

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

In re:	:	Chapter 11
OUTER HARBOR TERMINAL, LLC, ¹	:	Case No. 16-10283 (LSS)
Debtor.	:	

NOTICE OF DEADLINES FOR FILING PROOFS OF CLAIM, INCLUDING CLAIMS UNDER SECTION 503(B)(9) OF THE BANKRUPTCY CODE, AGAINST THE DEBTOR

TO: ALL ENTITIES WHO MAY HAVE CLAIMS AGAINST THE DEBTOR LISTED BELOW:

PLEASE TAKE NOTICE THAT:

1. On February 1, 2016 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the District of Delaware. The Debtor’s name is Outer Harbor Terminal, LLC. Its federal tax identification number is 80-0382070. The case number for the Debtor’s bankruptcy case is 16-10283 (LSS).

DEADLINE FOR FILING CLAIMS AGAINST THE ABOVE-REFERENCED DEBTOR:

2. Pursuant to an order of this Court entered on March 1, 2016 [Docket No. 134] (the “Bar Date Order”), the deadline for general creditors to file proofs of claim against the Debtor is **April 7, 2016 at 5:00 p.m. (ET)** (the “General Bar Date”), and the deadline for governmental units to file proofs of claim against the Debtor is **August 1, 2016 at 5:00 p.m. (ET)** (the “Governmental Unit Bar Date,” and together with the General Bar Date, the “Bar Dates”). The Bar Dates apply to all claims against the Debtor that arose before the Petition Date, including, but not limited to, claims against the Debtor arising under section 503(b)(9) of the Bankruptcy Code; provided however, that the Bar Dates do not apply to the Excluded Claims listed in paragraph 4 below. The Bar Date Order also sets procedures to be used for filing proofs of claim, which are summarized in this notice for your convenience.
3. **Unless you fall into one of the categories listed in paragraph 4, you MUST file a proof of claim if you have any claim against the Debtor that arose before the Petition Date.** Acts or omissions that occurred before the Petition Date may give rise to claims subject to the Bar Dates even if the claims may not have become known or fixed or liquidated until after the Petition Date. Under section 101(5) of the Bankruptcy Code and as used herein, the word “claim” means: (a) 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 (b) 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.

¹ The last four digits of the Debtor’s federal tax identification number are 2070. The Debtor’s principal place of business is located at 1599 Maritime Street, Oakland, CA 94607.

4. The Bar Date Order provides that creditors do **NOT** have to file proofs of claim by the Bar Dates for the types of claims listed below in this paragraph 4 (collectively, the “Excluded Claims”). **You should not file a proof of claim at this time for any Excluded Claim.** The Court may enter one or more separate orders at a later time requiring creditors to file proofs of claim for some kinds of Excluded Claims and setting related deadlines. If the Court does enter such an order, you will receive notice of it. Excluded Claims include:
- the Office of the United States Trustee for the District of Delaware, on account of claims for fees payable pursuant to 28 U.S.C. § 1930;
 - any person or entity that has already properly filed a Proof of Claim against the Debtor with either Prime Clerk LLC (“Prime Clerk”) or the Clerk of the Court for the United States Bankruptcy Court for the District of Delaware;
 - any person or entity (i) whose claim is listed in the Debtor’s Schedules or any amendments thereto, and (ii) whose claim is not described therein as “disputed,” “contingent,” or “unliquidated,” and (iii) who does not dispute the amount or characterization of its claim as set forth in the Schedules (including that the claim is an obligation of the specific Debtor against which the claim is listed in the Schedules);
 - professionals retained by the Debtor or any statutory committee pursuant to orders of this Court who assert administrative claims for fees and expenses subject to the Court’s approval pursuant to Bankruptcy Code sections 330, 331, and 503(b);
 - any person or entity whose claim has been paid in full by the Debtor pursuant to the Bankruptcy Code or in accordance with an order of the Court; and
 - any person or entity whose claim against the Debtor has been allowed by an order of the Court, entered on or before the applicable Bar Date.
5. **THE FACT THAT YOU HAVE RECEIVED THIS NOTICE DOES NOT MEAN THAT YOU HAVE A CLAIM OR THAT THE DEBTOR BELIEVES YOU HAVE A CLAIM.**
6. If the Debtor amends the Schedules after you receive this notice, the Debtor will give notice of that amendment to the holders of the claims that are affected by it, and those holders will be given an opportunity to file proofs of claim before a new deadline that will be specified in that future notice.

INSTRUCTIONS FOR FILING PROOFS OF CLAIM:

7. If you file a proof of claim, your filed proof of claim must (i) be signed by the claimant or if the claimant is not an individual, by an authorized agent of the claimant, (ii) be written in English, (iii) include a claim amount denominated in United States dollars, (iv) conform substantially with the proof of claim form provided by the Debtor or Official Bankruptcy Form No. 10, and (v) state a claim against the Debtor. The Debtor is enclosing a proof of claim form for use in this Chapter 11 Case. If your claim is scheduled by the Debtor, the form also sets forth the amount of your claim as scheduled by the Debtor, and whether the claim is scheduled as contingent, unliquidated or disputed. You will receive a different proof of claim form for each claim scheduled in your name by the Debtor. If you require additional proof of claim forms, you may obtain a proof of claim form from any bankruptcy court

clerk's office, your lawyer, certain business supply stores, by accessing the Debtor's bankruptcy administration website, at www.primeclerk.com or by writing to Prime Clerk by regular mail, overnight mail or hand delivery at Outer Harbor Terminal, LLC's Claims Processing Center, c/o Prime Clerk LLC, 830 Third Avenue, 9th Floor, New York, NY 10022.

8. **Your proof of claim form must be filed so as to be RECEIVED prior to 5:00 p.m. (ET) on April 7, 2016.** You can file your proof of claim by sending the original proof of claim by regular mail, overnight mail or hand delivery to Outer Harbor Terminal, LLC's Claims Processing Center, c/o Prime Clerk LLC, 830 Third Avenue, 9th Floor, New York, NY 10022, or by submitting electronically through the interface available at <https://cases.primeclerk.com/outerharborterminal/EPOC-Index>. **Prime Clerk will not accept a proof of claim sent by facsimile or e-mail, and any Proof of Claim submitted via facsimile or e-mail will be disregarded.**
9. Any creditor or interest holder that electronically files a proof of claim or interest shall retain such proof of claim or interest (and supporting documents) with an original signature for a period of not less than two (2) years from the date the proof of claim or interest was electronically filed.

CONSEQUENCES OF MISSING THE DEADLINE FOR FILING CLAIMS:

10. **EXCEPT WITH RESPECT TO EXCLUDED CLAIMS (AS DESCRIBED IN PARAGRAPH 4 HEREOF), IF YOU FAIL TO FILE A PROOF OF CLAIM ON OR BEFORE 5:00 P.M. (EASTERN TIME) ON THE APPLICABLE BAR DATE ON ACCOUNT OF ANY CLAIM YOU WISH TO ASSERT AGAINST THE DEBTOR (OR IF YOU DO NOT SUBMIT YOUR CLAIM VIA U.S. MAIL, HAND DELIVERY OR OVERNIGHT MAIL SO AS TO BE ACTUALLY RECEIVED ON OR BEFORE 5:00 P.M. (EASTERN TIME) ON THE APPLICABLE BAR DATE), THEN:**
- **YOU WILL NOT BE TREATED AS A CREDITOR FOR PURPOSES OF THIS CHAPTER 11 CASE;**
 - **YOU WILL NOT RECEIVE ANY DISTRIBUTION IN THE CHAPTER 11 CASE ON ACCOUNT OF THAT CLAIM; AND**
 - **YOU WILL NOT BE PERMITTED TO VOTE ON ANY PLAN OR PLANS OF REORGANIZATION OR LIQUIDATION FOR THE DEBTOR ON ACCOUNT OF THESE BARRED CLAIMS.**

EXAMINATION OF BAR DATE ORDER AND SCHEDULES:

11. Copies of the Bar Date Order, the Schedules and other information regarding the Debtor's Chapter 11 Case are available for inspection free of charge on Prime Clerk's website at <https://cases.primeclerk.com/outerharborterminal>. Copies of the Schedules and other documents filed in this Chapter 11 Case also may be examined between the hours of 8:00 a.m. and 4:00 p.m., Eastern Time, Monday through Friday, at the Office of the Clerk of the Bankruptcy Court, 824 North Market Street, 3rd Floor, Wilmington, Delaware 19801.

QUESTIONS:

12. Proof of claim forms and a copy of the Bar Date Order may be obtained by visiting Prime Clerk's website at <https://cases.primeclerk.com/outerharborterminal> or by contacting Prime

Clerk by regular mail, overnight mail or hand delivery at Outer Harbor Terminal, LLC's Claims Processing Center, c/o Prime Clerk LLC, 830 Third Avenue, 9th Floor, New York, NY 10022. Prime Clerk cannot advise you how to file, or whether you should file, a proof of claim. Questions concerning the contents of this Notice and requests for copies of filed proofs of claim should be directed to Prime Clerk at (212) 257-5450. Please note that none of Prime Clerk, counsel to the Debtor or the Clerk's Office is permitted to give you legal advice. Prime Clerk cannot advise you how to file, or whether you should file, a proof of claim.

A HOLDER OF A POSSIBLE CLAIM AGAINST THE DEBTOR SHOULD CONSULT AN ATTORNEY REGARDING ANY MATTERS NOT COVERED BY THIS NOTICE, SUCH AS WHETHER THE HOLDER SHOULD FILE A PROOF OF CLAIM.

Dated: March 7, 2016

Wilmington, Delaware

RICHARDS, LAYTON & FINGER, P.A.

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