

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In re:

ABENGOA BIOENERGY US HOLDING, LLC,
et al.,
Debtors.

Chapter 11

Case No. 16- 41161-659

(Jointly Administered)

NOTICE OF DEADLINE FOR FILING PROOFS OF CLAIM

PLEASE TAKE NOTICE that on February 24 and June 12, 2016 (the “Petition Dates”), the above captioned debtors and debtors in possession (collectively, 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 Eastern District of Missouri (the “Court”).

PLEASE TAKE FURTHER NOTICE that on July 27, 2016, the Debtors filed the *Motion of the Debtors for Entry of an Order Establishing Deadlines and Procedures for Filing Proofs of Claim and Approving the Form and Manner of Notice Thereof* (the “Motion”).¹

PLEASE TAKE FURTHER NOTICE that on August 24, 2016, the Court entered an order (the “Bar Date Order”), among other things, (i) establishing **September 28, 2016 at 5:00 p.m. (prevailing Central Time)** (the “General Bar Date”) as the deadline for each person or entity, including, without limitation, individuals, partnerships, corporations, joint ventures and trusts, other than Governmental Units (as defined in section 101(27) of the Bankruptcy Code) to file a proof of claim (“Proof of Claim”) against any of the Debtors for a claim that arose prior to the Petition Date, including a claim against any Debtor for the value of goods sold to the Debtors in the ordinary course of business and received by the Debtors within twenty (20) days before the Petition Date (a “503(b)(9) Claim”); and (ii) establishing **December 12, 2016 at 5:00 p.m. (prevailing Central Time)** (the “Governmental Bar Date”) as the deadline for Governmental Units (as defined in section 101(27) of the Bankruptcy Code) to file a Proof of Claim against any of the Debtors for a claim that arose prior to the Petition Date.

PLEASE TAKE FURTHER NOTICE that if, on or after the date on which the Debtors serve this notice, any Debtor amends or supplements its 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 must 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 below so that it is received by Prime Clerk (as defined below) on or before the later of (x) the General Bar Date or (y) 5:00 p.m. (prevailing Central Time) on the day that is thirty (30) days after the date of the notice of the applicable

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

amendment or supplement to the Schedules (such deadline, the “Amended Schedules Bar Date” and, together with the General Bar Date and the Governmental Bar Date, the “Bar Dates”).

A CLAIMANT SHOULD CONSULT AN ATTORNEY IF THE CLAIMANT HAS ANY QUESTIONS, INCLUDING WHETHER TO FILE A PROOF OF CLAIM.

If you have any questions with respect to this notice (the “Bar Date Notice”), you may contact the Debtors’ undersigned attorneys.

1. WHO MUST FILE A PROOF OF CLAIM

You **MUST** file a Proof of Claim in accordance with the procedures set forth in the Bar Date Order if you have a claim against any Debtor that arose prior to the Petition Date, and it is not a claim described in Section 2 below. Acts or omissions of the Debtors that arose prior to the Petition Date may give rise to claims against the Debtors that must be filed by the applicable Bar Date, notwithstanding that such claims may not have matured or become fixed or liquidated as of the Petition Date.

Under section 101(5) of the Bankruptcy Code and as used herein, the word “claim” means: (i) 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 (ii) 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.

2. WHO NEED NOT FILE A PROOF OF CLAIM

The following persons or entities are **NOT** required to file a Proof of Claim:

- (a) any person or entity that has already properly filed a Proof of Claim against a Debtor with the Debtors’ claims agent, Prime Clerk LLC (“Prime Clerk”) or the Clerk of the United States Bankruptcy Court for the Eastern District of Missouri in a form substantially similar to Official Form 410;
- (b) any person or entity whose claim is listed on a Debtor’s Schedule D or E/F, and (i) the claim is not described as “disputed,” “contingent,” or “unliquidated,” (ii) such person or entity agrees with the amount, nature, and priority of the claim set forth in the Schedules, and (iii) such person or entity agrees that the claim is an obligation of the specific Debtor that listed the claim in its Schedules;
- (c) any person or entity whose claim has been allowed by order of the Court entered on or before the applicable Bar Date;
- (d) any person or entity whose claim has been satisfied in full prior to the applicable Bar Date;

- (e) any holder of a claim for which the Court has already fixed a specific deadline to file a Proof of Claim; and
- (f) any person or entity that holds an interest in any of the Debtors, which interest is based exclusively upon the ownership of membership interests, or rights to purchase, sell, or subscribe to such an interest; provided, however, that if you are an interest holder and wish to assert claims (as opposed to ownership interests) against any of the Debtors 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, you must file a Proof of Claim on or before the applicable Bar Date unless another exception identified herein applies.

YOU SHOULD NOT FILE A PROOF OF CLAIM IF YOU DO NOT HAVE A CLAIM AGAINST ANY OF THE DEBTORS. THE FACT THAT YOU HAVE RECEIVED THIS NOTICE DOES NOT MEAN THAT YOU HAVE A CLAIM OR THAT THE DEBTORS OR THE COURT BELIEVE THAT YOU HAVE A CLAIM.

3. WHEN AND WHERE TO FILE A PROOF OF CLAIM

Each Proof of Claim, including supporting documentation, must be filed by either: (1) electronically using the Clerk of the United States Bankruptcy Court's website at <http://www.moeb.uscourts.gov/epoc>; (2) or filed with the Court's Claims Agent, Prime Clerk LLC ("Prime Clerk"). If filed with the Court's Claims Agent, each Proof of Claim, must be **actually received** by Prime Clerk on or before the Bar Date, either (a) via the interface on Prime Clerk's website at <https://cases.primeclerk.com/Abengoa/EPOC-Index> or (ii) by United States mail, overnight courier, or other hand delivery system at the following address:

Abengoa Bioenergy US Holding, LLC Claims Processing Center
c/o Prime Clerk LLC
830 3rd Avenue, 3rd Floor
New York, NY 10022

PROOFS OF CLAIM SUBMITTED BY FACSIMILE OR ELECTRONIC MAIL WILL NOT BE ACCEPTED.

Proofs of Claims will be deemed timely filed only if filed electronically with the Clerk of the United States Bankruptcy Court or if an original copy of the signed Proof of Claim is **actually received** by Prime Clerk at the address set forth above on or before the applicable Bar Date.

4. HOW TO FILE A PROOF OF CLAIM

Enclosed herewith is a copy of Official Form 410. Additional copies of Official Form 410 may be obtained at <http://www.uscourts.gov/forms/bankruptcy-forms>. Claim forms can also be found at the website maintained by Prime Clerk at <https://cases.primeclerk.com/Abengoa>.

If you wish to file a Proof of Claim, you must complete a claim form substantially in the form of Official Form 410. Your filed Proof of Claim must (i) be signed with an original

signature by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant; (ii) include supporting documentation (if voluminous, attach a summary) or explanation as to why documentation is not available; (iii) be in the English language; and (iv) be denominated in United States currency.

Any holder of a claim against more than one Debtor must file a separate Proof of Claim against each Debtor and all holders of claims must identify on their Proof of Claim the specific Debtor against which such claim is asserted and the case number of that Debtor's bankruptcy case.

Each Proof of Claim asserting a 503(b)(9) Claim must also: (i) include the value of the goods delivered to and received by the applicable Debtor in the twenty (20) days prior to the Petition Date; and (ii) attach any documentation identifying the particular invoices corresponding to the asserted 503(b)(9) Claim

If you file a Proof of Claim and wish to receive a file-stamped receipt copy by return mail, you must include with your Proof of Claim an additional copy of your Proof of Claim and a self-addressed, postage-paid return envelope.

YOU SHOULD ATTACH TO YOUR COMPLETED PROOF OF CLAIM FORM COPIES OF ANY WRITINGS UPON WHICH YOUR CLAIM IS BASED.

5. EXECUTORY CONTRACTS AND UNEXPIRED LEASES

If you have a claim arising out of the rejection of an executory contract or unexpired lease, you must file a proof of claim by the later of (a) the applicable Bar Date and (b) 30 days after notice by the Debtors of (i) the entry of an order authorizing rejection to which the claim relates and (ii) the applicable Bar Date (unless the order authorizing such rejection provides otherwise). Notwithstanding the foregoing, a party to an executory contract or unexpired lease that asserts a claim on account of unpaid amounts accrued and outstanding as of the Petition Date pursuant to such executory contract or unexpired lease (other than a rejection damages claim) must file a proof of claim for such amounts on or prior to the applicable Bar Date unless an exception identified in section 2 above applies.

6. CONSEQUENCES OF FAILURE TO FILE A PROOF OF CLAIM BY THE APPLICABLE BAR DATE

Except with respect to claims described in Section 2 above, any holder of a claim against any Debtor who received notice of the Bar Dates (whether such notice was actually or constructively received) and is required, but fails, to file a Proof of Claim in accordance with the Bar Date Order and this Bar Date Notice on or before the applicable Bar Date, (a) shall be forever barred, estopped, and enjoined from asserting such claim against such Debtor (or filing a Proof of Claim with respect thereto), and such Debtor and its property may upon confirmation of a chapter 11 plan be forever discharged from all such indebtedness or liability with respect to such claim, and (b) shall 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.

7. THE DEBTORS' SCHEDULES AND ACCESS THERETO

You may be listed in the Schedules as the holder of a claim against the Debtors.

Interested parties may examine copies of the Schedules on the Court's electronic docket at <http://ecf.deb.uscourts.gov> (a PACER login and password are required and can be obtained through the PACER Service Center at <http://pacer.psc.uscourts.gov>) or at the website maintained by Prime Clerk at <https://cases.primeclerk.com/Abengoa>.

If you rely on the Schedules, it is your responsibility to determine that the claim is accurately listed in the Schedules.

As set forth above, if you agree with the nature, amount, and status of your claim as listed in the Schedules, and if you do not dispute that your claim is only against the Debtor specified, and if your claim is not described as "disputed," "contingent," or "unliquidated," you need not file a Proof of Claim. Otherwise, or if you decide to file a Proof of Claim, you must do so before the applicable Bar Date, in accordance with the procedures set forth in this Bar Date Notice.

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Dated: August 31, 2016
St. Louis, Missouri

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