

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE**

In re

SUPERIOR AIR CHARTER, LLC,<sup>1</sup>

Debtor.

Chapter 11

Case No. 20-11007 (CSS)

**NOTICE OF ENTRY OF ORDER ESTABLISHING BAR DATES  
FOR FILING PROOFS OF CLAIM INCLUDING SECTION 503(b)(9) CLAIMS**

**PLEASE TAKE NOTICE THAT:**

The United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”) has entered an order (the “Bar Date Order”) [D.I. 125] establishing bar dates for filing proofs of claim in Superior Air Charter, LLC (administered under Case No. 20-11007 (CSS)) (the “Debtor”).

**1. BAR DATES**

- A. GENERAL BAR DATE.** The Bankruptcy Court established **July 27, 2020 at 4:00 p.m. (ET)** (the “General Bar Date”) as the deadline for all persons and entities holding or asserting claims (as defined in section 101(5) of the Bankruptcy Code and explicitly including claims under 11 U.S.C. § 503(b)(9)) against the above-captioned Debtor to file such proof of claim. You must submit any proof of claim so that it is actually received at the address below on or prior to the General Bar Date.
- B. GOVERNMENTAL UNIT BAR DATE.** Pursuant to the Bar Date Order, the Bankruptcy Court established **October 26, 2020 at 4:00 p.m. (ET)** (the “Governmental Bar Date”) as the deadline for all governmental units (as defined in section 101(27) of the Bankruptcy Code) in the above-captioned case to file such claims. You must submit any proof of claim so that it is actually received at the address below on or prior to the Governmental Bar Date.
- C. AMENDED SCHEDULES BAR DATE.** All parties asserting claims against the Debtor’s estate that are affected by an amendment to the Schedules are required to file proofs of claim by the later of (i) the General Bar Date or (ii) 11:59 p.m. (Eastern Time) on the date that is thirty (30) days after service of a notice on such affected claimant of the amendment to the Schedules.

---

<sup>1</sup> The Debtor in this chapter 11 case, together with the last four digits of the Debtor’s federal tax identification number, is as follows: Superior Air Charter, LLC (2081). The mailing address for the Debtor, solely for purposes of notices and communications, is: 1341 W. Mockingbird Lane, Suite 600E, Dallas, Texas.

- D. REJECTION DAMAGES BAR DATE.** All parties asserting claims against the Debtor's estate arising from the Debtor's rejection of an executory contract or unexpired lease must file a proof of claim by the later of (i) the General Bar Date, (ii) thirty (30) days after entry of any order authorizing the rejection of an executory contract or unexpired lease, or (iii) the date set forth in an order authorizing rejection of an executory contract or unexpired lease.

**2. WHO MUST FILE**

**Claim and Interest Holders.** If you have a claim<sup>2</sup> that arose or is deemed to have arisen prior to April 28, 2020 or if you have a claim under 11 U.S.C. § 503(b)(9) for goods delivered to the Debtor in the twenty day period before April 28, 2020, you MUST file a proof of claim by the General Bar Date to share in distributions from the Debtor's estate and vote on any plan, unless one of the exceptions described in Section 5 below applies.

**3. WHAT TO FILE**

**Proof of Claim Form.** The Debtor is enclosing a proof of claim form (the "Proof of Claim Form") for use in the Debtor's Case. If your claim is scheduled by the Debtor the form also sets forth the amount of your claim as scheduled by the Debtor and may indicate that your claim was listed as contingent, unliquidated, or disputed. You will receive a different Proof of Claim Form for each claim scheduled in your name by the Debtor. If you disagree with the information provided on the customized Proof of Claim Form, you should follow the directions to assert the amount and classification of the claim that you believe you hold against or in the Debtor's estate. If you have not received a customized Proof of Claim Form, you may assert your claim by completing the Proof of Claim Form attached to the Bar Date Order or downloading a proof of claim form from <http://www.uscourts.gov/forms/bankruptcy-forms> or from the claims agent's website at <https://cases.stretto.com/superiorair/file-a-claim/>. You must use a proof of claim form that conforms substantially to Official Bankruptcy Form B 410.

Vendors of goods may be entitled to assert claims arising prior to the Petition Date under section 503(b)(9) of the Bankruptcy Code to the extent that they delivered goods to the Debtor within the 20-day period prior to the Petition Date. The Court has deemed the filing of a Proof of Claim Form as satisfying the procedural requirements for asserting such a claim arising under section 503(b)(9) of the Bankruptcy Code. In addition to the other requirements of the immediately preceding paragraph above, any Proof of Claim Form asserting a section

---

<sup>2</sup> A "claim" is: (a) a right to payment, whether or not such right is reduced to judgment, liquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured or unsecured; or (b) a right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured or unsecured.

503(b)(9) claim must (a) include the value of the goods delivered to and received by the Debtor in the twenty (20) days prior to the Petition Date, (b) attach documentation identifying which of the Debtor such goods were shipped to and the date such goods were received by the Debtor, (c) state whether the value of the goods asserted in the Proof of Claim Form represents a combination of goods and services and, if applicable, the percentage of alleged value related to services and related to goods, and (d) attach any documentation identifying the particular invoices for which the section 503(b)(9) claim is being asserted

**4. WHEN AND WHERE TO FILE**

Pursuant to the terms of the Bar Date Order, and except as otherwise provided herein, each person or entity desiring to file a proof of claim must send the Proof of Claim Form consistent with this Notice, to the claims agent (the “Claims Agent”):

**A. By Electronic Submission through:**

The Claims Agent’s website (<https://cases.stretto.com/superiorair/file-a-claim/>);

**B. By First-Class Mail, Overnight Mail, or Hand Delivery to:**

Superior Air Claims Processing  
c/o Stretto  
410 Exchange, Suite 100  
Irvine, CA 92602

You should not file a Proof of Claim Form if you do not have a claim against the Debtor. The fact that you received this Notice does not necessarily mean that you have a claim against the Debtor.

Proof of Claim Forms will be deemed timely filed only if **actually received** by the Claims Agent on or before the applicable Bar Date. Proofs of Claim may not be delivered by facsimile or electronic mail (e-mail).

Receipt of Service. Claimants wishing to receive acknowledgment that their Proof of Claim Forms were received by the Claims Agent must submit (i) a copy of the Proof of Claim Form and (ii) a self-addressed, stamped envelope (in addition to the original Proof of Claim Form sent to the Claims Agent).

**5. WHO IS NOT REQUIRED TO FILE**

The following persons or entities **are not** required to file proofs of claim:

- i. Any person or entity whose claim is listed on the Schedules and (a) whose claim is not described thereon as disputed, contingent, or unliquidated; (b) who does not dispute the amount or priority of the claim set forth in the

Schedules, and (c) who does not dispute that the claim is an obligation of the Debtor;

- ii. Any person or entity whose claim has been paid in full, including, but not limited to any claim of an employee of the Debtor for ordinary course wages or benefits to the extent already paid;
- iii. Any person or entity that holds an interest in the Debtor, which interest is based exclusively upon ownership of common or preferred stock, membership interest, partnership interest, or warrants or rights to purchase, sell, or subscribe to such a security or interest; provided, however, that interest holders that wish to assert claims (as opposed to ownership interest) against the Debtor other than with respect to ownership or purchase of an interest, including claims arising out of or relating to the sale issuance or distribution of the interest, must file Proofs of Claim on or before the General Bar Date, unless another exception identified herein applies;
- iv. Any holder of a claim allowable under sections 503(b) or 507(a) of the Bankruptcy Code as an administrative expense of this chapter 11 case, with the exception of the 503(b)(9) Claims, which are subject to the General Bar Date;
- v. Any person or entity who holds a claim that has been allowed by an order of this Court entered on or before the applicable Bar Dates;
- vi. Any holder of a claim for which a separate deadline is fixed by this Court;
- vii. JetSuiteX, Inc. and Delux Public Charter LLC (collectively, the “DIP Lenders”) with regard to all claims arising under the DIP Credit Facility or the DIP Credit Agreement (each term in this subparagraph as defined in the Debtor’s postpetition financing order [D.I. 115]) and UT Finance Corporation with regard to claims related to the Financed Aircraft (as defined in the First Day Declaration); or
- viii. Any holder of a claim who has already properly filed a Proof of Claim with the Clerk of this Court or the Claims Agent against the Debtor, using a claim form which substantially conforms to Official Form B 410.

**6. CONSEQUENCES OF FAILURE TO FILE**

**Any entity that is required, but fails, to file a proof of claim in accordance with the Bar Date Order on or before the applicable bar date shall be precluded from voting on any plan filed in this chapter 11 case and/or receiving distributions from the Debtor on account of such claims in this chapter 11 case.**

7. **ACCESS TO THE SCHEDULES AND THE BAR DATE ORDER**

Copies of the Schedules and the Bar Date Order can be viewed and downloaded free of charge on the Claims Agent's website at <https://www.cases.stretto.com/superiorair/>. In addition, copies of the Debtor's Schedules and the Bar Date Order may be viewed on the internet at the Bankruptcy Court's website (<http://www.deb.uscourts.gov/>) (by following the directions for accessing the ECF system on such website). Finally, copies of these documents may be obtained by contacting in writing counsel for the Debtor, Bayard, P.A. (Attn: Daniel N. Brogan), 600 N. King Street, Suite 400, Wilmington, DE 19801, [dbrogan@bayardlaw.com](mailto:dbrogan@bayardlaw.com). The names of creditors who are counterparties to a SuiteKey Agreement have been redacted from the Schedules. Any counterparty to a SuiteKey Agreement should contact counsel to the Debtor (Gregory J. Flasser, [gflasser@bayardlaw.com](mailto:gflasser@bayardlaw.com), (302) 429-4235) to be provided information regarding their scheduled claim.

8. **CONTACT**

Questions concerning submitting proofs of claim and requests for Proof of Claim Forms should be directed to the Claims Agent at (855) 424-9776 or submit an inquiry via e-mail to: [TeamSuperiorAir@stretto.com](mailto:TeamSuperiorAir@stretto.com). You should consult your own attorney for assistance regarding any other inquiries, such as questions concerning the completion or filing of a proof of claim.

Dated: June 25, 2020  
Wilmington, Delaware

BAYARD, P.A.

/s/ Evan T. Miller

Evan T. Miller (No. 5364)

Daniel N. Brogan (No. 5723)

Greg J. Flasser (No. 6154)

600 N. King Street, Suite 400

Wilmington, Delaware 19801

Phone: (302) 655-5000

Email: [emiller@bayardlaw.com](mailto:emiller@bayardlaw.com)

[dbrogan@bayardlaw.com](mailto:dbrogan@bayardlaw.com)

[gflasser@bayardlaw.com](mailto:gflasser@bayardlaw.com)

*Counsel for the Debtor and Debtor-in-Possession*