



Order Filed on November 5, 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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Counsel to the Debtor and Debtor in Possession

In re:

ALUMINUM SHAPES, L.L.C.,

Debtor.

Chapter 11

Case No. 21-16520 (JNP)

**ORDER GRANTING DEBTOR'S MOTION FOR AN ORDER MODIFYING THE BID
PROCEDURES AND BID PROTECTIONS**

The relief set forth on the following pages, numbered two (2) through three (3) is hereby

ORDERED.

DATED: November 5, 2021

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

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

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AND NOW, upon consideration of the Motion of Aluminum Shapes, L.L.C. (the “Debtor”) for entry of an Order pursuant to sections 105, 363, 364 of title 11 of the United States Code (the “**Bankruptcy Code**”), Rules 6004, 6006, 9007 and 9008 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), and Rules 6004-1 and 6004-2 of the Local Bankruptcy Rules for the District of New Jersey (the “**Local Bankruptcy Rules**”): modifying the Bid Procedures to extend the existing milestone dates, modifying certain provisions of the Final DIP Order to provide an Extension Fee to the DIP Lender in exchange for the milestone extensions and modifying the Bid Protections to provide a Stalking Horse Extension Fee to the Stalking Horse bidder, and granting such other relief as the Court deems appropriate (the “Motion”)¹ [Docket No. 219]; and upon consent of the Committee and the DIP Lender; and after a review of the Declaration of Solomon Rosenthal in support of the Motion and after notice and a hearing; and after due deliberation, and good cause shown:

IT IS on this ____ day of November 2021, **ORDERED** and **DECREED** as follows:

1. The Motion is **GRANTED** to the extent set forth herein.
2. The Bid Procedures are modified to extend the existing milestone dates as follows:
 - a. The Bid Deadline for the strategic purchaser discussed in the Motion is November 8, 2021;
 - b. The Auction shall take place at 10:00 AM ET on November 10, 2021;
 - c. The Sale Objection Deadline is 4:00 PM ET on November 11, 2021;

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

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d. The Sale Hearing shall take place at 10:00 AM ET on November 12, 2021;
and

e. The Closing Date shall be not later than December 1, 2021.

3. The Bid Protections are modified to provide the Stalking Horse a Stalking Horse Extension Fee of \$250,000.00 payable upon entry of this order plus an additional \$250,000.00 at closing on the Sale of the Debtor's Business or Assets, whether or not the Stalking Horse is the successful bidder.

4. Nothing in the Motion or this Order: (i) is intended or shall be deemed to constitute an assumption of any agreement pursuant to section 365 of the Bankruptcy Code or an admission as to the validity of any claim against the Debtor and their estate or (ii) shall impair, prejudice, waive or otherwise affect the rights of the Debtor and their estate with respect to the validity, priority or amount of any claim against the Debtor and their estate.

5. Notice of the Motion as provided herein shall be deemed good and sufficient notice of such Motion and the requirements of Rule 6004(a) of the Bankruptcy Procedure and the Local Rules are satisfied by notice.

6. Notwithstanding Bankruptcy Rule 6004(h), the terms and conditions of this Order are immediately effective and enforceable upon its entry, any stay applicable under the Bankruptcy Rules or Local Rules is hereby expressly waived and shall not apply.

7. The Debtor is authorized to take all actions necessary to effectuate the relief granted pursuant to this Order.

8. This Court shall retain jurisdiction to hear and determine all matters arising from

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or related to the implementation, interpretation, and/or enforcement of this Order.