

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

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In re:

SHELTERING ARMS CHILDREN AND
FAMILY SERVICES, INC.,

Chapter 11

Case No. 24-41037 (JMM)

Debtor.
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**ORDER ESTABLISHING DEADLINE FOR FILING PROOFS OF CLAIM
AND APPROVING THE FORM AND MANNER OF NOTICE THEREOF**

Upon the application (the “**Application**”) ¹ [ECF No. 80] (JMM) of the of Sheltering Arms Children and Family Services, Inc. (“**Sheltering Arms**” or the “**Debtor**”) in this chapter 11 case (the “**Chapter 11 Case**”) for an order, pursuant to Federal Rule of Bankruptcy Procedure (“**Bankruptcy Rule**”) 3003(c)(3), fixing a deadline and establishing procedures for filing proofs of claim and approving the form and manner of service thereof, and it appearing that the relief requested is in the best interests of the Debtor, its estate, and creditors and that the Debtor has complied with the Court’s Administrative Order No. 684 (Amendments to Bar Date Order Guidelines), dated December 16, 2019 (the “**Bar Date Guidelines**”) such that no further notice is necessary; and after due deliberation and good and sufficient cause appearing therefor, it is hereby:

ORDERED, that except as otherwise provided herein, all persons and entities, other than governmental units (each as defined in section 101 the Bankruptcy Code), that assert a claim, as defined in section 101(5) of the Bankruptcy Code, against the Debtor which arose prior to the commencement of this Chapter 11 Case on March 7, 2024, (the “**Petition Date**”) including, without limitation, those claims which assert an entitlement to administrative expense status

¹ Defined terms used but not otherwise defined herein shall have the meaning ascribed to such terms in the Application.

section 503(b)(9) of the Bankruptcy Code (each a “**503(b)(9) Claim**”), shall file a proof of such claim in writing so that it is received on or before **July 31, 2024 at 5:00 p.m. (prevailing Eastern Time)** (the “**General Bar Date**”); and it is further

ORDERED, that, except as otherwise provided herein, all governmental units (as defined in section 101(27) the Bankruptcy Code) that assert a claim, as defined in section 101(5) of the Bankruptcy Code, against the Debtor which arise prior to the Petition Date, including, without limitation, 503(b)(9) Claims, shall file a proof of such claim in writing so that it is received on or before **September 3, 2024 at 5:00 p.m. (prevailing Eastern Time)** (the “**Governmental Bar Date**”); and it is further

ORDERED, that the Proof of Claim Form, which modifies Official Bankruptcy Form No. 410, annexed to the Application as **Exhibit C** is hereby approved; and it is further

ORDERED, that the following procedures for the filing of proofs of claim shall apply:

- (a) Proofs of claim shall conform substantially to the Proof of Claim Form annexed to the Application which modifies Official Bankruptcy Form No. 410;
- (b) All Proofs of Claim must: (i) be written in the English language; (ii) be denominated in lawful currency of the United States; (iii) set forth with specificity the legal and factual basis for the alleged claim; (iv) include supporting documentation or an explanation as to why such documentation is not available; and (v) be signed by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant;
- (c) If any Proof of Claim asserts a contingent and/or unliquidated claim, in whole or in part, the claimant shall identify in the proof of claim a good faith estimate of the maximum amount of such contingent and/or unliquidated claim;
- (d) Proofs of Claim shall be deemed timely filed only if Proofs of Claim are actually received by the Claims Agent or by the Court, on or before the applicable Bar Date: (i) by electronic submission through the claim submission portal maintained by the Claims Agent on the case website at: <https://dm.epiq11.com/ShelteringArms> (the “**Case Website**”); or (ii) if submitted by mail, overnight courier, or hand delivery to one of the following addresses (collectively, the “**Claims Processing Centers**”):

If by First-Class Mail:

Sheltering Arms Children and
Family Services, Inc.
Claims Processing Center
c/o Epiq Corporate Restructuring LLC
P.O. Box 4421
Beaverton, OR 97076-4421

If by Hand Delivery or Overnight Mail:

Sheltering Arms Children and
Family Services, Inc.
Claims Processing Center
c/o Epiq Corporate Restructuring LLC
10300 SW Allen Blvd.
Beaverton, OR 97075

- (e) Proofs of claim shall be deemed timely filed only when an original signed Proof of Claim is **actually received** through the Case Website or at one of the Claims Processing Centers on or before the applicable Bar Date;
- (f) Proofs of Claim sent by facsimile, telecopy, or electronic mail transmission will not be accepted;
- (g) The procedures established by the Court's *Final Order Authorizing: (a) the Implementation of Procedures to Maintain And Protect Confidential Information of Protected Parties; and (b) Granting Related Relief*, entered on April 22, 2024 [ECF 70] shall apply with respect to Proofs of Claim filed by Protected Parties (as defined therein); and it is further

ORDERED, that the following persons or entities need not file a proof of claim on or prior to the Bar Dates:

- (a) Any person or entity that has already filed a proof of claim against the Debtor in this Chapter 11 Case with the Claims Processing Centers or with the Clerk of the Bankruptcy Court for the Eastern District of New York in a form substantially similar to the Proof of Claim Form or Official Bankruptcy Form No. 410;
- (b) Any person or entity whose claim is listed on the Schedules of Assets and Liabilities filed by the Debtor (collectively, the "**Schedules**") [ECF 63], if: (i) the claim is **not** scheduled as "disputed," "contingent" or "unliquidated", and is **not** in an unknown or \$0.00 amount; **and** (ii) the claimant agrees with the amount, nature and priority of the claim as set forth in the Schedules;
- (c) Any holder of a claim that has already been allowed in this case by order of the Court;
- (d) Any holder of a claim for which a different deadline for filing a proof of claim in this case has already been fixed by this Court; or
- (e) Any holder of a claim allowable under Sections 503(b) and 507(a)(2) of the Bankruptcy Code, other than a claim pursuant to Section 503(b)(9) of the Bankruptcy Code, as an expense of administration of the Debtor's estate; and it is further

ORDERED, that any person or entity that holds a claim that arises from the rejection of an executory contract or unexpired lease must file a proof of claim based on such rejection on or before the later of: (a) the General Bar Date or the Governmental Bar Date, as applicable; (b) the date that is **forty-five (45) days (JMM)** after the date such rejection becomes effective; or (c) such other date as the Court may fix in the applicable order authorizing such rejection (the **“Rejection Damages Bar Date”**); and it is further

ORDERED, that notwithstanding the foregoing, a party to an executory contract or unexpired lease that asserts a claim on account of unpaid amounts accrued and outstanding as of the Petition Date pursuant to such executory contract or unexpired lease (other than a rejection damages claim) must file a Proof of Claim for such amounts on or before the applicable Rejection Damages Bar Date, unless expressly excepted from doing so; and it is further

ORDERED, that holders of equity security interests in the Debtor need not file proofs of interest with respect to the ownership of such interests, but if any such holder has a claim against the Debtor (including a claim relating to an equity interest or the purchase or sale of the equity interest), a proof of claim shall be filed on or prior to the General Bar Date; and it is further

ORDERED, that if the Debtor amends or supplements the Schedules after the date of this Order, the Debtor shall give notice of any amendment or supplement to the holders of claims amended thereby, and holders of such claims shall have until the later of: (a) the General Bar Date or the Governmental Bar Date, as applicable; or (b) the date that is **forty-five (45) days (JMM)** from the date of service of the notice of any such amendment to file a proof of claim and shall be given notice of that deadline (the **“Amended Schedules Bar Date”**); and it is further

ORDERED, that nothing in this Order shall prejudice the right of the Debtor or any other party in interest to dispute or assert offsets or defenses to any claim listed in the Schedules; and it is further

ORDERED, that pursuant to Bankruptcy Rule 3003(c)(2), a holder of a claim that fails to comply with this Order by timely filing a Proof of Claim in appropriate form shall not be treated as a creditor with respect to that claim for purposes of voting and distribution and such claim shall be forever barred from being asserted against the Debtor; and it is further

ORDERED, that the Bar Date Notice, annexed hereto as **Exhibit A**, is approved and shall be deemed adequate and sufficient if served by first-class mail at least **forty-five (45)** (JMM) days prior to the General Bar Date on:

- (a) the U.S. Trustee;
- (b) all persons or entities that have filed claims;
- (c) counsel for the Office of the Attorney General of the State of New York and the United States Attorney for the Eastern District of New York;
- (d) all creditors and other known holders of claims as of the date of this Order, including all persons or entities listed on the Schedules at the addresses stated therein;
- (e) all parties known to the Debtor as having potential claims against the Debtor's estate, including without limitation all employees and any union to which they belong as well as persons or entities who have previously filed proofs of claim;
- (f) all counterparties to the Debtor's executory contracts and unexpired leases listed on the Schedules at the addresses stated therein;
- (g) the attorneys of record and/or all parties to any pending litigation against any of the Debtor;
- (h) the Internal Revenue Service for the district in which the case is pending and, if required by Bankruptcy Rule 220(j), the Securities and Exchange Commission and any other required governmental units;

- (i) all parties who have requested notice pursuant to Bankruptcy Rule 2002 in this Chapter 11 Case; and
- (j) all other parties to whom the Debtor is required to give notice pursuant to this Court's *Amended Order Establishing Case Management Procedures*, entered on March 19, 2024 (the "**Case Management Order**") [ECF 39], including, without limitation, the Master Service List and General Service List (each as defined in the Case Management Order); and it is further

ORDERED, that pursuant to Bankruptcy Rule 2002(l), the Debtor shall publish Bar Date Notice, as modified for publication, in the New York Times, regional edition, and on the Case Website, at least twenty-eight (28) days prior to the General Bar Date, which publication is hereby approved and shall be deemed good, adequate and sufficient publication notice of the Bar Dates; and it is further

ORDERED, that the Debtor and the Claims Agent are authorized and empowered to take such steps and perform such acts as may be necessary to implement and effectuate the terms of this Order; and it is further

ORDERED, that entry of this Order is without prejudice to the right of the Debtor 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 such proofs of claim or interest or be forever barred from doing so; and it is further

ORDERED, that the terms and conditions of this Order shall be immediately effective and enforceable upon entry; and it is further

ORDERED, that the Court may retain jurisdiction with respect to any matters, claims, rights, or disputes arising from, or related to, the implementation or interpretation of this Order.

Dated: June 13, 2024
Brooklyn, New York





Jil Mazer-Marino
United States Bankruptcy Judge

Exhibit A

Bar Date Notice

GARFUNKEL WILD, P.C.
111 Great Neck Road
Great Neck, New York 11021
Telephone: (516) 393-2200
Facsimile: (516) 466-5964
Adam T. Berkowitz, Esq.
Michael D. Goldberg, Esq.

*Counsel for the Debtor
and Debtor-in-Possession*

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

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In re:

SHELTERING ARMS CHILDREN AND
FAMILY SERVICES, INC.

Chapter 11

Case No. 24-41037 (JMM)

Debtor.

-----X

**NOTICE OF DEADLINE REQUIRING FILING OF PROOFS OF CLAIM
ON OR BEFORE JULY 31, 2024 AT 5:00 P.M. (PREVAILING EASTERN TIME)**

**TO ALL PERSONS AND ENTITIES WITH CLAIMS AGAINST SHELTERING ARMS
CHILDREN AND FAMILY SERVICES, INC.**

The United States Bankruptcy Court for the Eastern District of New York has entered an Order (the “**Bar Date Order**”) establishing **July 31, 2024 at 5:00 p.m. (prevailing Eastern Time)** (the “**General Bar Date**”) as the deadline for each person or entity, other than governmental units (each as defined in section 101 of the Bankruptcy Code), to file a proof of claim (the “**Proof of Claim**”) against Sheltering Arms Children and Family Services, Inc. (“**Sheltering Arms**” or the “**Debtor**”) in this chapter 11 case (the “**Chapter 11 Case**”) based on claims that arose prior to March 7, 2024 (the “**Petition Date**”), the date on which the Debtor commenced this Chapter 11 Case under Title 11 of the United States Code (the “**Bankruptcy Code**”).

The Bar Date Order further establishes **September 3, 2024 at 5:00 p.m. (prevailing Eastern Time)** as deadline for each governmental unit (as defined in section 101(27) of the Bankruptcy Code) to file a Proof of Claim against the Debtor in this Chapter 11 Case based on claims that arose prior to the Petition Date (the “**Governmental Bar Date**”).

The Bar Dates and the procedures set forth below for filing Proofs of Claim apply to all claims that arose prior to the Petition Date, except those that are specifically excluded from the Bar Dates filing requirements as set forth in Section 4 below.

1. **WHO MUST FILE A PROOF OF CLAIM**

You **MUST** file a proof of claim to vote on a Chapter 11 plan filed by the Debtor or to share in distributions from the Debtor’s bankruptcy estate if you have a claim that arose prior to the Petition Date, and it is not one of the types of claim described in Section 4 below. Claims based on acts or omissions of the Debtor that occurred before the Petition Date must be filed on or prior to the applicable Bar Dates, even if such claims are not now fixed, liquidated or certain or did not mature or become fixed, liquidated or certain before the Petition Date.

Under Section 101(5) of the Bankruptcy Code and as used in this Notice, 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.

2. **WHAT TO FILE**

Your filed Proof of Claim must conform substantially to the Proof of Claim Form, a copy of which is annexed to this Notice. Additional Proof of Claim Forms may be obtained on the

website maintained by the Claims Agent at: <https://dm.epiq11.com/ShelteringArms> (the “**Case Website**”).

The Proof of Claim Form must be signed by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant. It must be written in English and be denominated in United States currency. You must attach to your completed Proof of Claim any documents on which the claim is based (if voluminous, attach a summary).

Your Proof of Claim Form shall not contain complete social security numbers or taxpayer identification numbers (only the last four digits), a complete birth date (only the year), the name of a minor (only the minor’s initials) or a financial account number (only the last four digits of such financial account).

3. **WHEN AND WHERE TO FILE**

Except as provided for herein, all Proofs of Claim must be filed so as to be actually received **on or before July 31, 2024 at 5:00 p.m. (prevailing Eastern Time)** or, if you are a governmental unit, by the Governmental Bar Date: (a) by electronic submission through the claim submission portal maintained by the Claims Agent on the case website at: <https://dm.epiq11.com/ShelteringArms>; or (b) if submitted by mail, overnight courier, or hand delivery to one of the following addresses (collectively, the “**Claims Processing Centers**”):

If by First-Class Mail:

Sheltering Arms Children and
Family Services, Inc.
Claims Processing Center
c/o Epiq Corporate Restructuring LLC
P.O. Box 4421
Beaverton, OR 97076-4421

If by Hand Delivery or Overnight Mail:

Sheltering Arms Children and
Family Services, Inc.
Claims Processing Center
c/o Epiq Corporate Restructuring LLC
10300 SW Allen Blvd.
Beaverton, OR 97075

Proofs of Claim will be deemed filed only when **actually received** by a Claims Processing Center on or before the applicable Bar Dates. Proofs of Claim may not be delivered by facsimile, telecopy, or electronic mail transmission.

4. **WHO DOES NOT NEED TO FILE A PROOF OF CLAIM**

You do **not** need to file a proof of claim on or before the applicable Bar Dates if you are:

- (a) A person or entity that has already filed a proof of claim against the Debtor in this Chapter 11 Case with the Claims Processing Centers or with the Clerk of the Bankruptcy Court for the Eastern District of New York in a form substantially similar to the Proof of Claim Form or Official Bankruptcy Form No. 410;
- (b) A person or entity whose claim is listed on the Schedules of Assets and Liabilities, filed by the Debtor on April 18, 2024 [ECF 63] (collectively, the “**Schedules**”) provided that: (i) such claim is **not** scheduled as “disputed,” “contingent,” or “unliquidated”, and is **not** in an unknown or \$0.00 amount, **and** (ii) you agree with the amount, nature and priority of such claim as set forth in the Schedules;
- (c) A holder of a claim that has already been allowed in this case by order of the Court;
- (d) A holder of a claim for which a different deadline for filing a proof of claim in this case has already been fixed by this Court; or
- (e) A holder of a claim allowable under Sections 503(b) and 507(a)(2) of the Bankruptcy Code, other than a claim pursuant to Section 503(b)(9), of the Bankruptcy Code, as an expense of administration of the Debtor’s estate.

This Notice is being sent to many persons and entities that have had some relationship with or have done business with the Debtor but may not have an unpaid claim against the Debtor. The fact that you have received this Notice does not mean that you have a claim, or that the Debtor or the Court believes that you have a claim against the Debtor.

5. **EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

If you have a claim arising out of the rejection of an executory contract or unexpired lease as to which the order authorizing such rejection is dated on or before the date of entry of the Bar Date Order, you must file a proof of claim based on such rejection on or before **the date that is the later of: (a) the General Bar Date or the Governmental Bar Date, as applicable; (b) the**

date that is forty-five (45) (JMM) days after the date of the order authorizing such rejection; or (c) such other date as the Court may fix in the applicable order authorizing such rejection.

6. **CONSEQUENCES OF FAILING TO FILE A PROOF OF CLAIM BY THE APPLICABLE BAR DATES**

ANY HOLDER OF A CLAIM THAT IS NOT EXCEPTED FROM THE REQUIREMENTS OF THE BAR DATE ORDER, AS SET FORTH IN SECTION 4 ABOVE, AND THAT FAILS TO TIMELY FILE A PROOF OF CLAIM IN THE APPROPRIATE FORM BY THE APPLICABLE BAR DATE, WILL BE FOREVER BARRED FROM ASSERTING ITS CLAIM AGAINST THE DEBTOR AND ITS CHAPTER 11 ESTATE, VOTING ON ANY PLAN OF REORGANIZATION FILED IN THIS CASE, AND PARTICIPATING IN ANY DISTRIBUTION IN THE DEBTOR'S CHAPTER 11 CASE ON ACCOUNT OF THAT CLAIM.

7. **THE DEBTOR'S SCHEDULES AND ACCESS THERETO**

The Debtor filed its Schedules on April 18, 2024 [ECF 63]. You may be listed as the holder of a claim against the Debtor in the Debtor's Schedules. If you agree with the nature, amount and status of your claim as listed in the Debtor's Schedules, and if you do not dispute that your claim is only against the Debtor is specified, and if your claim is **not** described as "disputed," "contingent," or "unliquidated," and **not** in an unknown or \$0.00 amount, you do not need to file a proof of claim. Otherwise, you must file a proof of claim before the applicable Bar Date in accordance with the procedures set forth in this Notice.

Copies of the Debtor's Schedules are available for inspection on the Court's Internet Website at <http://www.nyeb.uscourts.gov>. A login and password to the Court's Public Access to Electronic Court Records ("**PACER**") are required to access this information and can be obtained through the PACER Service Center <https://pcl.uscourts.gov/pcl/>. Copies of the Debtors' Schedules may also be examined between the hours of 9:00 a.m. and 4:30 p.m., Monday through

Friday at the Office of the Clerk of the Bankruptcy Court, Conrad B. Duberstein U.S. Courthouse, 271-C Cadman Plaza East, Suite 1595, Brooklyn, NY 11201-1800 and are also available on the Website maintained by the Claims Agent at <https://dm.epiq11.com/ShelteringArms>. Copies of the Debtor's Schedules may also be obtained by written request to the Debtor's counsel at the following address: Garfunkel Wild, P.C., 111 Great Neck Road, 6th Floor, Great Neck, New York 11021, Attention: Adam T. Berkowitz, Esq.

If you are unsure about any of these matters, including whether you should file a proof of claim, you may wish to consult an attorney.

Dated: Great Neck, New York
June __, 2024

GARFUNKEL WILD, P.C.

By: _____
Adam T. Berkowitz, Esq.
Michael D. Goldberg, Esq.
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Great Neck, New York 11021
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*Counsel for the Debtor
and Debtor-in-Possession*