



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

JNP

Case No. 21- 16520 - ()

**ORDER PURSUANT TO 11 U.S.C. §§ 105 AND 363 AUTHORIZING THE
DEBTOR TO CONTINUE USING EXISTING BANK ACCOUNTS
AND BUSINESS FORMS AND FOR RELATED RELIEF**

The relief set forth on the

ORDERED.

DATED: August 19, 2021

A handwritten signature in dark ink, appearing to read "J. Poslusny", is written over a horizontal line.

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

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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 the Debtor to Continue Using Existing Bank Accounts and Business Forms and Related Relief

AND NOW, upon consideration of the Debtor's Motion (the "Motion")¹ pursuant to sections 105(a), 363 of Title 11 of the United States Code (the "Bankruptcy Code"), authorizing the Debtor to continue using its existing Bank Accounts and Business Forms, and any responses to the Motion, and after notice and 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 (i) continue to use, with the same account numbers, all of the Bank Accounts in existence as of the Petition Date, including, without limitation, those accounts identified on Exhibit A to the Motion; (ii) treat the Bank Accounts for all purposes as accounts of the Debtor as debtor-in-possession; (iii) use, in their present form, all correspondence and Business Forms (including, but not limited to, letterhead, purchase orders, invoices and checks), though the Debtor shall modify or cause to be modified such Business Forms with a notation bearing a designation of "Debtor-In-Possession" with the case number. Any and all post-petition checks shall bear either a "DIP" or "debtor-in-possession designation and case number. In the event the Debtor generates new Business Forms during the pendency of this chapter 11 case, such Business Forms shall include a legend referring to the Debtor as "Debtor-In-Possession" with the case number. The Debtor shall further immediately advise the Banks to restyle the Bank Accounts as "Debtor-in-Possession".

3. The Banks at which the Debtor's Bank Accounts are maintained are authorized and directed to continue to service and administer the Bank Accounts as accounts of the Debtor as

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

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debtor-in-possession, without interruption and in the ordinary course, and to receive, process, honor, and pay any and all checks, drafts, wires, and ACH Payments issued by the Debtor and drawn on the Bank Accounts after the Petition Date to the extent the Debtor has sufficient funds standing to its credit with such Bank; provided that any payments drawn, issued, or made prior to the Petition Date shall not be honored absent direction of the Debtor and a separate order of the Court authorizing such payment.

4. Each of the Banks is authorized to debit the Debtor's Bank Accounts in the ordinary course of business without need for further order of this Court for: (i) all checks, items, and other payment orders drawn on the Debtor's Bank Accounts that are cashed at such Bank's counters or exchanged for cashiers' checks by the payees thereof prior to the Bank's receipt of notice of the commencement of this Chapter 11 Case; (ii) all checks, automated clearing house entries, and other items deposited or credited to one of Debtor's Bank Accounts with such Bank prior to the Petition Date that have been dishonored, reversed, or returned unpaid for any reason, together with any fees and costs in connection therewith, to the same extent the Debtor was responsible for such costs and fees prior to the Petition Date.

5. The Banks may rely on the representations of the Debtor with respect to whether any check, item, or other payment order drawn or issued by the Debtor prior to the Petition Date should be honored pursuant to this or any other order of this Court, and such Bank shall not have any liability to any party for relying on such representations by the Debtor as provided for herein, and shall not be liable to any party on account of (i) following the Debtor's representations, instructions, or presentations as to any order of the Court (without any duty of further inquiry), (ii)

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honoring of any pre-petition checks, drafts, wires, or ACH Payments in a good faith belief or upon a representation by the Debtor that the Court has authorized such pre-petition check, draft, wire, or ACH Payment, or (iii) an innocent mistake made despite implementation of reasonable handling procedures.

6. The US Trustee shall have sixty (60) days from the date of entry of this Order, or such additional time as may be extended through consent of the Debtors and the US Trustee or for “cause,” to object to the relief granted herein. If the U.S. Trustee does not file a written objection within sixty (60) days from the date of entry of this Order, or such additional time as may be extended through consent of the Debtor and the U.S. Trustee or by order of the Court for “cause,” the Debtor shall be authorized to maintain and utilize the Bank Accounts on a permanent basis, without compliance with the investment guidelines set forth in section 345(b) of the Bankruptcy Code. If the U.S. Trustee files an objection within the sixty (60) day period, as the same may be extended, the Court shall schedule the matter for a hearing. In such event, the Debtor shall be authorized to maintain the Bank Accounts, and shall be excused from opening new debtor-in-possession accounts, pending further Order of the Court.

7. The Debtor is further authorized, but not directed, to implement changes to its cash management system in the ordinary course of business, including, but not limited to, opening any new bank accounts or close any existing Bank Account as the Debtor deems necessary and appropriate in its sole discretion, provided that (i) any new bank account opened by the Debtor is with a bank that is (a) insured with the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, and (b) designated as an authorized depository by the

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United States Trustee for the District of New Jersey pursuant to the United States Trustee's Operating Guidelines; and (ii) the Debtor provides notice to the United States Trustee of the opening of a new bank account or closing of an existing Bank Account within five (5) business days of opening or closing such account. The US Trustee will have 14 days from receipt of such notice to file any objection with regard to the opening or closing of a bank account, or such later date as may be extended by the Court or agreed to between the Debtor and the United States Trustee. Any new debtor-in-possession bank account must bear the designation "Debtor-in-Possession" and be designated as "Debtor-in-Possession" accounts with the case number.

8. Subject to applicable bankruptcy law or other law, (i) those certain existing deposit agreements between the Debtor and the Banks shall continue to govern the post-petition cash management relationship between the Debtor and the Banks and all of the provisions of such agreements, including, without limitation, the termination and fee provisions, shall remain in full force and effect and (ii) either the Debtor or the Banks may, without further order of this Court, implement changes to the Debtor's cash management system and procedures in the ordinary course of business pursuant to the terms of those certain existing deposit agreements, including, without limitation, the opening and closing of Bank Accounts. Any changes to the cash management system and procedures must be disclosed in writing by the Debtor to the DIP Lenders, the U.S. Trustee, any statutory committee, if formed, within five (5) business days prior to any such action.

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

10. 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.

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11. Notwithstanding Bankruptcy Rules 6003, 6004 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.

12. 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; (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.

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. Nothing in this Order shall prejudice the Debtors' right to seek recovery of any payments from any payee of a check as permitted under section 547, 548, 549 or any other applicable provision of the Bankruptcy Code or applicable non-bankruptcy law.

15. The Debtor is directed to maintain records of all transfers within its existing cash management system so that all transfers and transactions shall be adequately and promptly documented, and readily ascertainable from, its books and records, to the same extent maintained by Debtor prior to commencement of this chapter 11 case. The Debtor also is directed to maintain

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its books and records so as to provide a clear line of demarcation between prepetition and post-petition transactions and operations.

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

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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

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Form ID: pdf903

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