Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

Value of property: \$ _____

Amount of the claim that is secured: \$ _____

Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)

Amount necessary to cure any default as of the date of the petition: \$ _____

Annual Interest Rate (when case was filed) _____ %

Fixed

Variable

10. Is this claim based on a lease? No Yes. Amount necessary to cure any default as of the date of the petition. \$ _____

11. Is this claim subject to a right of setoff? No Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

No

Yes. Check one:

Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

Up to \$2,775* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.

Amount entitled to priority

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

* Amounts are subject to adjustment on 4/01/16 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- I am the creditor.
- I am the creditor's attorney or authorized agent.
- I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date _____
MM / DD / YYYY

Signature

Print the name of the person who is completing and signing this claim:

Name _____
First name Middle name Last name

Title _____

Company _____
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address _____
Number Street

City State ZIP Code

Contact phone _____ Email _____

6. Any person or entity that is required to file a proof of claim in this Chapter 11 Case but that fails to do so by the dates provided herein shall be forever barred, estopped and enjoined from: (a) asserting any such unsecured claim against the Debtor that such person or entity has that (i) exceeds the amount, or (ii) is of a different nature or in a different classification, if any, of that which is set forth in the Debtor's schedules (any such claim referred to as an "Unscheduled Claim"); and (b) voting upon, or receiving distributions under, any plan in this Chapter 11 Case with respect to an Unscheduled Claim.

7. Parties must rely on their own inspection of the Debtor's schedules and/or advice of counsel to determine whether to file a claim.

8. For any claim relating to the Debtor's rejection of an executory contract or unexpired lease that is approved by an order of the Court, the bar date for filing any such claim shall be February 1, 2016, or 21 days following the entry of the rejection order, whichever is later.

9. The Debtor retains the right to dispute, or assert offsets or defenses against, any filed claim as to its nature, amount, liability, classification or otherwise.

Enter:

Dated:

United States Bankruptcy Judge

Prepared by:

David J. Gold
Perkins Coie LLP
131 S. Dearborn Street, Suite 1700
Chicago, Illinois 60603-5559
Telephone: (312) 324-8400
Facsimile: (312) 324-9400