

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

In re:

BEAUTY BRANDS, LLC, *et al.*,¹

Debtors.

Chapter 7

Case No. 19-10031 (CSS)
(Jointly Administered)

**NOTICE OF DEADLINES (I) TO FILE REQUESTS FOR PAYMENT OF CERTAIN
ADMINISTRATIVE EXPENSE CLAIMS PURSUANT TO 11 U.S.C. § 503(b) AND (II)
FOR UTILITY COMPANIES TO SEEK PAYMENT FROM THE ADEQUATE
ASSURANCE DEPOSIT**

**TO ALL PERSONS AND ENTITIES WITH CLAIMS AGAINST ANY OF THE
ESTATES OF THE FOLLOWING CHAPTER 7 DEBTORS:**

Debtor:	Case Number:
Beauty Brands, LLC	19-10031 (CSS)
Beauty Brands Payroll Holdings, Inc.	19-10032 (CSS)
Beauty Brands Payroll, LLC	19-10033 (CSS)

PLEASE TAKE NOTICE that on January 6, 2019 (the “Petition Date”), Beauty Brands, LLC, Beauty Brands Payroll Holdings, Inc., and Beauty Brands Payroll, LLC (collectively, the “Debtors”) commenced their respective bankruptcy cases (the “Bankruptcy Cases”) by filing voluntary petitions for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”).

PLEASE TAKE FURTHER NOTICE that pursuant to an Order entered on February 25, 2019, (the “Conversion Date”) the Court converted the Debtors’ Chapter 11 cases (the “Chapter 11 Cases”) to cases under Chapter 7 of the Bankruptcy Code (the “Chapter 7 Cases”).

PLEASE TAKE FURTHER NOTICE that the Office of the United States Trustee for the District of Delaware has appointed David W. Carickhoff as the Chapter 7 Trustee (the “Trustee”) for the Debtors’ estates (the “Estates”).

¹ The debtors in these cases, along with the last four digits of the federal tax identification number for each of the debtors, where applicable are: Beauty Brands, LLC (0290); Beauty Brands Payroll Holdings, Inc. (6218); and Beauty Brands Payroll, LLC (1789).

PLEASE TAKE FURTHER NOTICE that, on September 11, 2019, the Bankruptcy Court entered the *Order (i) Establishing the Deadline and Certain Procedures for (a) Filing Requests for Payment of Certain Administrative Expense Claims Pursuant to 11 U.S.C. § 503(b) and (b) Utility Companies to Seek Payment from the Adequate Assurance Deposit, (ii) Approving Form and Manner of Notice thereof and (iii) Granting Related Relief* [Docket No. 445] (the “Bar Date Order”).

PLEASE TAKE FURTHER NOTICE that the Bar Date Order establishes **October 31, 2019, at 5:00 p.m. (Prevailing Eastern Time)** (the “Bar Date”), as the deadline for:

- (a) all persons or entities (except as otherwise provided in this Motion and excepting Governmental Units) that may assert any right to payment constituting an actual, necessary cost or expense of administering these bankruptcy cases or preserving the Estates under section 503(b) of the Bankruptcy Code (an “Administrative Claim”)² that arose during the period from and including January 6, 2019, through and including August 31, 2019 (the “Administrative Claim Period”) to file requests for payment pursuant to section 503 of the Bankruptcy Code; and
- (b) all Utility Companies to file a request for payment from the Adequate Assurance Deposit for any utility services provided during the Administrative Claim Period (a “Utilities Claim”).³

You should consult an attorney if you have any questions, including whether to file a Request for Payment. If you have any questions with respect to this Notice, you may contact undersigned counsel for the Trustee.

I. WHO MUST FILE A REQUEST

You MUST file a Request for Payment in accordance with the procedures approved by the Bankruptcy Court and set forth in this Notice in order to assert a Request for Payment that arose during the Administrative Claim Period, and it is not a claim described in Section II below.

For the avoidance of doubt, any utility provider that has any unpaid claims for post-petition services must file a Request for Payment in accordance with the procedures set forth in this Notice in order to seek payment from the Adequate Assurance Deposit established by the Debtors in the Chapter 11 Cases.

II. WHO IS NOT REQUIRED TO FILE A REQUEST FOR PAYMENT

The following persons and entities are not be required to file a Request for Payment by the Bar Date:

² The defined term “Administrative Claim” shall include any claims under section 503(b)(9) of the Bankruptcy Code.

³ Requests for payment of an Administrative Expense or a Utilities Claim are collectively referred to herein as “Requests for Payment.”

- (a) the U.S. Trustee, on account of claims for fees payable pursuant to 28 U.S.C. § 1930;
- (b) The Chapter 11 Professionals for any fees and expenses incurred prior to the Conversion Date;⁴
- (c) The Trustee's professionals for any fees and expenses incurred from the Conversion Date;
- (d) Governmental Units holding claims covered by section 503(b)(1)(B), (C) or (D) of the Bankruptcy Code;
- (e) any person or entity that has already timely and properly filed a Request for Payment against one or more of the Debtors' Estates in a form and manner substantially similar to that proposed in this Motion; and
- (f) any person or entity holding an Administrative Claim that accrued or arose after the Administrative Claim Period (*i.e.* after June 30, 2019).⁵

You should not file a Request for Payment if you do not have an Administrative Claim or Utilities Claim which arose during the Administrative Claim Period against any of the Debtors' Estates. Your receipt of this Notice does not mean that you have an Administrative Claim, Utilities Claim, or any other claim or that the Trustee or the Bankruptcy Court believes that you have an Administrative Claim, Utilities Claim or any other claim.

III. HOW TO FILE AND SERVE REQUESTS FOR PAYMENT

To file a Request for Payment, you must follow the procedures set forth below:

- (a) Each Request for Payment must: (i) comply with the Bar Date Order and this Bar Date Notice; (ii) be in writing and signed by the party asserting the Request for Payment or an authorized agent of such party; (iii) set forth with specificity all factual and legal bases supporting the asserted Request for Payment; (iv) include supporting documentation (or, if voluminous, include a summary of supporting documents, an explanation as to why such documentation is not included, and a concise description of the means by which the Trustee can reasonably and expeditiously obtain such supporting documents); (v) be in the English language; and (vi) be denominated in United States currency.
- (b) Each Request for Payment must specify by name the Debtor's(s') Estate(s) against which it is asserted.

⁴ The deadline for the Chapter 11 Professionals to file final fee applications for fees and expenses incurred in the Chapter 11 Cases was March 15, 2019 (*See* Dkt. No. 322). Nothing in this Notice is intended to or should be construed to extend such deadline.

⁵ To the extent necessary, at a later date, the Trustee may seek to set a subsequent administrative claim bar date for Administrative Claims that arise after the Administrative Claim Period.

- (c) Each Request for Payment must specify whether it is asserted as an expense of the Chapter 11 Cases or the Chapter 7 Cases.
- (d) Each Request for Payment must be filed with the Court by the Bar Date. Each Request for Payment must also be served upon, so as to be actually received by, undersigned counsel for the Trustee by the Bar Date via regular mail, overnight mail, hand delivery, or electronic mail.

IV. EFFECT OF FAILURE TO FILE A TIMELY REQUEST FOR PAYMENT

UNLESS OTHERWISE ORDERED BY THE COURT, ANY POTENTIAL HOLDER OF AN ADMINISTRATIVE CLAIM OR UTILITIES CLAIM AGAINST ANY OF THE DEBTORS' ESTATES WHO RECEIVES THIS BAR DATE NOTICE (WHETHER SUCH NOTICE WAS ACTUALLY OR CONSTRUCTIVELY RECEIVED) AND IS REQUIRED, BUT FAILS, TO FILE A REQUEST FOR PAYMENT IN ACCORDANCE WITH THE BAR DATE ORDER AND THIS BAR DATE NOTICE, (A) SHALL BE FOREVER BARRED, ESTOPPED AND ENJOINED FROM ASSERTING SUCH CLAIM AGAINST ANY OF THE DEBTORS OR THEIR ESTATES AND (B) SHALL NOT RECEIVE OR BE ENTITLED TO RECEIVE ANY PAYMENT OR DISTRIBUTION OF PROPERTY FROM THE ESTATES (INCLUDING FROM THE SEGREGATED ACCOUNT) WITH RESPECT TO SUCH REQUEST FOR PAYMENT.

V. NO REQUEST FOR SCHEDULING OF HEARING ON REQUESTS FOR PAYMENT

Notwithstanding section 503(b) of the Bankruptcy Code any Requests for Payment shall be filed without a scheduled hearing date or response deadline or a request by the claimant for a scheduled hearing. To the extent a Request for Payment is disputed by the Trustee, and such dispute cannot be resolved consensually by the Trustee and the claimant, the Trustee will: (a) file an objection to the claimant's Request for Payment; (b) schedule a hearing on such objection and the affected Request for Payment; and (c) provide notice to the affected claimant of the Trustee's objection and scheduled hearing.

VI. SOLE AND EXCLUSIVE METHOD

The procedures set forth in this Notice are the sole and exclusive method for the assertion of any Request for Payment that is required to be filed, and all claimants asserting a Request for Payment are prohibited from invoking any other means of asserting such claims pursuant to the Bankruptcy Code.

For the avoidance of doubt, the procedures proposed in Notice will not apply to any administrative expense that may arise after the Administrative Claim Period (*i.e.* after August 31, 2019).

VII. RESERVATION OF RIGHTS

Nothing contained in this Notice or any actions taken by the Trustee pursuant to the relief granted in the Bar Date Order is intended or should be construed as: (a) an admission as to the validity, status, amount or priority of any particular claim asserted against one or more of the Debtors or their Estates; (b) a waiver of the Trustee's rights to dispute any particular claim on any grounds; (c) a promise or obligation to pay any particular claim; (d) an implication or admission that any particular claim is of a type specified or defined in this Motion; or (e) a waiver or limitation of the Trustee's rights under the Bankruptcy Code or any other applicable law.

Dated: September 20, 2019

By: /s/ Alan M. Root
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