



ORDERED in the Southern District of Florida on December 22, 2023.

A handwritten signature in cursive script that reads "Coral Lopez-Castro".

Corali Lopez-Castro, Judge
United States Bankruptcy Court

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
www.flsb.uscourts.gov

In re:

BIRD GLOBAL, INC., *et al.*,¹

Debtors.

Chapter 11 Cases

Case No. 23-20514-CLC

(Jointly Administered)

**ORDER GRANTING DEBTORS' EMERGENCY MOTION FOR APPROVAL OF
FORM OF NOTICE OF COMMENCEMENT AND PROOF OF CLAIM**

THIS MATTER having come before the Court for a hearing on Friday, December 22, 2023 at 9:30 a.m. in Miami, Florida (the "Hearing"), upon the *Debtors' Emergency Motion for Approval of Form of Notice of Commencement and Proof of Claim* [ECF No. 8] (the "Motion"),² filed by the above-captioned debtors and debtors-in-possession (collectively, the "Debtors"), seeking entry of an order approving the form of notice of the commencement of these Chapter 11

¹ The address of the Debtors is 392 Northeast 191st Street, #20388, Miami, FL 33179. The last four digits of the Debtors' federal tax identification numbers are: (i) Bird Global, Inc. (3155); (ii) Bird Rides, Inc. (9939); (iii) Bird US Holdco, LLC (8390); (iv) Bird US Opco, LLC (6873); and (v) Skinny Labs, Inc. (8176).

² Capitalized terms not otherwise defined herein or in the Motion shall have the meaning ascribed to them in the Bankruptcy Code and the Bankruptcy Rules.

Cases and the Bar Dates. The Court finds that: (i) it has jurisdiction over the matters raised in the Motion pursuant to 28 U.S.C. §§ 157 and 1334; (ii) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A); (iii) the Court may enter a final order consistent with Article III of the United States Constitution; (iv) venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; (v) notice of the Motion and the Hearing were appropriate under the circumstances and no other notice need be provided; (vi) the relief requested in the Motion is in the best interests of the Debtors, their estates, their creditors, and other parties-in-interest; and (vii) upon review of the record before the Court, including the legal and factual bases set forth in the Motion and the First Day Declaration and the record of the Hearing, all of which are incorporated herein, the Court determines that good and sufficient cause exists to grant the relief requested in the Motion. Accordingly, it is

ORDERED as follows:

1. The relief requested in the Motion is **GRANTED**.
2. The Proof of Claim Form substantially in the form attached to the Motion as **Exhibit B** and the Bar Date Notice substantially in the form attached to the Motion as **Exhibit C**, are hereby each **APPROVED**.
3. Except as otherwise provided herein, the Bar Dates set forth in the Bar Date Notice apply to all Persons or Entities (each as defined in sections 101(41) and 101(15) of the Bankruptcy Code) (including, without limitation, any individual, partnership, joint venture, corporation, estate, and trust) holding a Claim (as defined in section 101(5) of the Bankruptcy Code) against the Debtors (whether secured, priority or unsecured) that arose prior to the Petition Date, including but not limited to the following:

- i. Any Person or Entity whose Claim is listed as “disputed,” “contingent,” or “unliquidated” in the Debtors’ Schedules (the “Schedules”) and that desires to assert a Claim against the Debtors that would entitle the claimant to vote on any plan of reorganization or participate in any distribution under such plan;
- ii. Any Person or Entity who believes its Claim is improperly classified in the Schedules or is listed in an incorrect amount and that desires to assert its Claim in a classification or amount other than as set forth in the Schedules;
- iii. Any Person or Entity whose Claim is not listed in the applicable Debtors’ Schedules.

4. The Debtors shall retain the right to: (a) dispute, contest, setoff, recoup, and assert any defenses, counterclaims or subordination against, any Claim submitted to the Claims and Noticing Agent (as defined below) or any Claim listed or reflected in the Schedules as to nature, amount, liability, classification, or otherwise; or (b) subsequently designate any Claim as disputed, contingent, or unliquidated.

5. Pursuant to Bankruptcy Rule 3003(c)(2), any Person or Entity that is required to submit a Proof of Claim but fails to do so by the applicable Bar Date, shall be forever barred, estopped, and enjoined from: (a) asserting any Claim against the Debtors and their chapter 11 estates that (i) is in an amount that exceeds the amount, if any, that is set forth in the Schedules, or (ii) is of a different nature or in a different classification (any such Claim referred to as an “Unscheduled Claim”); and (b) voting upon, or receiving distributions under, any plan or plans of reorganization in these Chapter 11 Cases in respect of an Unscheduled Claim.

6. In providing notice of the Bar Dates, the Debtors shall provide to holders of Claims a customized Proof of Claim Form. Subject to Court approval, the Debtors have retained EPIQ Corporate Restructuring as their official claims and noticing agent (the “Claims and Noticing Agent”). For any Proof of Claim Form to be timely and properly filed, a signed original of the completed Proof of Claim Form, together with accompanying documentation, must be sent so as to be received by the Claims and Noticing Agent, at the address indicated on the Proof of Claim Form, on or before the applicable Bar Date.

7. If a creditor wishes to receive acknowledgment of receipt of its Proof of Claim Form, such claimant must provide in addition to the original Proof of Claim Form, one extra copy of such Proof of Claim Form along with a self-addressed, stamped return envelope.

8. Except as specifically provided herein, all persons and entities asserting Claims against more than one Debtor are required to submit a separate Proof of Claim Form with respect to each applicable Debtor.

9. The following categories of claimants, in the capacities described below, shall not be required to file a Proof of Claim by the Bar Date:

- i. any entity whose claim is listed on the Schedules if: (i) the claim is not scheduled by the Debtors as any of “disputed,” “contingent,” or “unliquidated;” (ii) such entity agrees with the amount, nature, and priority of the claim as set forth in the Schedules; and (iii) such entity does not dispute that its claim is an obligation only of the specific Debtor against which the claim is listed in the Schedules;

- ii. any Person or Entity whose Claim has already been paid in full by a Debtor in accordance with the Bankruptcy Code or in accordance with an order of the Court, or by any other party;
- iii. any Person or Entity whose Claim has been allowed by an order of the Court entered on or before the applicable Bar Date;
- iv. any Person or Entity that holds a Claim for which specific deadlines other than the Bar Dates have been fixed by an order of the Court entered on or prior to the applicable Bar Date;
- v. professionals retained by the Debtors or any committee appointed in these Chapter 11 Cases pursuant to orders of this Court that assert administrative Claims for fees and expenses subject to the Court's approval pursuant to sections 330, 331, 363, and 503(b) of the Bankruptcy Code;
- vi. professionals whose payment this Court approved under the DIP Order;
- vii. any Person or Entity that holds or asserts a Claim pursuant to sections 503(b) and 507(a)(2) of the Bankruptcy Code as an administrative expense other than 503(b)(9) Claims;
- viii. any Person or Entity whose Claim asserts a right to payment or performance solely against a non-Debtor affiliate of a Debtor;
- ix. any Person or Entity that is exempt from filing a Proof of Claim pursuant to an order of the Court in these Chapter 11 Cases, including, without limitation, pursuant to an order approving debtor-in-possession financing

(the “DIP Order”), including, for the avoidance of doubt, the Prepetition Secured Parties (as defined in the DIP Order).

10. Any Person or Entity exempt from filing a Proof of Claim under the preceding paragraph must still properly and timely file a Proof of Claim for any Claim that does not fall w³ithin the exemptions provided in the preceding paragraph.

11. All Persons and Entities asserting Claims against the Debtors are required to file the Proof of Claim Forms in English and in U.S. dollars. If a person or entity does not specify the amount of its Claim in U.S. dollars, the Debtors reserve the right to convert such Claim to U.S. dollars using the applicable conversion rate as of the Petition Date, unless the Debtors deem another date to be more appropriate.

12. The Debtors are authorized to publish the Bar Date Notice once in a national publication and, if determined by the Debtors in their business judgment, in one or more other, similar publications in certain non-U.S. jurisdictions, as soon as practicable after entry of this Order on the Court’s docket.

13. All Persons and Entities for which the Debtors have no deliverable mailing address and that may assert a Claim against the Debtors shall be deemed to have received adequate and sufficient notice by publication which is reasonably calculated under the circumstances to apprise them of the Bar Dates for filing Proof of Claim Forms.

14. The Debtors shall provide actual written notice of the commencement of these Chapter 11 Cases and the Bar Dates to all known persons and entities holding Claims for whom the Debtors have an actual deliverable address.

15. In giving actual notice to known Persons and Entities who may have a Claim, the Debtors shall serve the Bar Date Notice, in accordance with Bankruptcy Rule 9007, so that the Bar Date Notice is served by first class mail within ten (10) business days after entry of this Order.

16. The Debtors are authorized, but not directed, in the Debtors' sole discretion to procure the correct foreign-language translations of the Motion, the Bar Date Notice, this Order, and/or any other materials filed in these Chapter 11 cases (collectively, the "Foreign Translations"), and to publish such Foreign Translation(s), and/or to provide such Foreign Translation(s) to any foreign party in interest.

17. Notwithstanding the relief granted in this Order and any actions taken pursuant to such relief, nothing in this Order shall be deemed: (a) an admission as to the amount of, basis for, or validity of any claim against any of the Debtors under the Bankruptcy Code or other applicable nonbankruptcy law; (b) an impairment or waiver of any Debtor's or any other party in interest's right to dispute any claim against, or interest in, any Debtor, its property, or its estate on any grounds; (c) a promise or requirement to pay any claim; (d) an assumption, adoption, or rejection of any agreement, contract, or lease under section 365 of the Bankruptcy Code; (e) an implication, admission or finding that any particular claim is an administrative expense claim, other priority claim or otherwise of a type specified or defined in the Motion, or any order granting the relief requested by the Motion; (f) an implication, admission, or finding as to (i) the validity, priority, enforceability, or perfection of any lien on, security interest in, or other encumbrance on the property of any Debtor or its estate or (ii) a waiver or limitation on any party's ability to challenge, recharacterize as equity, void, claw back, or seek other relief with respect to any particular payments authorized hereunder; (g) an impairment or waiver of any

claims or causes of action which may exist against any entity; or (h) a waiver of any Debtor's or any other party in interest's rights under the Bankruptcy Code or any other applicable law. The rights of all parties in interest are expressly reserved.

18. In accordance with Bankruptcy Rule 2002(a)(7), service of the Bar Date Notice in the manner set forth above shall be deemed good and sufficient notice of the Bar Date to known creditors.

19. Notwithstanding the possible applicability of Bankruptcy Rules 6004(h), 7062, 9014, or otherwise, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

20. The Debtors are authorized and empowered to take all reasonable actions necessary to effectuate the relief granted in this Order in accordance with the Motion.

21. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

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Submitted by:

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(Attorney Singerman is directed to serve this order upon all non-registered users who have yet to appear electronically in this case and file a conforming certificate of service.)