

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

In re:

RTW RETAILWINDS, INC., *et al.*,

Debtors.<sup>1</sup>

Chapter 11

Case No. 20-18445 (JKS)

Jointly Administered

**NOTICE OF (A) ENTRY OF ORDER CONFIRMING THE JOINT PLAN OF LIQUIDATION OF RTW RETAILWINDS, INC. AND AFFILIATED DEBTORS PURSUANT TO CHAPTER 11 OF THE BANKRUPTCY CODE; (B) THE EFFECTIVE DATE THEREOF; AND (C) CERTAIN DEADLINES**

**TO CREDITORS, HOLDERS OF CLAIMS AND INTERESTS, AND PARTIES IN INTEREST, PLEASE TAKE NOTICE THAT:**

1. **Confirmation of the Plan.** On December 10, 2020, the Honorable John K. Sherwood, United States Bankruptcy Judge for the United States Bankruptcy Court for the District of New Jersey (the “**Court**”), entered the *Findings of Fact, Conclusions of Law, and Order (I) Confirming the Joint Plan of Liquidation of RTW Retailwinds, Inc. and Affiliated Debtors Pursuant to Chapter 11 of the Bankruptcy Code* [Docket No. 690] (the “**Confirmation Order**”) Confirming the *Joint Plan of Liquidation of RTW Retailwinds, Inc. and Affiliated Debtors Pursuant to Chapter 11 of the Bankruptcy Code* [Docket No. 523] (as further modified, supplemented and amended including all attachments and exhibits thereto, the “**Plan**”).<sup>2</sup>

2. **Effective Date of the Plan.** All conditions precedent to occurrence of the Effective Date of the Plan have been satisfied or waived. The Effective Date of the Plan occurred on December 31, 2020.

3. **Copies of the Plan and the Confirmation Order.** Copies of the Confirmation Order, Disclosure Statement, the Plan, and related documents, are available free of charge at <https://cases.primeclerk.com/rtwretailwinds/Home-Index>, or for a fee at the Court’s website at <http://www.njb.uscourts.gov>. The Confirmation Order, Disclosure Statement, Plan, and related documents also are available for inspection during regular business hours in the office of the

<sup>1</sup> The Debtors in these chapter 11 cases and the last four digits of each Debtor’s federal tax identification number, as applicable, are as follows: RTW Retailwinds, Inc. (1445); Lerner New York Holding, Inc. (2460); Lernco, Inc. (4787); Lerner New York, Inc. (2137); New York & Company, Inc. (4569); Lerner New York GC, LLC (6095); Lerner New York Outlet, LLC (6617); New York & Company Stores, Inc. (6483); FTF GC, LLC (7341); Lerner New York FTF, LLC (6279); Fashion to Figure, LLC (6997); FTF IP Company, Inc. (6936). The Debtors’ principal place of business is 330 W. 34th St., 9th Floor, New York, New York 10001.

<sup>2</sup> All capitalized terms used herein and not otherwise defined herein shall have the respective meanings ascribed to them in the Plan.

Clerk of the Court for the District of New Jersey (the “Clerk”), Martin Luther King Jr. Building, 50 Walnut Street, Newark, New Jersey 07102.

4. **Administrative Claims Bar Date.** Pursuant to the Confirmation Order, the deadline for filing proofs of claim or requests for payment of Administrative Claims arising on or after July 13, 2020 (“**Administrative Expense Requests**”) is twenty-one (21) days from the date of service of this Notice, which is **January 21, 2021**. All Administrative Expense Requests should be filed with the Court in accordance with the terms of the Plan and the Confirmation Order. Administrative Expense Requests will be deemed timely filed only if **actually filed with the Court** on or before **January 21, 2021, at 4:00 p.m. (prevailing Eastern Time)** (the “**Administrative Claims Bar Date**”). Administrative Expense Requests may **not** be delivered by facsimile, telecopy, or electronic mail transmission to the Clerk or the Debtors.

**If you are required to file an Administrative Expense Request pursuant to the Confirmation Order and fail to do so by the Administrative Claims Bar Date, your untimely Administrative Expense Claim will not be considered Allowed, and you will not be treated as a creditor for purposes of distributions with respect to such claim, and you shall be entitled to no distribution under the Plan with respect to such claim.**

5. **Professional Fee Claims Bar Date.** Pursuant to the Confirmation Order, any Entity seeking an award by the Court of compensation or reimbursement of expenses in accordance with sections 328, 330, or 331 of the Bankruptcy Code or entitled to priorities established pursuant to section 503 of the Bankruptcy Code shall (1) file with the Clerk no later than twenty-one (21) days after the Effective Date, which is **January 21, 2021, at 4:00 p.m. (prevailing Eastern Time)** (the “**Professional Fee Claims Bar Date**”), an application, including, without limitation, a final fee application, for such award of compensation or reimbursement; (2) serve a copy thereof, together with exhibits and schedules related thereto, upon (i) counsel to the Debtors, Cole Schotz P.C., 25 Main Street, Hackensack, New Jersey 07601 (Attn: Michael D. Sirota, Esq. and Ryan T. Jareck, Esq.); (ii) the Office of the United States Trustee, One Newark Center, 1085 Raymond Boulevard, Suite 2100, Newark, NJ 07102 (Attn: Fran B. Steele, Esq. and David Gerardi, Esq.); (iii) counsel to the Committee, Pachulski Stang Ziehl & Jones LLP, 780 Third Avenue, 34<sup>th</sup> Floor, New York, NY 10017 (Attn: Bradford J. Sandler, Esq. and Paul J. Labov, Esq.) and Kelley Drye & Warren LLP (Attn: James Carr, Esq. and Dana P. Kane, Esq.) and (iv) counsel for the administrative agent under the Debtors’ pre-petition revolving credit facility, Wells Fargo Bank, N.A., c/o Otterbourg P.C., 230 Park Ave., New York, NY 10169 (Attn: Daniel Fiorillo, Esq. and Chad B. Simon, Esq.); and (3) comply with the applicable requirements for such claim.

6. **Rejection Bar Date.** On the Effective Date, all Executory Contracts and Unexpired Leases shall be deemed rejected as of the Effective Date, unless such Executory Contract or Unexpired Lease: (i) was assumed or rejected previously by the Debtors; (ii) previously expired or terminated pursuant to its own terms; (iii) is the subject of a motion to assume Filed on or before the Effective Date; or (iv) has been assumed and assigned to a purchaser of the Debtors’ assets. Proofs of Claim with respect to Claims arising from the rejection of Executory Contracts or Unexpired Leases, if any, must be filed with the Court and served on the Liquidation Trustee by the later of (a) twenty-one (21) days after service of this Notice, which is **January 21, 2021, at 4:00 p.m. (prevailing Eastern Time)**, (b) twenty-one

(21) days after service of notice of entry of an order of the Court (other than the Confirmation Order) approving the rejection of a particular Executory Contract or Unexpired Lease on the counterparty thereto, or (c) such other date as established pursuant to the Court's *Order Authorizing and Approving Procedures for Rejection of Executory Contracts and Unexpired Leases* [Docket No. 81] and applicable notices filed and served by the Debtors pursuant thereto. Absent Order of the Court to the contrary, any Claims arising from the rejection of an Executory Contract or Unexpired Lease not Filed by the applicable deadline will not be considered Allowed and such person or entity shall not be treated as a creditor for purposes of distributions under the Plan with respect to such claim.

7. **Renewed Request for Post-Effective Date Notice Pursuant to Bankruptcy Rule 2002.** After the Effective Date, to continue to receive notice of documents pursuant to Bankruptcy Rule 2002, all Creditors and other parties in interest must file a renewed notice of appearance with the Bankruptcy Court requesting receipt of documents pursuant to Bankruptcy Rule 2002.

8. **Binding Nature of Plan.** The Plan and its provisions are binding on the Debtors and any holder of a Claim against, or Interest in, the Debtors, and such holder's respective successors and assigns, whether or not the Claim or Interest of such holder is impaired by the Plan and whether or not such holder voted to accept or reject the Plan.

Dated: December 31, 2020

**COLE SCHOTZ P.C.**

By: /s/ Ryan T. Jareck

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