



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)*  
OBERMAYER REBMANN MAXWELL & HIPPEL LLP  
Edmond M. George, Esquire  
Michael D. Vagnoni, Esquire (pro hac vice)  
Turner 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

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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Debtor: Aluminum Shapes, L.L.C.

Case No: 21-16520-JNP

Caption of Order: Order Granting Debtor's Motion for an Order Modifying Bid  
Procedures and Bid Protections

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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")<sup>1</sup> [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;

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

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**Debtor: Aluminum Shapes, L.L.C.**

**Case No: 21-16520-JNP**

**Caption of Order: Order Granting Debtor's Motion for an Order Modifying Bid Procedures and Bid Protections**

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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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**Debtor: Aluminum Shapes, L.L.C.**

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

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

Case No. 21-16520-JNP  
Chapter 11

## CERTIFICATE OF NOTICE

District/off: 0312-1  
Date Rcvd: Nov 05, 2021

User: admin  
Form ID: pdf903

Page 1 of 3  
Total Noticed: 2

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 Nov 07, 2021:

Recip ID	Recipient Name and Address
db	+ Aluminum Shapes, L.L.C., 9000 River Road, Delair, NJ 08110-3204
aty	+ Michael D Vagnoni, Obermayer Rebmann Maxwell & Hippel, LLP, 1120 Route 73, Suite 420, Mount Laurel, NJ 08054-5109

TOTAL: 2

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: Nov 07, 2021

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 5, 2021 at the address(es) listed below:

Name	Email Address
Ana Parikh	on behalf of Interested Party Residential Fences Corp. ana.parikh@rivkin.com matthew.spero@rivkin.com;stuart.gordon@rivkin.com
Andrew Katz	on behalf of Defendant Martin J. Walsh katz.andrew@dol.gov
Anthony B. Stumbo	on behalf of Creditor Tiger Finance LLC astumbo@riemerlaw.com
Buffy L. Wilson	on behalf of Interested Party New Jersey Department of Environmental Protection buffy.wilson@law.njoag.gov
Catherine B. Heitzenrater	on behalf of Creditor CHUBB COMPANIES cebeideman@duanemorris.com

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David L. Deratzian	on behalf of Unknown Role Type Nathan H. Kelman Inc. david@employmentlaw-lv.com
Deirdre E. Burke	on behalf of Creditor Tiger Finance LLC dburke@mccarter.com
Donald K. Ludman	on behalf of Creditor Pollution Control Financing Authority of Camden County dludman@brownconnery.com kray@brownconnery.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;col een.schmidt@obermayer.com
Edmond M. George	on behalf of Plaintiff 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;col een.schmidt@obermayer.com
Franklin Barbosa, Jr	on behalf of Creditor Tiger Finance LLC fb@spsk.com
Gregory Peterson	on behalf of Creditor UGI Energy Services Inc. gpeterson@dypeterson.com
Jeffrey M. Sponder	on behalf of U.S. Trustee U.S. Trustee jeffrey.m.sponder@usdoj.gov jeffrey.m.sponder@usdoj.gov
Jerrold S. Kulback	on behalf of Interested Party Energy Power Investment Company LLC jkulback@archerlaw.com chansen@archerlaw.com
John R. Morton, Jr.	on behalf of Creditor Ford Motor Credit Company LLC ecfmail@mortoncraig.com mortoncraigecf@gmail.com
Jordan Seth Blask	on behalf of Creditor Cygnus Manufacturing Company jblask@fbtlaw.com agilbert@fbtlaw.com;agilbert@ecf.courtdrive.com
Joseph Lubertazzi, Jr.	on behalf of Creditor Tiger Finance LLC jlubertazzi@mccarter.com
Joseph J. DiPasquale	on behalf of Attorney Official Committee of Unsecured Creditors Jdipasquale@foxrothschild.com cbrown@foxrothschild.com
Joseph J. DiPasquale	on behalf of Plaintiff Official Committee of Unsecured Creditors of Aluminum Shapes L.L.C. Jdipasquale@foxrothschild.com, cbrown@foxrothschild.com
Joseph M. Garemore	on behalf of Creditor Pollution Control Financing Authority of Camden County jgaremore@brownconnery.com
Joseph S. D'amico, Jr.	on behalf of Creditor Public Service Electric and Gas Company jsdamico@flblaw.com hriviera@flblaw.com
Joseph S. D'amico, Jr.	on behalf of Creditor Talen Energy Marketing LLC jsdamico@flblaw.com, hriviera@flblaw.com
Karl N. McConnell	on behalf of Creditor Merchantville-Pennsauken Water Commission kmccconnell@mpwc.com jhershey@mpwc.com
Martha Baskett Chovanes	on behalf of Attorney Official Committee of Unsecured Creditors mchovanes@foxrothschild.com rsolomon@foxrothschild.com;brian-oneill-fox-5537@ecf.pacerpro.com
Matthew David Areman	on behalf of Creditor Teamsters Local 837 401(k) Plan mareman@markowitzandrichman.com
Matthew David Areman	on behalf of Creditor Teamsters Local 107 as Bargaining Agent for Unionized Laid Off Employees of Debtor mareman@markowitzandrichman.com
Matthew David Areman	on behalf of Creditor Teamsters Local 837 Health & Welfare Fund mareman@markowitzandrichman.com
Melissa A. Pena	on behalf of Creditor New Life Transport Parts Center mapena@norris-law.com pfreda@nmmlaw.com
Michael Kwiatkowski	on behalf of Creditor Public Service Electric and Gas Company mkwiatkowski@cullenanddykman.com mkwiatkowski@msek.com

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Michael J. Viscount, Jr.

on behalf of Plaintiff Official Committee of Unsecured Creditors of Aluminum Shapes L.L.C. mviscount@foxrothschild.com, rsolomon@foxrothschild.com;ksenese@foxrothschild.com

Michael J. Viscount, Jr.

on behalf of Attorney Fox Rothschild LLP mviscount@foxrothschild.com rsolomon@foxrothschild.com;ksenese@foxrothschild.com

Michael J. Viscount, Jr.

on behalf of Attorney Official Committee of Unsecured Creditors mviscount@foxrothschild.com rsolomon@foxrothschild.com;ksenese@foxrothschild.com

Michael R. Herz

on behalf of Attorney Official Committee of Unsecured Creditors mherz@foxrothschild.com cbrown@foxrothschild.com

Peter C. Hughes

on behalf of Creditor Dilworth Paxson LLP phughes@dilworthlaw.com cct@dilworthlaw.com

Rebecca K. McDowell

on behalf of Creditor Eastern Lift Truck Co. Inc. rmcdowell@slgcollect.com

Robert Farouk Elgidely

on behalf of Plaintiff Official Committee of Unsecured Creditors of Aluminum Shapes L.L.C. relgidely@foxrothschild.com

Robert W. Keyser

on behalf of Creditor BB 316 Investments LLC rkeyser@taylorandkeyser.com

Sara Chenetz

on behalf of Interested Party Hydro Extrusion USA LLC schenetz@perkinscoie.com, cmallahi@perkinscoie.com;docketLA@perkinscoie.com;rleibowitz@perkinscoie.com;chenetz-sara-perkins-coie-8670@ecf.pacerpro.com

Steven E. Fox

on behalf of Creditor Tiger Finance LLC sfox@riemerlaw.com, dromanik@riemerlaw.com

Steven J. Reisman

on behalf of Interested Party AZZ Inc. sreisman@katten.com, nyc.bknotices@katten.com

Suzanne Demitrio Campbell

on behalf of Defendant Martin J. Walsh campbell.suzanne@dol.gov

Suzanne Demitrio Campbell

on behalf of Creditor Martin J. Walsh campbell.suzanne@dol.gov

Tina Moss

on behalf of Interested Party Hydro Extrusion USA LLC tmoss@perkinscoie.com, tina-moss-8527@ecf.pacerpro.com;Docketnyc@perkinscoie.com

Turner Falk

on behalf of Plaintiff Aluminum Shapes L.L.C. turner.falk@obermayer.com, coleen.schmidt@obermayer.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 46