

avoidance of doubt, secured claims, unsecured priority claims, unsecured non-priority claims, and claims arising under section 503(b)(9) of the Bankruptcy Code (the “General Bar Date”), unless otherwise provided herein;

- b. **December 27, 2022 at 5:00 p.m. (prevailing Eastern Time)**, the date that is 180 days from the Petition Date, as the deadline for Governmental Units to file a Proof of Claim against any of the Debtors on account of a prepetition claim (the “Government Bar Date”);
- c. **the later of (i) the General Bar Date or the Governmental Bar Date, as applicable, and (ii) 5:00 p.m. (prevailing Eastern Time) on the date that is thirty (30) days from the date on which the Debtors provide notice of an amendment or supplement to the Schedules²** as the deadline by which claimants holding claims affected by such amendment, or supplement must file Proofs of Claim with respect to such claim (the “Amended Schedules Bar Date”); and
- d. **the later of (i) the General Bar Date or the Governmental Bar Date, as applicable, and (ii) 5:00 p.m. (prevailing Eastern Time) on the date that is thirty (30) days following service of an order approving rejection of any executory contract or unexpired lease of the Debtors** as the deadline by which claimants asserting claims resulting from the Debtors’ rejection of an executory contract or unexpired lease must file Proofs of Claim for damages arising from such rejection³ (the “Rejection Damages Bar Date,” and, collectively with the General Bar Date, the Governmental Bar Date, and the Amended Schedules Bar Date, the “Bar Dates”).

If you have any questions relating to this Notice, please feel free to contact Stretto, Inc. (“Stretto”) at 855-331-1513 (toll-free U.S.) or +1-949-404-3325 (billed international) or by email at TeamEnjoy@stretto.com.

1. WHO MUST FILE A PROOF OF CLAIM

This Notice is being sent to many persons and entities that have had some relationship with or have done business with the Debtors but may not have a claim against the Debtors. The fact that you have received this Notice does not mean that you have a claim against the Debtors or that the Debtors or the Court believe that you have such a claim. **YOU SHOULD NOT FILE A PROOF OF CLAIM IF YOU DO NOT HAVE A CLAIM AGAINST THE DEBTORS.**

You **MUST** file a Proof of Claim to vote on any chapter 11 plan or to share in distributions from the Debtors’ bankruptcy estate if you have a claim (as defined in section 101(5) of the

² On July 28, 2022, the Debtors filed their Schedules of Assets and Liabilities (the “Schedules”). See Docket Nos. 213-218.

³ Provided that notwithstanding the foregoing, a party to an executory contract or unexpired lease who asserts a claim on account of unpaid amounts accrued and outstanding as of the Petition Date pursuant to such executory contract or unexpired lease (other than a rejection damages claim) must file a Proof of Claim for such amounts on or before the applicable Bar Date, unless an exception identified in this Motion or the Proposed Order applies.

Bankruptcy Code) that arose prior to June 30, 2022 and it is not one of the types of claims described in Section 2 below.

Acts or omissions of the Debtors that arose before the Petition Date may give rise to claims against the Debtors that must be filed by the applicable Bar Date, notwithstanding that such claims may not have matured or become fixed or liquidated prior to the Petition Date.

Under section 101(5) of the Bankruptcy Code and as used herein, the word “claim” means: (a) a 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 (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.

2. PARTIES WHO NEED NOT FILE A PROOF OF CLAIM

The following persons and entities are not required to file a Proof of Claim on or before the applicable Bar Dates solely with respect to the types of claims held by such persons and entities described in the applicable paragraph below:

- a. any person or entity who has already filed a Proof of Claim in the Chapter 11 Cases with Stretto or with the Clerk of the Bankruptcy Court, 824 Market Street, 3rd Floor, Wilmington, Delaware, 19801, solely with respect to the claims asserted in that Proof of Claim;
- b. any person or entity whose claim is listed on the Debtors’ Schedules, provided that (i) the claim is not listed on the Schedules as “disputed,” “contingent,” or “unliquidated,” (ii) the person or entity does not dispute the amount, nature, and priority of the claim as set forth in the Schedules, and (iii) the person or entity does not have or assert any other claims against the Debtors (the assertion of which would require the filing of a Proof of Claim unless another exception applies);
- c. any person or entity whose claim or claims have been paid in full;
- d. any holder of a claim allowable under sections 503(b) and 507(a)(2) of the Bankruptcy Code as an expense of administration of the Debtors’ estate, except for a holder of a claim arising under section 503(b)(9) of the Bankruptcy Code, which must be asserted by filing a Proof of Claim on or prior to the applicable Bar Date;
- e. any person or entity holding a claim payable to the Court or the United States Trustee Program pursuant to 28 U.S.C. § 1930;
- f. any holder of a claim for which a separate deadline is (or has been) fixed by this Court;
- g. any holder of a claim that has been allowed by an order of this Court entered on or before the applicable Bar Date;

- h. any current or former equity security holder, as defined in section 101(17) of the Bankruptcy Code, that seeks to assert only a proof of interest with respect to the ownership of such equity interests; *provided, however*, that any equity security holder claiming damages or asserting causes of action based upon or arising from stock ownership would be required to file a Proof of Claim by the General Bar Date;
- i. any non-Debtor affiliate asserting a claim against a Debtor affiliate;
- j. any claim held by a Debtor against another Debtor;
- k. a claim held by a current employee of the Debtors, if an order of the Court authorized the Debtors to honor such claim in the ordinary course of business for wages, commissions, or benefits; *provided that* a current employee must submit a Proof of Claim by the applicable Bar Date for all other claims arising before the Petition Date, including, but not limited to, claims for wrongful termination, discrimination, harassment, hostile work environment, and/or retaliation;
- l. any claim based on indemnification, contribution, or reimbursement of a current or former officer, director, or employee of any of the Debtors; and
- m. any claim held by the DIP Lender,⁴ on account of claims arising under the DIP Loan Documents or the Prepetition Lender arising under the Prepetition Loan Documents.

3. INSTRUCTIONS FOR FILING PROOFS OF CLAIM

Except as otherwise set forth herein, each entity that asserts a claim against the Debtors that arose before the Petition Date MUST file a Proof of Claim.

The following procedures with respect to preparing and filing of Proofs of Claim will apply:

- a. Proofs of Claim must substantially conform to the attached Proof of Claim Form or Official Form 410;
- b. Proofs of Claim must (i) be written in the English language; (ii) be denominated in lawful currency of the United States as of the Petition Date (using the exchange rate, if applicable, as of the Petition Date); (iii) specify by name and case number the Debtor against which the claim is filed; (iv) set forth with specificity the legal and factual basis for the alleged claim; (v) include supporting documentation for the claim or an explanation as to why such documentation is not available; and

⁴ Capitalized terms used but not defined in this paragraph 2(m) shall have the meanings set forth in the *Final Order (A) Authorizing the Debtors to Obtain Postpetition Financing, (B) Authorizing the Debtors to Use Cash Collateral, (C) Granting Liens and Superpriority Administrative Expense Claims, (D) Granting Adequate Protection to the Prepetition Lender, (E) Modifying the Automatic Stay, and (F) Granting Related Relief* [Docket No. 200].

(vi) be signed by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant under penalty of perjury;

- c. If a claimant asserts a claim against more than one Debtor or has claims against different Debtors, the claimant must file a separate Proof of Claim against each Debtor;
- d. Proofs of Claim must be filed (i) electronically through Stretto's website at <https://cases.stretto.com/EnjoyTechnology/file-a-claim>, or (ii) by mailing the original Proof of Claim to Stretto by first class U.S. mail, hand delivery, or overnight mail, at the following address: **Enjoy Technology, Inc., et al. Claims Processing c/o Stretto, 410 Exchange, Suite 100, Irvine, CA 92602**;
- e. A Proof of Claim shall be deemed timely filed only if it **actually is received** by Stretto as set forth in subparagraph (d) above, in each case, on or before the applicable Bar Date; and
- f. Proofs of Claim sent by facsimile, telecopy, or electronic mail transmission (other than Proofs of Claim filed electronically through the Electronic Filing System) **will not** be accepted.

4. CONSEQUENCES OF FAILURE TO FILE A PROOF OF CLAIM BY THE APPLICABLE BAR DATE

Pursuant to the Bar Date Order and Bankruptcy Rule 3003(c)(2), any holder of a claim who is required to timely file a Proof of Claim on or before the applicable Bar Date as provided herein, but fails to do so:

(i) shall not be treated as a creditor with respect to such claim for the purposes of voting and distribution in these chapter 11 cases on account of such claim; and

(ii) forever shall be barred, estopped, and enjoined from asserting such claim against each of the Debtors and their property (or filing a Proof of Claim with respect thereto), and each of the Debtors and their respective chapter 11 estates, successors, and property shall be forever discharged from any and all indebtedness or liability with respect to or arising from such claim.

5. THE DEBTORS' SCHEDULES AND ACCESS THERETO

You may be listed as the holder of a claim against the Debtors in the Schedules. Copies of the Debtors' Schedules may be examined and inspected by interested parties during regular business hours at the office of the Clerk of the Bankruptcy Court, 824 Market Street, Wilmington, DE, 19801, or at the Stretto website, <https://cases.stretto.com/EnjoyTechnology>.

If it is unclear from the Schedules whether your claim is disputed, contingent, or unliquidated as to amount or is otherwise properly listed and classified, you ***must*** file a Proof of Claim on or before the applicable Bar Date. Any creditor that relies on the Schedules bears responsibility for determining that its claim is accurately listed therein.

6. RESERVATION OF RIGHTS

Nothing contained in this Notice is intended to or should be construed as a waiver of the Debtors' right to: (a) dispute, or assert offsets or defenses against, any filed claim or any claim listed or reflected in the Schedules as to the nature, amount, liability, or classification thereof; (b) subsequently designate any scheduled claim as disputed, contingent, or unliquidated; and (c) otherwise amend or supplement the Schedules.

7. ADDITIONAL INFORMATION

If you require additional information regarding this Notice, you may contact Stretto toll free at 855-331-1513 (toll-free U.S.) or +1-949-404-3325 (billed international) or by email at TeamEnjoy@stretto.com.

If you believe that you hold a claim against the Debtors, you should consult an attorney if you have any questions regarding this Notice, including whether you should file a Proof of Claim. The fact that you received this Notice does not mean that you have a claim or that the Debtors or the Bankruptcy Court concede that you have a claim.

Dated: August 11, 2022
Wilmington, Delaware

Respectfully submitted,

/s/ Brendan J. Schlauch

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