



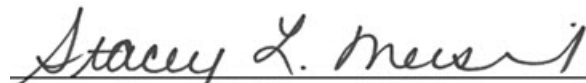
Order Filed on July 24, 2017 by
Clerk, U.S. Bankruptcy Court -
District of New Jersey

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY Caption in Compliance with D.N.J. LBR 9004-1	
LOWENSTEIN SANDLER LLP Kenneth A. Rosen, Esq. Jeffrey D. Prol, Esq. Nicole Fulfree, Esq. Michael Papandrea, Esq. 65 Livingston Avenue Roseland, New Jersey 07068 (973) 597-2500 (Telephone) (973) 597-2400 (Facsimile) <i>Counsel to the Debtors and Debtors-in-Possession</i>	
In re: Mountain Creek Resort, Inc., <i>et al.</i> , ¹ <p style="text-align: center;">Debtors.</p>	Chapter 11 Case No. 17-19899 (SLM) Jointly Administered

ORDER (A) ESTABLISHING DEADLINES TO FILE PROOFS OF CLAIM AGAINST THE DEBTORS, INCLUDING BUT NOT LIMITED TO CLAIMS ARISING UNDER SECTION 503(b)(9) OF THE BANKRUPTCY CODE, (B) APPROVING THE FORM AND MANNER OF NOTICE OF THE BAR DATES, (C) AUTHORIZING PUBLICATION OF THE BAR DATES, AND (D) GRANTING RELATED RELIEF

The relief set forth on the following pages, numbered two (2) through and including seven (7), is hereby **ORDERED**:

DATED: July 24, 2017


Honorable Stacey L. Meisel
United States Bankruptcy Judge

¹ The Debtors in these chapter 11 cases and the last four digits of each Debtor's taxpayer identification number are as follows: Mountain Creek Resort, Inc. (4557), Mountain Creek Services Inc. (3228), Mountain Creek Management, LLC (1394), Mountain Creek Mountainslide, LLC (1545), Mountain Leasing LLC (6057), and Appalachian Liquors Corporation (9542).

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Caption: Order (A) Establishing Deadlines to File Proofs of Claim Against the Debtors, Including But Not Limited to Claims Arising Under Section 503(b)(9) of the Bankruptcy Code, (B) Approving the Form and Manner of Notice of the Bar Dates, (C) Authorizing Publication of the Bar Dates, and (D) Granting Related Relief

This matter is before the Court upon the motion (the “Motion”)² of the above-captioned debtors and debtors-in-possession (collectively, the “Debtors”) in these chapter 11 cases (the “Chapter 11 Cases”) requesting entry of an order (a) establishing deadlines to file proofs of claim against the Debtors, including but not limited to claims arising under section 503(b)(9) of the Bankruptcy Code, (b) approving the form and manner of notice of the Bar Dates (defined below), (c) authorizing the Debtors to publish notice of the Bar Dates, and (d) granting related relief; and the Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Standing Order of Reference to the Bankruptcy Court Under Title 11* of the United States District Court for the District of New Jersey, as amended on September 18, 2012; and venue being proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and this matter being a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and notice of the Motion being sufficient under the circumstances; and it appearing that no other or further notice need be provided; and the Court having determined that the relief sought in the Motion is in the best interests of the Debtors, their estates and creditors; and after due deliberation and sufficient cause appearing therefor;

IT IS HEREBY ORDERED THAT:

1. Other than governmental units (as defined in section 101(27) of the Bankruptcy Code), all persons and entities (including, without limitation, individuals, partnerships, corporations, joint ventures, trusts and non-governmental units) that assert a claim (as defined in section 101(5) of the Bankruptcy Code), including but not limited to all claims of setoff or recoupment and claims arising under section 503(b)(9) of the Bankruptcy Code, against the Debtors that arose or is deemed to have arisen on or prior to the Petition Date, shall file a

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

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proof of such claim in writing or electronically with the Debtors' claims and noticing agent, Prime Clerk LLC (the "Claims Agent") so that it is actually received on or before **September 11, 2017, at 5:00 p.m. (ET)** (the "General Bar Date"). For the avoidance of doubt, the General Bar Date established by this Order supersedes any prior notice of a different bar date or deadline for filing proofs of claim, whether posted on the Court's docket or otherwise.

2. All governmental units (as defined in section 101(27) of the Bankruptcy Code) that assert a claim (as defined in section 101(5) of the Bankruptcy Code), against the Debtors which arose or is deemed to have arisen on or prior to the Petition Date, shall file a proof of such claim in writing or electronically with the Claims Agent so that it is actually received on or before **November 13, 2017, at 5:00 p.m. (ET)** (the "Governmental Bar Date," and together with the General Bar Date, the "Bar Dates").

3. The following procedures for the filing of proofs of claim shall apply to all proofs of claim:

- (a) Proofs of claim must conform substantially to the Proof of Claim Form or Official Bankruptcy Form No. 410;
- (b) Proofs of claim must be filed with the Claims Agent;
- (c) All proofs of claim must be filed on or before the applicable Bar Date;
- (d) Proofs of claim must (i) be signed; (ii) include supporting documentation (if voluminous, attach a summary) or an explanation as to why documentation is not available; (iii) designate the specific Debtor which the claim is asserted against; (iv) be in the English language; and (v) be denominated in lawful United States currency.

4. The following persons or entities are not required to file a proof of claim on or before the General Bar Date or the Governmental Bar Date, as applicable:

- (a) Any person or entity that has already filed a proof of claim in the Chapter 11 Cases with the Clerk of the Bankruptcy Court for the District of New

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Jersey or the Claims Agent in a form substantially similar to the Proof of Claim Form or Official Bankruptcy Form 410;

- (b) Any person or entity whose claim against a particular Debtor is listed in the Schedules, provided that (i) the claim is not scheduled as “disputed,” “contingent” or “unliquidated;” (ii) such claimant does not disagree with the amount and priority of the claim as set forth in the Schedules; and (iii) such person or entity does not dispute that its claim is an obligation only of the specific Debtor against which the claim is listed in the Schedules;
- (c) Any person or entity whose claim is based on an equity interest in any of the Debtors, other than a claim of the type described in section 510(b) of the Bankruptcy Code;
- (d) Any holder of a claim that has previously been allowed by order of the Court;
- (e) Any person or entity whose claim has been paid in full by the Debtors;
- (f) Any holder of a claim for which a specific, different deadline to file a proof of claim has previously been fixed by the Court;
- (g) Any holder of a claim allowable under sections 503(b) and 507(a)(2) of the Bankruptcy Code as an expense of administration of the Debtors’ estates, provided, however, that any holder of a claim entitled to priority pursuant to section 503(b)(9) of the Bankruptcy Code must file a proof of claim asserting such claim on or before the applicable Bar Date; or
- (h) Professionals retained by the Debtors or the Committee pursuant to orders of this Court who assert administrative claims for fees and expenses subject to the Court’s approval pursuant to section 330 or 331 of the Bankruptcy Code.

5. If the Debtors amend or supplement their Schedules subsequent to the date hereof in a manner that adds a new claim, reduces the undisputed, non-contingent or liquidated amount of a claim, or changes the nature or classification of a claim, the Debtors shall give notice of any such amendment or supplement to each holder of a claim affected thereby advising each such holder of the requirement to file a proof of claim and the deadline for such filing, and

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each such holder shall be required to file a proof of claim by the later of (i) the applicable Bar Date and (ii) 30 calendar days after such person or entity is served with notice that the Debtors have amended their Schedules.

6. Any person, entity, or governmental unit that is required to file a proof of claim in the form and manner specified in this Order and that fails to do so on or before the applicable Bar Date, shall not, with respect to such claim, be treated as a creditor of the Debtors for the purpose of voting upon any chapter 11 plan, shall not receive or be entitled to receive any payment or distribution of property from the Debtors, their estates, or their successors or assigns with respect to such alleged claim, and shall be forever barred from asserting such alleged claim against the Debtors, their estates, or their successors or assigns, unless otherwise ordered by this Court.

7. Nothing in this Order shall prejudice the right of the Debtors or any other party in interest to dispute or assert offsets or defenses to any claim reflected in the Schedules or any amendments thereto, as to amount, liability, classification or otherwise, and to subsequently designate any claim as disputed, contingent or unliquidated.

8. The Proof of Claim Form, substantially in the form attached to the Motion as Exhibit A, is approved as the proof of claim form for use by all persons and entities (including governmental units) asserting a claim against the Debtors, including a priority claim under section 503(b)(9) of the Bankruptcy Code.

9. The Mailing Notice and Publication Notice, substantially in the form attached to the Motion as Exhibit B and Exhibit C, respectively, are hereby approved.

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10. The Debtors are authorized to make non-substantive changes to the Mailing Notice and Publication Notice to correct any typographical errors or to conform to the relief granted in this Order.

11. Within seven (7) days of the entry of this order, the Debtors shall mail, by regular first class mail, the Proof of Claim Form and Mailing Notice to:

- (a) the Office of the United States Trustee;
- (b) all governmental units (federal, state and local) - including, without limitation, all applicable taxing authorities (including the U.S. Internal Revenue Service) - having jurisdiction over the Debtors,
- (c) all persons known to the Debtors as the holder of a claim or potential claim;
- (d) all persons and entities requesting notice pursuant to Bankruptcy Rule 2002 as of the entry of this Order;
- (e) all parties to executory contracts and unexpired leases of the Debtors; and
- (f) all parties to any litigation with the Debtors.

12. Within ten (10) days after the entry of this Order or as soon as reasonably practicable thereafter, the Debtors shall publish the Publication Notice once in *USA Today*, twice in *The Star-Ledger*, and twice in the *New Jersey Herald*. Publication of the Publication Notice shall be conclusive proof that all unknown creditors of the Debtors have received good and sufficient notice of the Bar Dates and the procedures for filing proofs of claim in the Debtors' Chapter 11 Cases.

13. Any person or entity (including any governmental unit) who desires to rely on the Schedules for purposes of deciding whether a proof of claim must be submitted shall have the responsibility for determining that its claim is accurately listed in the Schedules.

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14. Notwithstanding anything herein to the contrary, nothing in this order shall impair, impact, or otherwise apply to statutory fees payable pursuant to 28 U.S.C. § 1930.

15. This Order shall be immediately effective and enforceable upon its entry.

16. The Debtors are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order.

17. The requirement set forth in Local Rule 9013-1(a)(3) that any motion or other request for relief be accompanied by a memorandum of law is hereby deemed satisfied by the contents of the Motion or otherwise waived.

18. This Court shall retain exclusive jurisdiction to hear and decide any and all disputes related to or arising from the implementation, interpretation, and enforcement of this Order.