

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

In re:

ABEINSA HOLDING INC., *et al.*,

Debtors.<sup>1</sup>

Chapter 11

Case No. 16-10790 (KJC)

(Jointly Administered)

**Related D.I.: 423, 440, 443**

**NOTICE OF DEADLINE FOR FILING PROOFS OF CLAIM**

**PLEASE TAKE NOTICE** that on March 29, April 6, April 7, 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 District of Delaware (the “Court”).

**PLEASE TAKE FURTHER NOTICE** that on July 13, 2016, the Debtors filed the *Motion of Debtors for an Order (I) Establishing Deadlines for Filing Proofs of Claim and Administrative Expense Claims and (II) Approving the Form and Manner of Notice Thereof* (the “Motion”).<sup>2</sup>

**PLEASE TAKE FURTHER NOTICE** that on July 28, 2016, the Court entered an order (the “Bar Date Order”), among other things, (i) establishing **September 26, 2016 at 5:00 p.m. (EDT)** (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

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<sup>1</sup> The Debtors in these chapter 11 cases, together with the last four digits of each Debtor’s federal tax identification number, are as follows: Abeinsa Holding Inc. (9489); Abeinsa EPC LLC (1176); Abencor USA, LLC (0184); Abener Construction Services, LLC (0495); Abener North America Construction, LP (5989); Abengoa Solar, LLC (6696); Inabensa USA, LLC (2747); Nicsa Industrial Supplies LLC (9076); Teyma Construction USA, LLC (0362); Abeinsa Abener Teyma General Partnership (2513); Abener Teyma Mojave General Partnership (2353); Abener Teyma Hugoton General Partnership (7769); Abener Teyma Inabensa Mount Signal Joint Venture (9634); Teyma USA & Abener Engineering and Construction Services General Partnership (6534); Abengoa US Holding, LLC (6871); Abengoa US, LLC (9573); Abengoa US Operations, LLC (1268); Abengoa Bioenergy Biomass of Kansas, LLC (1119); Abengoa Bioenergy Hybrid of Kansas, LLC (9711); Abengoa Bioenergy Technology Holding, LLC (7434); Abengoa Bioenergy New Technologies, LLC (8466); Abengoa Bioenergy Holdco, Inc. (8864); Abengoa Bioenergy Meramec Holding, Inc. (1803). The chapter 11 case of Abengoa Bioenergy Biomass of Kansas, LLC, Case No. 16-10876, pending before the United States Bankruptcy Court for the District of Delaware (the “Court”) is stayed pending further order of the Court.

<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.

Petition Date (a “503(b)(9) Claim”); and (ii) establishing **November 7, 2016 at 5:00 p.m. (EDT)** (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.<sup>3</sup>

**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) twenty-one (21) days after the claimant is served with notice of the applicable 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:

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<sup>3</sup> The Bar Date Order is not applicable to Abengoa Bioenergy Biomass of Kansas, LLC (“ABBK”). All Proofs of Claim relating to ABBK should be filed in ABBK’s chapter 11 case pending before the United States Bankruptcy Court for the District of Kansas, Case No. 16-10446. Under ABBK’s *Motion for Entry of an Order Establishing Deadlines and Procedures for Filing Proofs of Claim and Approving the Form and Manner of Notice Thereof* filed on July 19, 2016 (Dkt. 294), the ABBK proposed bar dates are as follows: September 30, 2016 at 4:00 p.m. Central Time for the General Bar Date, and October 5, 2016 at 4:00 p.m. Central Time for the Governmental Bar Date.

- (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 District of Delaware 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 Proofs of Claim, including supporting documentation, must be filed, so as to be *actually received* by Prime Clerk on or before the applicable Bar Date, (a) via the interview on Prime Clerk's website at <https://cases.primeclerk.com/abeinsa/EPOC-Index> or (ii) by United States mail or other hand delivery system at the following address:

Abeinsa Holding Inc. 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 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/Abeinsa>.

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 envelope.

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

**5. 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.**

## **6. 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/Abeinsa>.

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.

Dated: July 29, 2016  
Wilmington, Delaware

Respectfully submitted,

**DLA PIPER LLP (US)**

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