



Order Filed on August 19, 2021
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(b)

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Proposed Counsel to the Debtor
and Debtor in Possession

In re:

ALUMINUM SHAPES, L.L.C.,

Debtor.

Chapter 11

Case No. 21- 16520 ^{JNP} - ()

**ORDER PURSUANT TO 11 U.S.C. §§ 105(a), 363(b), 506(b), 507(a), AND 541
AUTHORIZING, BUT NOT DIRECTING,
THE DEBTOR TO MAKE POST-PETITION PAYMENTS AND
DISBURSEMENTS WITH RESPECT TO CERTAIN PREPETITION TAXES**

The relief set forth on the

ORDERED.

DATED: August 19, 2021

A handwritten signature in black ink, appearing to read "Jerrold N. Poslusny, Jr.", written over a horizontal line.

Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court

Page -2-

Debtor: Aluminum Shapes, L.L.C.

Case No: 21- 16520(JNP)

Caption of Order: Order Granting Motion of Debtor Aluminum Shapes, L.L.C.
Authorizing, But Not Directing, The Debtor To Make Post-Petition
Payments And Disbursements With Respect To Certain Prepetition
Taxes

AND NOW, upon: (i) consideration of the Debtor's Motion (the "Motion")¹ pursuant to sections 105(a), 363(b), 506(b), 507(a), and 541 of Title 11 of the United States Code (the "Bankruptcy Code") (a) authorizing, but not directing, the Debtor to pay the Prepetition Property Taxes along with any associated interest and penalties that may accrue or be incurred due to non-payment of the Prepetition Property Taxes, and (b) authorizing, but not directing, the Debtor to disburse the Prepetition Withholdings to the IRS; (ii) the Declaration of Jordan Meyers in Support of First Day Motions and the evidentiary support contained therein; (iii) the Court finding cause for the emergent relief requested in the Motion; (iv) the Court having found that the relief requested is authorized under sections 105(a), 363(b), 506(b), 507(a), and 541 of the Bankruptcy Code; (v) examination of any responses to the Motion having been withdrawn or overruled; (vi) and after notice and opportunity for a hearing, it is hereby **ORDERED** and **DECREED** as follows:

1. The Motion is **GRANTED** to the extent set forth herein.
2. The Debtor is authorized, but not required, to pay the Prepetition Property Taxes due and payable as of the Petition Date and amounts that are or become due and payable between the Petition Date and the date that a final order on the Motion is entered, including any associated interest and penalties that may accrue or be incurred due to non-payment of the Prepetition Property Taxes, unless otherwise ordered by this Court.
3. The Debtor is authorized, but not required, to disburse the Prepetition Withholdings in the amount of \$504,382.12, held in trust by the Debtor, to the IRS, as the Prepetition

¹ Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Motion.

Page -3-

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Withholdings are not property of the Debtor's estate.

4. The Debtor shall serve a copy of the Motion (if not already served) and this Order upon (i) the Office of the United States Trustee; (ii) the holders of the twenty (20) largest unsecured claims against the Debtor (on a consolidated basis); (iii) the Debtor's prepetition Lender, Tiger Finance, LLC, and its counsel.; (v) the United States Attorney's Office for the District of New Jersey; (vi) Pennsauken Township; and (vii) the IRS, by first-class mail, postage prepaid, no later than five (5) business days after the entry of Order.

5. In view of the facts and circumstances, such notice is sufficient, and no other or further notice need be provided.

6. This Court retains jurisdiction to construe and enforce this Order.

7. The Debtor is hereby authorized and empowered to take such steps and perform such acts as may be necessary to effectuate the terms of this Order.

8. Notwithstanding Bankruptcy Rule 6003, this Order shall be effective and enforceable immediately upon entry; the Court expressly finds that there is no reason for delay in the implementation of this Order.

9. The requirements of Bankruptcy Rule 6003(b) have been satisfied.

10. The requirements of Bankruptcy Rule 6004(a) are waived.

11. Any party may move for modification of this Order in accordance with D.N.J. LBR 9013-5(e).

12. Unless otherwise authorized by further order of this Court, advances under the DIP

Page -4-

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will not be used to pay the Prepetition Withholding. To avoid any doubt, this paragraph 12 shall not apply to any withholdings referenced in the Debtor's Prepetition Wage Motion.

13. Nothing contained in the Motion or this Order or any payment made pursuant to the authority granted by this Order is intended to be or shall be construed as (i) an admission as to the validity of any claim against the Debtor, (ii) a waiver of the Debtor's or any party-in-interest's rights to dispute any claim, or (iii) an approval or assumption of any agreement, contract, program, policy, or lease under section 365 of the Bankruptcy Code.

14. Notwithstanding entry of this Order, nothing herein shall create, nor is intended to create, any rights in favor of, or enhance the status of, any claim held by any party.

In re:
Aluminum Shapes, L.L.C.
Debtor

Case No. 21-16520-JNP
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0312-1
Date Rcvd: Aug 19, 2021

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 21, 2021:

Recip ID	Recipient Name and Address
db	+ Aluminum Shapes, L.L.C., 9000 River Road, Delair, NJ 08110-3204

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 21, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 19, 2021 at the address(es) listed below:

Name	Email Address
David L. Deratzian	on behalf of Unknown Role Type Nathan H. Kelman Inc. david@employmentlaw-lv.com
Douglas J. Smillie	on behalf of Creditor Talen Energy Marketing LLC dsmillie@flblaw.com, ccharlton@flblaw.com
Edmond M. George	on behalf of Debtor Aluminum Shapes L.L.C. edmond.george@obermayer.com, michael.vagnoni@obermayer.com; Lucille.acello@obermayer.com; helen.belair@obermayer.com; turner.falk@obermayer.com; colleen.schmidt@obermayer.com
Franklin Barbosa, Jr	on behalf of Creditor Tiger Finance LLC fbarbosa@mccarter.com
Jeffrey M. Sponder	on behalf of U.S. Trustee U.S. Trustee jeffrey.m.sponder@usdoj.gov jeffrey.m.sponder@usdoj.gov

District/off: 0312-1

User: admin

Page 2 of 2

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Total Noticed: 1

Joseph Lubertazzi, Jr.

on behalf of Creditor Tiger Finance LLC jlubertazzi@mccarter.com

Joseph S. D'amico, Jr.

on behalf of Creditor Public Service Electric and Gas Company jsdamico@flblaw.com

Michael Kwiatkowski

on behalf of Creditor Public Service Electric and Gas Company mkwiatkowski@cullenanddykman.com
mkwiatkowski@msek.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 9