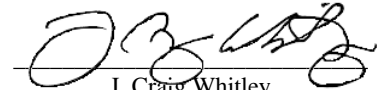


FILED & JUDGMENT ENTERED  
Steven T. Salata  
  
June 14 2017  
  
Clerk, U.S. Bankruptcy Court  
Western District of North Carolina



  
J. Craig Whitley  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

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In re : Chapter 11  
: :  
KAISER GYPSUM COMPANY, INC., *et al.*,<sup>1</sup> : Case No. 16-31602 (JCW)  
: :  
Debtors. : (Jointly Administered)  
:

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**ORDER ESTABLISHING BAR DATES FOR  
FILING PROOFS OF CLAIM OTHER THAN  
ASBESTOS PERSONAL INJURY CLAIMS AND APPROVING RELATED RELIEF**

This matter coming before the Court on the Debtors' Motion For An Order Establishing Bar Dates For Filing Proofs of Claim Other Than Asbestos Personal Injury Claims and Approving Form and Manner of Notice Thereof (the "Motion");<sup>2</sup> the Court having reviewed the Motion; the Court finding that (i) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (ii) venue is proper in this district pursuant to 28 U.S.C. § 1409,

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<sup>1</sup> The Debtors are the following entities (the last four digits of their respective taxpayer identification numbers follow in parentheses): Kaiser Gypsum Company, Inc. (0188) and Hanson Permanente Cement, Inc. (7313). The Debtors' address is 300 E. John Carpenter Freeway, Irving, Texas 75062.

<sup>2</sup> Capitalized terms not otherwise defined herein have the meanings given to them in the Motion.

(iii) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2), and (iv) notice of the Motion was sufficient under the circumstances; after due deliberation the Court having determined that the relief requested in the Motion is in the best interests of the Debtors, their estates and their creditors; and good and sufficient cause having been shown;

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. As used herein, (a) the term "claim" has the meaning given to it in section 101(5) of the Bankruptcy Code, (b) the term "entity" has the meaning given to it in section 101(15) of the Bankruptcy Code and (c) the term "governmental unit" has the meaning given to it in section 101(27) of the Bankruptcy Code.
3. As used herein the term "asbestos personal injury claim" means any claim (as defined in section 101(5) of the Bankruptcy Code) or demand (as defined in section 524(g)(5) of the Bankruptcy Code) for personal injury, including wrongful death, for which a Debtor is alleged to be liable, arising out of or relating to exposure to asbestos containing products previously manufactured or sold by the Debtors. "Asbestos personal injury claim" includes all such claims, whether in tort, contract, warranty, restitution, conspiracy, contribution, indemnity, guarantee, subrogation, or any other theory of law, equity or admiralty; whether seeking compensatory, special, economic and non-economic, punitive, exemplary, administrative or any other costs or damages; or whether seeking any legal, equitable or other relief of any kind whatsoever. "Asbestos personal injury claim" does not include any claim of an insurer with respect to amounts due under the Debtors' insurance policies, including policies providing coverage for asbestos personal injury claims.

4. The form of the Bar Dates Notice and the Publication Notice and the manner of providing notice of the bar dates established by this Order (the "Bar Dates"), are approved in all respects pursuant to Rules 2002(a)(7) and 2002(l) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"). The form and manner of notice of the Bar Dates approved herein are deemed to fulfill the notice and other due process requirements of the Bankruptcy Rules and applicable law.

5. As soon as practicable, but in any event no later than five business days after the entry of the Bar Date Order, the Debtors, through Prime Clerk, shall provide actual notice of the Bar Dates by mailing the Bar Dates Notice and the Proof of Claim Form (collectively, the "Bar Dates Notice Package") by first class United States mail, postage prepaid to: (a) all holders of claims listed on the Schedules, excluding asbestos personal injury claims; (b) all counterparties to executory contracts and unexpired leases listed in the Schedules; (c) the District Director of Internal Revenue; (d) the Securities Exchange Commission; (e) the taxing and other regulatory entities for the jurisdictions in which the Debtors do business; (f) the office of the United States Attorney for the Western District of North Carolina; (g) all entities that have requested notices pursuant to Bankruptcy Rule 2002 in these cases as of the date of entry of the Bar Date Order; (h) the Debtors' equity holders; (i) all other entities listed on the Debtors' respective matrices of creditors except holders of claims that are not General Claims; and (j) counsel to any of the foregoing, if known. Prime Clerk will also mail the Bar Dates Notice Package to the Bankruptcy Administrator, the members of the Creditors' Committee and the Asbestos Committee and the Future Claimants' Representative and the respective counsel to the foregoing.

6. Except as otherwise provided herein, any entity that wishes to assert a General Claim against a Debtor, including any governmental unit, must file a proof of claim in accordance with the procedures described in this Order no later than September 13, 2017 at 5:00 p.m. prevailing Eastern Time (the "General Bar Date"). The General Bar Date shall be identified in the Bar Dates Notice and the Publication Notice. Except as otherwise provided in this Order and expressly excluding asbestos personal injury claims, the General Bar Date applies to all claims against the Debtors (whether secured, unsecured priority or unsecured nonpriority) that arose prior to September 30, 2016.

7. The following entities, shall not be required to file proofs of claim in these chapter 11 cases:

- (a) any entity that already has properly filed a proof of claim against any of the Debtors in accordance with the procedures described herein;
- (b) any entity (i) whose claim against a 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;
- (c) any entity whose claim against a Debtor previously has been allowed by, or paid pursuant to, an order of the Court;
- (d) any entity holding an asbestos personal injury claim, as defined herein; and
- (e) any Debtor or any of the Debtors' non-debtor affiliates (as such term is defined in section 101(2) of the Bankruptcy Code), including with respect to any claim in connection with the Debtors' postpetition financing.

8. The Rejection Bar Date by which a proof of claim relating to the rejection of an executory contract or unexpired lease must be filed is the later of: (a) the General Bar Date; or (b) thirty (30) days after the effective date of rejection of such executory contract or unexpired lease. Entities wishing to assert a timely Rejection Damages Claim are required to file a Proof of Claim Form so as to be received by Prime Clerk on or before the Rejection Bar Date.

9. The Amended Schedule Bar Date for creditors holding claims which have been amended in the Schedules or added to the Schedules is the later of: (a) the General Bar Date; or (b) twenty-one (21) days after the date that notice of the amendment is served on the affected claimant. Entities wishing to assert a timely proof of claim with respect to claims as a result of an amendment or addition to the Schedules are required to file a Proof of Claim Form so as to be received by Prime Clerk on or before the Amended Schedule Bar Date.

Notwithstanding the foregoing, in the event a Debtor amends its Schedules with respect to any claim that the Debtor states has been satisfied, such paid creditor shall not be required to file a proof of claim with respect to the satisfied claim.

10. Except as otherwise provided herein, the following entities must file a proof of claim on or before the General Bar Date:

(a) any entity whose General Claim against a Debtor is not listed in the applicable Debtor's Schedules or is listed as disputed, contingent or unliquidated and that desires to participate in any of these chapter 11 cases or share in any distribution in any of these chapter 11 cases; and

(b) any entity that believes that its General Claim is improperly classified in the Schedules or is listed in an incorrect amount or against an

incorrect Debtor and that desires to have its claim allowed in a classification or amount or against a Debtor different from the classification, amount or Debtor identified in the Schedules.

11. Any entity asserting a claim must identify on its Proof of Claim Form the particular Debtor against which its claim is asserted, and in the event it asserts its claim against both Debtors, must submit a Proof of Claim Form for each Debtor.

12. Any entity holding an administrative expense claim against any Debtor under section 503(b) of the Bankruptcy Code need not file a proof of claim on or before the General Bar Date.

13. Any entity holding an interest in any Debtor (an "Interest Holder"), which interest is based exclusively upon the ownership of common or preferred stock in a corporation or warrants or rights to purchase, sell or subscribe to such a security or interest (any such security or interest being referred to herein as an "Interest"), need not file a proof of interest on or before the General Bar Date; provided, however, that Interest Holders who wish to assert claims 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, must file proofs of claim on or before the General Bar Date, unless another exception contained in this Order applies.

14. Unless the Court orders otherwise, pursuant to Bankruptcy Rule 3003(c)(2), any creditor whose claim is not scheduled or is scheduled as disputed, contingent, or unliquidated that fails to file a proof of claim in these chapter 11 cases by the applicable Bar Date shall not be treated as a creditor with respect to such claim for the purposes of voting or distribution.

15. For any proof of claim to be validly and properly filed, a claimant must deliver a completed, signed original of the Proof of Claim Form, together with any accompanying documentation required by Bankruptcy Rules 3001(c) and 3001(4), to the claims agent at Kaiser Gypsum Company, Inc. Claims Processing Center, c/o Prime Clerk LLC, 830 3rd Avenue, 3rd Floor, New York, NY 10022, in person or by courier service, hand delivery or mail so as to be received no later than 5:00 p.m., prevailing Eastern Time, on the applicable Bar Date. Additionally, entities may file proofs of claim electronically using the interface available on Prime Clerk's website at <https://cases.primeclerk.com/kaisergypsum/EPOC-Index>. All filed proofs of claim must: (a) be written in English; (b) be denominated in lawful currency of the United States, based upon the exchange rate in effect as of 7:00 a.m. (prevailing Eastern Time) on September 30, 2016; and (c) conform substantially with the Proof of Claim Form. Proofs of claim submitted by facsimile or e-mail shall not be accepted. Proofs of claim shall be deemed filed when actually received by Prime Clerk. If a creditor wishes to receive acknowledgement of Prime Clerk's receipt of a proof of claim, the creditor also must submit to Prime Clerk by the applicable Bar Date and concurrently with its original proof of claim (a) a copy of the original proof of claim and (b) a self-addressed, stamped return envelope. Claimants who submit proofs of claim through Prime Clerk's website interface will receive an email confirmation of such submission.

16. The Debtors shall cause the Publication Notice to be published within five business days of the entry of the Bar Date Order, or as soon as practicable thereafter, in the Publications.

17. The Debtors and Prime Clerk are authorized and empowered to take such steps and perform such actions as may be necessary to implement and effectuate the terms of this Order.

18. 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.

19. The Court shall retain jurisdiction over all matters arising out of or related to this Order.

This Order has been signed electronically. The judge's signature and court's seal appear at the top of the Order.

United States Bankruptcy Court