

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
<i>Caption in Compliance with D.N.J. LBR 9004-1(b)</i> OBERMAYER REBMANN MAXWELL & HIPPEL LLP Edmond M. George, Esquire Michael D. Vagnoni, Esquire (pro hac vice) Turner N. Falk, Esquire 1120 Route 73, Suite 420 Mount Laurel, NJ 08054-5108 Telephone: (856) 795-3300 Facsimile: (856) 482-0504 E-mail: edmond.george@obermayer.com michael.vagnoni@obermayer.com turner.falk@obermayer.com Proposed Counsel to the Debtor and Debtor in Possession	
In re: ALUMINUM SHAPES, L.L.C., <div style="text-align: center;">Debtor.</div>	Chapter 11 Case No. 21-16520-JNP
ALUMINUM SHAPES, L.L.C., <div style="text-align: center;">Plaintiff,</div> <div style="text-align: center;">v.</div> MARTIN J. WALSH, Secretary of Labor, United States Department of Labor, <div style="text-align: center;">Defendant.</div>	ADVERSARY NO.

**VERIFIED COMPLAINT OF THE DEBTOR IN SUPPORT OF AN ORDER
 TO SHOW CAUSE WHY PLAINTIFF SHOULD NOT BE GRANTED A
 PRELIMINARY INJUNCTION AND TEMPORARY RESTRAINING ORDER
 PURSUANT TO 11 U.S.C. § 105(a) OF THE BANKRUPTCY CODE, 11 U.S.C. §§ 101 et
 seq., FEDERAL RULE OF CIVIL PROCEDURE 65, FEDERAL RULE OF
 BANKRUPTCY PROCEDURE 7065, AND/OR FOR AN EXTENSION OF THE
AUTOMATIC STAY PURSUANT TO § 362(a) OF THE BANKRUPTCY CODE**

Pursuant to Federal Rule of Bankruptcy Procedure 7001 and 11 U.S.C. §§ 105(a) and 362(a), the above-captioned debtor and debtor in possession Aluminum Shapes, L.L.C. (the “Debtor” or “Plaintiff”) brings this Verified Adversary Complaint seeking (i) an injunction against Martin J. Walsh, Secretary of Labor, United States Department of Labor (the “Secretary” or “Defendant”) staying, and preventing the Secretary from taking any action in, the pending Occupational Safety and Health Review Commission (the “OSHRC”) administrative action, on behalf of the Department of Labor - Occupational Safety and Health Administration (“OSHA”), against the Debtor (the “OSHA Action”) and/or (ii) an extension of the scope of the automatic stay to include the OSHA Action. In support of this Complaint, the Debtor as Plaintiff avers as follows:

1. This is an adversary proceeding commenced by the Debtor, pursuant to §§ 105(a) and 362(a) title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (as amended, the “Bankruptcy Code”), Rule 7001(7) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Rule 65 of the Federal Rules of Civil Procedure (the “Federal Rules”), made applicable hereto by Bankruptcy Rule 7065, seeking (i) extension of the automatic stay under § 362(a) of the Bankruptcy Code and/or (ii) injunctive relief under § 105(a) of the Bankruptcy Code, to enjoin the above-captioned Defendant from taking any action in the OSHA Action.

2. The OSHA Action was initiated prior to the Petition Date (as hereinafter defined) for citations and notification of penalties issued by OSHA to the Debtor on February 27, 2017, and July 20, 2017.

3. By the instant action, the Debtor seeks to enjoin the prosecution of the OSHA Action at this time, and defer adjudication until the time for the claims process in the Debtor’s

case. The Debtor avers that the instant facts present the requisite unusual circumstances that justify the granting of temporary, preliminary and permanent injunctive relief, and for the extension of the automatic stay over the OSHA Action, and further clearly demonstrates that the Debtor is entitled to injunctive relief.

I. PARTIES

The Plaintiff

4. The Plaintiff is, and at all times was, a limited liability company doing business in the State of New Jersey, the Plaintiff operates out of a single facility located at 9000 River Road, Delair, New Jersey, consisting of approximately 500,000 square feet, including a cast house, foundry, and processing area.

5. The Plaintiff is an industry leader in the fabrication, processing, and extruding of aluminum metals for use in, *inter alia*, the swimming pool, trucking, trailer, and outdoor storage industries (the “Business”). See First Day Declaration of Jordan Meyers in Support of First Day Motions, [Docket 17].

6. Solomon Rosenthal (“Rosenthal”) is the Chief Executive Officer (“CEO”) of the Plaintiff.

7. Other employees of the Plaintiff of importance to the OSHA Action include, but are not limited to, Cheryl Drach, EHS Manager (“Drach”), Richard Vitarelle, Maintenance Manager (“Vitarelle”), Daniel Ramsey, Manager of Anodizing (“Ramsey”), and John Anning, Director of Extrusion (“Anning”).

The Defendant

8. The Secretary is Martin J. Walsh, Secretary of Labor, United States Department of Labor, whose offices are located at 200 Constitution Avenue NW, Washington, DC 20210.

9. The Secretary brought the OSHA Action against the Debtor on behalf of the OSHRC and OSHA.

10. During the course of the prosecution of the OSHA Action, the Administrative Law Judge overseeing the Action determined that the Secretary violated the Debtor's Fourth Amendment rights by an improper search and seizure in violation of the Debtor's rights, by through artifice, conducting illegal searches at the Debtor's facility.

11. On August 19, 2021, OSHA filed a proof of claim in the Debtor's bankruptcy for the amount of \$2,017,958.00 (the "Proof of Claim") based upon its unlawful search and seizure. Importantly, these claims are contingent and unliquidated. A true and correct copy of the Proof of Claim is attached as **Exhibit "A"** hereto.

12. The very next day the Secretary amended the Proof of Claim, again claiming a fixed amount due on disputed, contingent, and unliquidated claims. There has been no adjudication of liability on the Debtor's part in the OSHA action to date. A true and correct copy of the Amended Proof of Claim is attached as **Exhibit "B"** hereto.

13. The Defendant should be enjoined under the Bankruptcy Code, the Federal Rules of Civil Procedure ("Federal Rule") 65, as incorporated in Federal Rule of Bankruptcy Procedures ("Bankruptcy Rule") 7065, from attempting to take any further action against the Debtor in the OSHA Actions.

14. This court should entertain the Debtor's request because (i) OSHA has submitted to the jurisdiction of this Court by filing the Proof of Claim; and (ii) any prosecution of the OSHA Action will cause significant interference with, and impairment of, the Debtor's efforts to reorganize.

15. By Application filed contemporaneously with this Verified Complaint, the Debtor seeks entry of a Temporary Restraining Order and Preliminary and Permanent Injunctions enjoining all efforts to proceed with the OSHA Action (the “Application”).

16. The relief sought by the Debtor is critical to the Debtor’s ability to preserve the assets and value of the Debtor’s enterprise, to conserve its cash flows under the Debtor’s approved DIP Loan, complete the sale of its business or assets, and reach a consensual plan for the benefit of all its creditors.

17. The OSHA Action, if not stayed will cause the Debtor to default, as there are no funds allotted for in the DIP Budget to defend OSHA’s \$2,017,958.00 Claim.

18. The entry of a judgment by default would be injurious to the Debtor and its estate, as there are significant defenses to the Claims in the Proof of Claim.

II. JURISDICTION AND VENUE

19. This Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §§ 157(b)(1) and 1334(b) and (e) as this matter arises in, under, and is related to a pending bankruptcy case. This adversary proceeding is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A), (B), and (O).

20. This adversary proceeding is related to the Debtor’s bankruptcy as the outcome of this proceeding will have a significant impact on the administration of the Debtor’s estate.

21. This Court has jurisdiction over the Secretary and the Claims, as the Secretary filed a Proof of Claim in the Debtor’s case, seeking recovery of over \$2,000,000.00 on hotly contested, disputed, unliquidated, and contingent claims.

22. Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

23. This adversary proceeding is initiated under Bankruptcy Rule 7001(7), and the relief requested herein may be ordered pursuant to Federal Rule 65, Bankruptcy Rule 7065, and §§ 105(a) and 362(a) of the Bankruptcy Code.

III. BACKGROUND

24. On August 15, 2021 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code in the District of New Jersey, Camden Vicinage (the “Bankruptcy Court”).

25. The Debtor continues to operate its Business as debtor in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

26. No request has been made for the appointment of a trustee or examiner, and no official committee of unsecured creditors has been established in this case.

27. Information regarding the Debtor’s Business, capital structure, and the circumstances leading to the commencement of the chapter 11 case is set forth in the Declaration of Jordan Meyers in Support of Debtor’s Chapter 11 Petitions and First Day Pleadings, sworn to on the date hereof (the “First Day Declaration”), which has been filed with the Court. See First Day Declaration of Jordan Meyers in Support of First Day Motions, [Docket 17].

28. As of the Petition Date, the Debtor employed approximately 111 employees, including approximately fifty (50) full-time salaried employees (the “Salaried Employees”) and sixty-one (61) hourly employees (the “Hourly Employees,” and collectively with the Salaried Employees, the “Employees”).

29. The Debtor’s Employees, described broadly, perform a variety of critical functions related to the Business, including line work (fabrication and processing), sales, customer service,

information technology, purchasing, human resources, accounting, finance, and management-related tasks.

30. The Debtor received authority to continue its business from its prepetition lender, Tiger Finance, LLC.

31. The Debtor is constrained by its DIP budget.

32. There are no funds allotted for in the DIP Budget to defend the OSHA Action.

The OSHA Action

33. Prior to the Petition Date, on January 23, 2017, OSHA compliance officers conducted an inspection of the Debtor's facilities.

34. The OSHA compliance officers met with the Debtor's managers at the time, including Vincent Gatto ("Gatto"), Director of Operations, and Gary Harvilla ("Harvilla"), Director of Human Resources.

35. A dispute about the purpose and legality of the inspection ensued, wherein Gatto insisted that he would not consent to a follow-up inspection; he would only agree to a monitoring inspection, as provided in the parties' then-in-place settlement agreement with OSHA.

36. The dispute was resolved by the Debtor allowing the OSHA compliance officers into the Debtor's facility for monitoring purposes only, pursuant to their settlement agreement.

37. The inspection then took place over the course of the next month.

38. However, unbeknownst to the Debtor, OSHA far exceeded its lawful presence on the property by engaging in secret efforts to find new violations and issue citations, both in violation of the parties' settlement agreement.

39. OSHA's illegal efforts resulted in the vast majority of the citations currently pending against the Debtor.

40. On February 27, 2017, OSHA issued a citation and notification of penalty to the Debtor for inspection number 1175993 with three citation items for a total proposed penalty of \$95,063.00. The Debtor filed a timely notice of contest, bringing the matter before the OSHRC. The case was docketed with the OSHRC as Docket 17-0646 on April 13, 2017.

41. On July 20, 2017, OSHA issued a citation and notification of penalty to the Debtor for inspection number 1206035 with fifty-one (51) citation items for a total proposed penalty of \$1,922,895.00. The Debtor filed a timely notice of contest bringing this matter before the OSHRC pursuant to § 10(c) of the Act. 29 U.S.C. § 659(c). The case was docketed with the OSHRC as Docket 17-1380 on August 14, 2017.

42. On August 21, 2017, Dockets 17-1380 and 17-0646 were consolidated before the OSHRC for purposes of settlement and hearing as Martin J. Walsh, Secretary of Labor, United States Department of Labor v. Aluminum Shapes, L.L.C., OSHRC Docket No. 17-0646 & 17-1380. The consolidated case is the OSHA Action.

The Debtor's Bankruptcy

43. The Debtor filed its petition on August 15, 2021, listing OSHA on the Creditor's Matrix attached to the Petition.

44. As of the date of this filing, the Debtor has yet to file its Schedules of Assets and Liabilities and Statements of Financial Affairs.

45. However, on August 15, 2021, with the First Day Motions, Debtor filed a Motion Pursuant to 11 U.S.C. §§ 105(a) and 521(a) and Fed. R. Bankr. P. 1007(c) for Entry of an Order Extending the Time to File its Schedules of Assets and Liabilities and Statements of Financial Affairs, which was granted on August 18, 2021, and gave the Debtor an additional fourteen (14) days to file its Schedules of Assets and Liabilities and Statements of Financial Affairs.

46. On August 17, 2021, the Debtor filed a Suggestion of Bankruptcy in the OSHA Action based upon the Debtor's bankruptcy filing on August 15, 2021.

47. Subsequently, the Debtor requested the OSHA Action be stayed pending the outcome of the Debtor's bankruptcy, citing, among other reasons:

- a. The court already noting a trial would require the parties to expend a significant amount of time and resources,
- b. The Debtor's payment to its attorneys to represent it at and after the hearing in the OSHA Action is expected to cost hundreds of thousands of dollars, which will necessarily impact and reduce any recovery by its creditors, and
- c. The Debtor's bankruptcy will render issues in the OSHA Action moot.

A true and correct copy of the Debtor's filing is attached as **Exhibit "C"** hereto.

48. The Debtor additionally and alternatively asked the court to continue the trial in the OSHA Action for 120 days pending ongoing settlement discussions.

49. On August 19, 2021, the judge in the OSHA Action denied the Debtor's request to stay and/or continue the OSHA Action.

50. Also, on August 19, 2021, OSHA filed the Proof of Claim in the Debtor's bankruptcy for the unsecured amount of \$2,017,958.00, the entire amount sought for the violations in the OSHA Action.

51. This Secretary's Claims are in fact unliquidated, disputed, and subject to offset by any damages the Debtor sustained as a result of OSHA's violation of the Debtor's Fourth Amendment rights, and subject to mitigation by the Debtor's defenses and affirmative defenses raised in the OSHA Action.

52. OSHA's filing of the Proof of Claim submitted itself and the Claims to the Bankruptcy Court's jurisdiction and equitable powers.

53. The issues in the Proof of Claim are before this Court, and will be adjudicated by this Court in the claims process.

54. OSHA's intentional submission to the jurisdiction of this Court was further acknowledged when OSHA filed an Amended Proof of Claim.

55. The Secretary and OSHA now simultaneously seek recovery for the alleged violations through both the OSHA Action and the Debtor's bankruptcy. As OSHA has submitted its claims to the jurisdiction of this Court, OSHA cannot have it both ways.

The Present State of the OSHA Action

56. The OSHA Action currently involves ninety-seven (97) citation items that allege violations of various OSHA standards.

57. The Secretary alleges the following violations, both repeated and willful, against the Debtor:

- a. Violations involving physical conditions, including violations of the machine guarding, walking/working surfaces, ladder, electrical, forklift, and chemical labeling standard;
- b. Violations involving safety programs, including violations of the lockout-tagout, confined space, respiratory protection, personal protective equipment, and hazard communication programs; and
- c. Violations involving the Hearing Protection Standard.

58. In opposition, the Debtor asserts the following:

- a. The Secretary and OSHA's characterization of certain violations as willful and/or repeated is incorrect;
- b. The cited standard for every violation does not apply to the conditions in the Debtor's facility, and that the conditions do not violate those standards;
- c. OSHA conducted certain inspections without the Debtor's free and voluntary consent and without a warrant, and therefore in violation of the rights afforded to the Debtor pursuant to the Fourth Amendment of the United States Constitution; and
- d. The Debtor has a valid Equitable Estoppel Affirmative Defense to certain violations and inspections.

59. The trial in the OSHA Action is currently set for September 7, 2021. As such, the Debtor and the Secretary have filed a Joint Pretrial Statement detailing the extensive and time-consuming cases both the Debtor and the Secretary intend to put on at trial. A true and correct copy of the Joint Pretrial Statement is attached as **Exhibit "D"** hereto.

60. At trial, the Secretary intends to introduce over one hundred (100) exhibits, additional exhibits as necessary for rebuttal, demonstrative charts, and call in excess of sixteen (16) different witnesses, including the following past and present employees of the Debtor: Gatto, Drach, Vitarelle, Ramsey, Anning, Timothy Hawn ("Hawn") - former Manager of Foundry, Cameron Colston ("Colston") – supervisor, Ed Fricker – leadman, three to four (3-4) employees who work(ed) in the Debtor's Anodizing Department, two (2) employees who work(ed) in the Debtor's Extrusion Department, and two (2) employees who work(ed) in the Debtor's Foundry Department.

61. The Secretary seeks testimony from eight (8) additional Employees, for a total of thirteen (13) Employees, or ten percent (10%) of the Debtor's workforce.

62. The Secretary also intends to call upon two (2) expert witnesses.

63. At trial, the Debtor intends to introduce over one hundred (100) exhibits, additional exhibits as necessary for rebuttal, and call fifteen (15) different witnesses, including the following past and present employees of the Debtor: Gatto, Drach, Vitarelle, Ramsey, Anning, Hawn, William Collazo ("Collazo"), and Denise Keyser ("Keyser").

64. The Debtor does not intend to call upon any expert witnesses.

65. The Secretary alleges in the OSHA Action and in the Proof of Claim, violations against the Debtor in the amount of \$2,017,958.00.

66. The Secretary's Claims are unliquidated, disputed, subject to offset by any damages the Debtor sustained as a result of OSHA's violation of the Debtor's Fourth Amendment rights, and subject to mitigation by the Debtor's defenses and affirmative defenses raised in the OSHA Action.

67. Actions taken against the Debtor in the OSHA Action have had, and will continue to have, a detrimental effect upon the Debtor's estate and its creditors, as well as the Debtor's ability to reorganize.

68. The OSHA Action has already distracted Debtor's upper management, including Drach, Vitarelle, Ramsey, Anning, and even Rosenthal, the CEO, negatively impacting both the Debtor's day to day operations, and the Debtor's efforts to reorganize.

69. Proceeding to trial in the OSHA Action will only serve to distract the Debtor's upper management further and will continue to negatively impact, the Debtor's day to day

operations, the continuation of which is essential to the Debtor's restructuring, and the Debtor's efforts to reorganize.

70. The Debtor has already incurred significant administrative expenses it cannot pay in defending the OSHA Action. If the Secretary is permitted to proceed against the Debtor, the Debtor will be forced to incur additional administrative expenses it cannot pay, up to several hundred thousand dollars. Moreover, a judgment against the Debtor, it cannot defend, will adversely impact the Debtor's estate and its ability to form a plan and reorganize.

71. The Debtor's current counsel in the OSHA Action estimates that the Debtor will need to spend \$400,000.00 in order to prepare for the trial and present a defense in the OSHA Action. An amount the Debtor cannot pay, and is not allotted for in the DIP Budget.

72. Enjoining the OSHA Action is essential to the Debtor's ability to reorganize.

73. Enjoining the OSHA Action will not harm the Secretary because all amounts sought by the Secretary and OSHA are already asserted in the Proof of Claim and amended Proof of Claim filed in the Debtor's bankruptcy proceedings.

COUNT I
INJUNCTIVE RELIEF UNDER § 105(a)

74. The Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 73 above as if fully set forth herein.

75. Section 105(a) of the Bankruptcy Code provides that "[t]he court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title."

76. Relief under § 105 of the Bankruptcy Code is particularly appropriate in a chapter 11 case when necessary to protect a debtor's ability to formulate a confirmable plan and to preserve the property of a debtor's estate.

77. If the OSHA Action is allowed to proceed there is a real danger of imminent, irreparable harm to the Debtor to the Debtor's estate and the Debtor's ability to reorganize. Specifically, the involvement in the OSHA proceedings will force the Debtor to incur fees it cannot afford to, nor is it authorized to pay.

78. Proceeding with the OSHA Action will have a detrimental effect upon the Debtor's estate and its creditors, as the substantial time and effort involved in defense of the case will distract the Debtor and its employees and officers from its most important objective, i.e., the sale of its business or assets.

79. The Debtor will suffer additional harm if the OSHA Action proceeds to trial, as it will also distract much of the Debtor's upper management, in addition to eight (8) additional employees the Secretary intends to call as witnesses, for a total of thirteen (13) Employees, or ten percent (10%) of the Debtor's workforce. This will irreparably harm the Debtor not only by distracting employees and upper management from the Debtor's bankruptcy, restructuring, and potential sale, but also from the Debtor's day to day operations, the continuation of which is essential to the Debtor's restructuring.

80. Absent such irreparable harm, the Debtor has a reasonable likelihood of a successful reorganization.

81. In contrast, the harm from an injunction to the Secretary or OSHA is minimal because of the Proof of Claim filed against the Debtor in these proceedings. The Secretary has already secured his claim for payment by filing the Proof of Claim. Additionally, public interest in allowing the Debtor to complete a successful bankruptcy reorganization far outweighs the competing societal interests. Allowing the Debtor time to implement a successful plan of

reorganization serves the interests of the Debtor, the Debtor's estate, the Debtor's employees, and the Debtor's creditors.

82. The Debtor and its estate will suffer irreparable harm, and as such, the Debtor is entitled to a preliminary injunction under § 105(a) of the Bankruptcy Code, enjoining the Secretary from proceeding against the Debtor in the OSHA Action

WHEREFORE, for all the foregoing reasons, the Debtor respectfully requests entry of an Order, pursuant to § 105(a) of the Bankruptcy Code, Federal Rule 65 and Bankruptcy Rule 7065, as well as Section 362 of the Bankruptcy Code, enjoining the Secretary from taking any action against the Plaintiff in the OSHA Action, and granting such other relief as this Court deems just.

COUNT II
EXTENSION OF THE AUTOMATIC STAY UNDER § 362(a)

83. The Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 82 above as if fully set forth herein.

84. Section 362(a)(1) of the Bankruptcy Code operates as a stay, “applicable to all entities,” of “the commencement or continuation . . . of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title, or to recover a claim against the debtor that arose before the commencement of the case under this title.”

85. Section 362(a)(3) of the Bankruptcy Code operates as a stay, “applicable to all entities,” of “any act to obtain possession of property of the estate or of property from the estate or to exercise control over property of the estate.”

86. Section 105(a) can be used to expand the scope of the automatic under section 362(a).

87. OSHA has submitted its Claims to the jurisdiction of this Court by filing the Proof of Claims.

88. Allowing the OSHA Action to proceed will be detrimental to the Debtor, the Debtor's estate, and its creditors.

89. Permitting the Secretary to proceed against the Debtor in the OSHA Action will be detrimental to the Debtor and the Debtor's estate in the following ways: (i) it will distract the Debtor's CEO, upper management, and line employees from the Debtor's day to day operations and reorganization, (ii) any adjudication of liability will directly affect the Debtor who is without the present ability to defend the OSHA Action, and (iii) any judgment entered against the Debtor will result in the Claims being adjudicated essentially by default, which is prejudicial to the estate and its creditors.

90. The defense of the OSHA Action is prejudicial to the Debtor, both in terms of its inability to fund the defense at this time, and the distractions to the Debtor's employees and management, whose focus should be on the sale process and the Debtor's reorganization.

91. Allowing the OSHA Action to proceed will severely threaten the Debtor's bankruptcy process, and substantially hinder the Debtor's ability to propose and/or confirm a plan and reorganize, and the Debtor is entitled to an Order extending the automatic stay under § 362 of the Bankruptcy Code to the OSHA Action.

WHEREFORE, for all the foregoing reasons, the Plaintiff respectfully requests entry of an Order extending the automatic stay under § 362 of the Bankruptcy Code to enjoin the Secretary from taking any action against the Plaintiff in the OSHA Action (including, without limitation, any judicial, quasi-judicial, administrative or regulatory action, proceeding or process

whatsoever), including by way of direct claim, counterclaim, cross claim, appeal or any other action against the Plaintiff, and granting such other relief as this Court deems just.

Dated: August 25, 2021

By: /s/ Edmond M. George
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VERIFICATION

1. I certify that I am counsel for Aluminum Shapes, L.L.C., the Plaintiff in this matter and the chapter 11 debtor and debtor in possession in the above referenced bankruptcy case.

2. I have read the factual assertions contained in the foregoing Verified Complaint and affirm such assertions are true and accurate to the best of my knowledge, information, and belief; and

3. I am aware that if any of the foregoing statements if the Verified Adversary Complaint are willfully false, I am subject to punishment.

I certify that the foregoing statements made by me are true.

Dated: August 25, 2021

By: /s/ Edmond M. George
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