

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

FURLA (U.S.A.), INC.,

Debtor.

Chapter 11

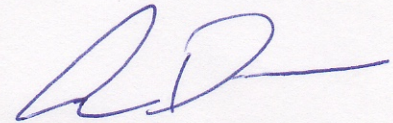
Case No. 20-12604 (SCC)

(Subchapter V)

**AFFIDAVIT OF PUBLICATION RE: NOTICE OF BAR DATE FOR FILING
PROOFS OF CLAIM IN THE FRONT ROW DAILY EMAIL NEWSLETTER**

I, Aileen Daversa, depose and say that I am employed by Stretto, the claims and noticing agent for the Debtor in the above-captioned case. I facilitated the publication of the Notice of Bar Date for Filing Proofs of Claims in the Front Row Daily Email Newsletter dated December 28, 2020 annexed hereto.

Dated: December 29, 2020



Aileen T. Daversa



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Dec 28, 2020 09:30 am | The Daily Front Row



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Dec 28, 2020 08:24 am | Freya Drohan

**FURLA
(U.S.A.), INC.**

Chapter 11

**S.D.N.Y. Bankr.
Case No. 20-12604 (SCC)**

**NOTICE OF
BAR DATES
FOR
FILING CLAIMS**

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Dec 28, 2020 07:54 am | Aaron Royce



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Dec 28, 2020 07:10 am | Alexandra Ilyashov



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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

FURLA (U.S.A.), INC.,

Debtor.

Chapter 11

Case No. 20-12604 (SCC)

(Subchapter V)

NOTICE OF BAR DATES FOR FILING CLAIMS

TO ALL CREDITORS OF THE ABOVE-CAPTIONED DEBTOR AND DEBTOR-IN-POSSESSION:

On November 6, 2020 (“**Petition Date**”), Furla (U.S.A.), Inc. (“**Debtor**”) commenced a case by filing a voluntary petition for relief under Subchapter V of Chapter 11 of Title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* (“**Bankruptcy Code**”).

On December 22, 2020, the United States Bankruptcy Court for the Southern District of New York (“**Court**”) entered an order (“**Bar Date Order**”) in Debtor’s chapter 11 case establishing certain claims bar dates as set forth below.

Pursuant to the Bar Date Order, the Court has established **January 26, 2021 at 5 p.m. ET** as the general bar date (“**General Bar Date**”) for filing claims that arose prior to Debtor’s Petition Date, including secured claims, unsecured priority claims, unsecured nonpriority claims, claims against Debtor arising under section 503(b)(9) of the Bankruptcy Code, and claims with a right of setoff. Proofs of claim of governmental units must be filed by **May 5, 2021 at 5 p.m. ET**.

As used in this notice, the term “claim” has the meaning provided in section 101(5) of the Bankruptcy Code and means, as to or against Debtor and in accordance with section 101(5) of the Bankruptcy Code: (i) any right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured; or (ii) any 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.

As used in this notice, the term “governmental unit” has the meaning attributed to it in Bankruptcy Code section 101(27) and includes the United States, states, commonwealths, districts, territories, municipalities, foreign states or departments, agencies or instrumentalities of the foregoing.

THE BAR DATES

The Bar Date Order establishes the following bar dates for filing claims in these cases (the collectively, “**Bar Dates**”):

The General Bar Date. Pursuant to the Bar Date Order, except as described below, all entities holding claims (whether secured, unsecured, priority, or unsecured nonpriority, including claims arising under section 503(b)(9) of the Bankruptcy Code and claims secured by a right of setoff (“**Setoff Claim**”)) against Debtor that arose before Debtor’s Petition Date must file proofs of claim by the General Bar Date—**January 26, 2021 at 5 p.m. ET**. The claims subject to the General Bar Date are referred to herein as “**General Claims**.”

The Governmental Bar Date. Pursuant to the Bar Date Order, except as described below, all governmental units holding claims (whether secured, unsecured, priority, or unsecured nonpriority, including claims arising under section 502(b)(9) of the Bankruptcy Code and any Setoff Claim) against Debtor that arose before the Petition Date must file proofs of claim by the Governmental Bar Date—**May 5, 2021 at 5 p.m. ET**.

The Rejection Bar Date. Any entity whose claims arise out of the Court-approved rejection of an executory contract or unexpired lease, in accordance with section 365 of the Bankruptcy Code and pursuant to an order entered prior to or concurrent with the confirmation of a plan in Debtor’s chapter 11 case, must file a proof of claim on or before the later of (i) the General Bar Date, and (ii) 35 days after the entry of the order providing for the rejection of such executory contract or unexpired lease. The later of these dates is referred to in this notice as the “**Rejection Bar Date**.”

The Amended Schedules Bar Date. If, subsequent to the mailing date of this notice, Debtor further amends or supplements its Schedules of Assets and Liabilities (“**Schedules**”) to reduce the undisputed, noncontingent, and/or liquidated amount or to change the nature or classification of a claim against Debtor reflected therein, any affected entities that dispute any changes are required to file a proof of claim or amend any previously filed proof of claim in respect of the amended scheduled claim on or before the later of: (i) the General Bar Date; and (ii) 35 days after the date that notice of the applicable amendment to the Schedules is served on the claimant. The later of these dates is referred to in this notice as the “**Amended Schedule Bar Date.**”

FILING CLAIMS

1. WHO MUST FILE

Subject to terms described above for holders of claims subject to the Governmental Bar Date, Rejection Bar Date, and the Amended Schedules Bar Date, the following entities **must** file proofs of claim on or before the General Bar Date:

- a. any entity (i) whose prepetition claim against Debtor is not listed in the Schedules or is listed as disputed, contingent, or unliquidated, and (ii) that desires to share in any distribution in this chapter 11 case; and
- b. any entity that believes that its prepetition claim is improperly classified in the Schedules or is listed in an incorrect amount and that desires to have its claim allowed in a classification or amount different from the classification or amount identified in the Schedules.

2. WHAT TO FILE

Prepetition Claims

Parties asserting claims against Debtor that arose before the Petition Date, including claims arising under section 503(b)(9) of the Bankruptcy Code, may use the copy of the proof of claim form (“**Proof of Claim Form**”) included with this notice. Additional copies of the Proof of Claim forms may be obtained online through the website Debtor’s Court-approved claims and noticing agent, Stretto (“**Stretto**”) established for Debtor at <http://cases.stretto.com/furla> (“**Claims Agent Website**”). Blank Proof of Claim forms may be obtained from the U.S. Courts website at <http://www.uscourts.gov/forms/bankruptcy-forms#official> (Form B410 and appropriate attachments).

3. WHEN AND WHERE TO FILE

A Proof of Claim is deemed to be timely filed only if it is **actually received** by Stretto, or by the Court by the applicable Bar Date as follows:

(i) Electronically, using the interface available on the Claims and Noticing Agent's website at <https://cases.stretto.com/furla>;

(ii) By overnight courier or first class mail to:

Furla (U.S.A.), Inc. Claims Processing
c/o Stretto
410 Exchange, Suite 100
Irvine, CA 92602

(iii) By hand delivery to:

Furla (U.S.A.), Inc. Claims Processing
c/o Stretto
410 Exchange, Suite 100
Irvine, CA 92602

**PROOFS OF CLAIM SUBMITTED BY FACSIMILE
OR ELECTRONIC MAIL WILL NOT BE ACCEPTED.**

Forms will be collected, docketed, and maintained by Stretto.

All forms must be signed by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant. The form must be written in English and be denominated in United States currency. Any documents on which the claim is based should be attached to the completed form (or, if such documents are voluminous, a summary should be attached) or an explanation as to why the documents are not available.

4. ENTITIES NOT REQUIRED TO FILE A CLAIM

The Bar Date Order further provides that the following entities, whose claims otherwise would be subject to the General Bar Date or the Governmental Bar Date, need not file claims in this case:

- a. any entity that already has filed a signed proof of claim against Debtor in a form substantially similar to Official Bankruptcy Form No. B 410 with:
(i) the Clerk of the Bankruptcy Court for the Southern District of New York, or (ii) the Debtor's claims and noticing agent, Stretto;
- b. any entity (i) whose claim against Debtor is not listed as disputed, contingent, or unliquidated in the Schedules, and (ii) which agrees with the nature, classification, and amount of its claim as identified in the Schedules;

- c. any entity whose claim against Debtor previously has been allowed by, or paid pursuant to, an order of the Court;
- d. any current or former officer, director, or employee of any Debtor for claims based on indemnification, contribution, or reimbursement (these claims are being resolved in the Plan); and
- e. any claim of Furla S.p.A., the Debtor's parent company (these claims are being resolved in the Plan).

In addition, the Bar Date Order provides that the following holders not be required to file administrative expense claims:

- a. any party that has already properly filed an administrative expense claim that clearly sets forth that such party is asserting an administrative expense claim;
- b. any party whose administrative expense claim has been allowed by a prior order of the Court;
- c. any professional advisor (e.g., attorneys, financial advisors, accountants, claims agents) whose administrative expense claim is for compensation for legal, financial advisory, accounting, and other services and reimbursement of expenses awarded or allowed under sections 330(a), 331, or 503 of the Bankruptcy Code;
- d. any claim of any current or former officer or director of the Debtor for indemnification or contribution or based upon any officer or director or other policy of insurance (these claims are being resolved in the Plan);
- e. Furla S.p.A., (these claims are being resolved in the Plan); and
- f. governmental entities holding claims covered by section 503(b)(1)(B), (C), or (D) of the Bankruptcy Code.

NO REQUIREMENT TO FILE PROOFS OF INTEREST

Any entity holding an interest in Debtor ("**Interest Holder**"), which interest is based exclusively upon the ownership of: (a) a membership interest in a limited liability company; (b) common or preferred stock in a corporation; or (c) warrants or rights to purchase, sell, or subscribe to such a security or interest (any such security or interest being referred to herein as an "**Interest**"), need not file a proof of interest on or before the General Bar Date; provided, however, Interest Holders who want to assert claims against Debtor that arises out of or relates to the ownership or purchase of an Interest, including claims arising out of or relating to the sale,

issuance, or distribution of the Interest, must file a claim by the applicable Bar Dates, unless another exception identified in this motion applies.

CONSEQUENCES OF FAILURE TO FILE A CLAIM

ENTITIES THAT FAIL TO PROPERLY FILE A PROOF OF CLAIM FORM BY THE APPLICABLE BAR DATE SHALL BE FOREVER BARRED, ESTOPPED, AND ENJOINED FROM: (A) ASSERTING ANY GENERAL CLAIM AGAINST DEBTOR THAT SUCH ENTITY MAY POSSESS AND THAT (I) IS IN AN AMOUNT THAT EXCEEDS THE AMOUNT, IF ANY, THAT IS IDENTIFIED IN THE SCHEDULES ON BEHALF OF SUCH ENTITY AS UNDISPUTED, NONCONTINGENT, AND LIQUIDATED, OR (II) IS OF A DIFFERENT NATURE, CLASSIFICATION, OR PRIORITY THAN ANY CLAIM IDENTIFIED IN THE SCHEDULES ON BEHALF OF SUCH ENTITY (ANY SUCH CLAIM UNDER THIS SUBPARAGRAPH (A) BEING REFERRED TO HEREIN AS AN “UNSCHEDULED CLAIM”); AND (B) VOTING UPON, OR RECEIVING DISTRIBUTIONS UNDER, ANY CHAPTER 11 PLAN IN THESE CASES IN RESPECT OF AN UNSCHEDULED CLAIM.

ADDITIONAL INFORMATION

If you require additional information regarding the filing of a claim, you may contact Stretto at 855-293-5773 or by submitting an inquiry at <http://cases.stretto.com/furla>. Copies of the Bar Date Order and other information regarding Debtor’s chapter 11 cases are available for inspection free of charge on the Claims Agent Website. Stretto cannot advise you how to file, or whether you should file, a claim. You may wish to consult an attorney regarding this matter.

New York, New York
December 22, 2020

/s/ Joseph T. Moldovan
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