

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

ICON AIRCRAFT, INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 24-10703 (CTG)

Hearing Date: May 8, 2024 at 10:00 a.m. (ET)

Objection Deadline: May 1, 2024 at 4:00 p.m. (ET)

**DEBTORS' MOTION FOR ENTRY OF AN ORDER (I) SETTING
BAR DATES FOR FILING PROOFS OF CLAIM; (II) APPROVING
NOTICE OF BAR DATES; AND (III) GRANTING RELATED RELIEF**

The above-captioned debtors and debtors in possession in these chapter 11 cases (collectively, the “Debtors”), hereby submit this motion (this “Motion”), under sections 105(a), 501, 502, and 1111(a) of title 11 of the United States Code (the “Bankruptcy Code”), rules 2002(a)(7), (f), (l), 3003(c), and 5005(a) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and rules 1009-2, 2002-1, 3002-1(a), and 3003-1(a) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Local Rules”) for the entry of an order (a) setting bar dates for the filing of proofs of claim; (b) approving the notice of bar dates; and (c) granting related relief. In support of this Motion, the Debtors respectfully state as follows:

Jurisdiction

1. The United States Bankruptcy Court for the District of Delaware (the “Court”) has jurisdiction over this matter pursuant to 28 U.S.C. § 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29,

¹ The Debtors in these chapter 11 cases, together with the last four digits of each Debtor’s federal tax identification number, are: Icon Aircraft, Inc. (7443); Rycon LLC (7918); IC Technologies Inc. (5297); and ICON Flying Club, LLC (6101). The Debtors’ service address is 2141 ICON Way, Vacaville, CA 95688.

2012 (Sleet, C.J.). This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2), and the Debtors confirm their consent, pursuant to Bankruptcy Local Rule 9013-1(f), to the entry of a final order or judgment by the Court in connection with this Motion if it is determined that the Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution.

2. The statutory and other bases for the relief requested in this Motion are sections 105(a), 501, 502, and 1111(a) of the Bankruptcy Code, Bankruptcy Rules 2002(a)(7), (f), (l), 3003(c), and 5005(a), and Bankruptcy Local Rules 1009-2, 2002-1, 3002-1(a), and 3003-1(a).

3. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

Relief Requested

4. By this Motion, the Debtors seek entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Bar Date Order”), that establishes a claims process by setting deadlines by which certain holders of claims will be required to file a written proof of their claim(s) (collectively, the “Bar Dates” and each individually, a “Bar Date”). Those Bar Dates are as set forth below:

- a. **General Bar Date:** June 3, 2024 at 4:00 p.m. (prevailing Eastern Time) (the “General Bar Date”);
- b. **Governmental Bar Date:** October 1, 2024 at 4:00 p.m. (prevailing Eastern Time) (the “Governmental Bar Date”); and
- c. **Amended Schedules Bar Date:** To the extent applicable, the later of (i) the General Bar Date or the Governmental Bar Date, as applicable, and (ii) twenty-one (21) days from the date on which the Debtors provide notice of an amendment to the Schedules (such date, the “Amended Schedules Bar Date”).

5. Pursuant to this Motion, the Debtors also seek: (a) approval of the form and manner of providing notice of the Bar Dates; and (b) authorization for the Debtors, in their sole discretion,

to extend the Bar Dates for certain holder of claims by stipulation or otherwise where the Debtors determine that such extension is in the best interest of their estates.

Background of the Debtors

6. The Debtors are an aircraft design and manufacturing company focused on the creation of consumer-friendly, safe, and technologically advanced aircrafts that make the adventure of flying more accessible to mainstream consumers. The Debtors' flagship production aircraft—the ICON A5—is an amphibious sport plane.

7. On April 4, 2024 (the "Petition Date"), the Debtors commenced with this Court voluntary cases under chapter 11 of the Bankruptcy Code. The Debtors are authorized to continue to operate their business and manage their properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No trustee, examiner, or statutory committee of creditors has been appointed in these chapter 11 cases.

8. Additional information regarding the Debtors' business, capital structure, and the circumstances preceding the Petition Date may be found in the *Declaration of Thomas M. McCabe in Support of the Debtors' Chapter 11 Petition and First Day Pleadings* [Docket No. 2].

The Bar Dates

I. The Bar Dates

9. Bankruptcy Rule 3003(c)(3) provides that the Court shall fix the time within which proofs of claim must be filed in a chapter 11 case pursuant to section 501 of the Bankruptcy Code. Moreover, Bankruptcy Rule 3003(c)(2) provides that any creditor who has a claim against the Debtors that arose prior to the Petition Date, and whose claim is not scheduled in the Debtors' schedules of assets and liabilities, schedules of executory contracts and unexpired leases, and statements of financial affairs (collectively, the "Schedules"), or whose claim is listed on the Schedules as disputed, contingent, or unliquidated, must file a proof of claim. Section 502(b)(9)

of the Bankruptcy Code further provides that governmental units shall have a minimum of 180 days after the entry of the order for relief to file proofs of claim.

A. General Bar Date

10. Except as otherwise set forth below, the Debtors request that the Court establish **June 3, 2024 at 4:00 p.m. (prevailing Eastern Time)** as the General Bar Date for all entities, other than governmental units, holding prepetition claims to file proofs of claim. The General Bar Date shall apply to all types of claims against the Debtors that arose prior to the Petition Date, including secured claims, if any, unsecured priority claims (including, without limitation, claims entitled to priority under sections 507(a)(4) and (5), or 503(b)(9) of the Bankruptcy Code) and unsecured nonpriority claims.

11. The Debtors' proposed General Bar Date of June 3, 2024 is twenty-one (21) days following the date on which the Debtors have requested the deadline for the filing of their Schedules be extended to and twenty-six (26) days following the date for which the relief in this Motion has been requested. The Debtors believe the proposed timeline will give all parties in interest adequate notice of the General Bar Date and an opportunity to respond.

B. Governmental Bar Date

12. Section 502(b)(9) of the Bankruptcy Code provides, in relevant part, that “[a] claim of a governmental unit shall be timely filed if it is filed before 180 days after the date of the order for relief or such later time as the [Bankruptcy Rules] may provide . . .” 11 U.S.C. § 502(b)(9). The Debtors therefore request that the Court establish **October 1, 2024 at 4:00 p.m. (prevailing Eastern Time)** as the Governmental Bar Date in these chapter 11 cases. The Governmental Bar Date will apply to all governmental units holding claims against the Debtors (whether secured, unsecured priority, or unsecured non-priority) that arose prior to the Petition Date, including governmental units with claims against the Debtors for unpaid taxes, if any, whether such claims

arose from prepetition tax years or periods, or prepetition transactions to which the Debtors were a party. All governmental units holding such claims against the Debtors will be required to file proofs of claim so that such proofs of claim are actually received by the Debtors' claims and noticing agent, Stretto, Inc. ("Stretto"), by the Governmental Bar Date.

C. Amended Schedules Bar Date

13. Finally, and in accordance with Bankruptcy Local Rule 1009-2, in the event that the Debtors amend or supplement their Schedules after having given notice of the Bar Dates, the Debtors propose that with respect to holders of claims affected thereby, the Court establish the later of: (a) the General Bar Date or the Governmental Bar Date, as applicable to such claims; and (b) 4:00 p.m. (prevailing Eastern Time) on the date that is twenty-one (21) days from the date on which the Debtors provide notice of the amendment or supplement to the Schedules, as the Amended Schedules Bar Date. Notice of the Amended Schedules Bar Date shall be sent to each claimant holding a claim affected by any such amendment or supplement and shall describe the listing and treatment of such claim on the Schedules, including how such treatment has changed, if applicable, and indicate the Amended Schedules Bar Date for such claim.

II. Procedures for Filing Proof of Claim Forms

A. Filing Proof of Claim Forms

14. Except as otherwise set forth herein, the Debtors propose that any person or entity asserting a claim against the Debtors be required to file a proof of claim using Official Form 410 on or before the applicable Bar Date. Notwithstanding the foregoing, the Debtors propose that the following persons or entities whose claims would otherwise be subject to the Bar Dates need not file proofs of claim:

- a. any person or entity whose claim is listed on the Schedules if: (i) the claim is *not* scheduled as any of "disputed," "contingent," or "unliquidated;" and

- (ii) such person or entity agrees with the amount, nature, and priority of the claim as set forth in the Schedules;
 - b. any person or entity whose claim has previously been allowed by order of the Court;
 - c. any person or entity whose claim has been paid in full by the Debtors pursuant to the Bankruptcy Code or in accordance with an order of the Court;
 - d. a current employee of the Debtors, if an order of this Court authorized the Debtors to honor such claim in the ordinary course of business as a wage, commission, or benefit; *provided* that current employees must submit a proof of claim by the General Bar Date for all other claims arising before the Petition Date;
 - e. any person or entity holding a claim for which a separate deadline is fixed by the Court;
 - f. holders of claims for fees and expenses of professionals retained in these chapter 11 cases; and
 - g. FeiRen International Co., Ltd., solely with respect to its claim as DIP Lender and DIP Agent (each as defined in the *Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing Postpetition Financing; (II) Granting Liens and Providing Superpriority Administrative Expense Claims; (III) Modifying the Automatic Stay; (IV) Scheduling a Final Hearing; and (V) Granting Related Relief* [Docket No. 13]).
15. With respect to preparing and filing proofs of claim, the Debtors propose that the proofs of claim be required to be consistent with the following:
- a. ***Contents of Claim Form.*** Each proof of claim form must (i) be written in English; (ii) include a claim amount denominated in United States dollars (and to the extent such claim is converted to United States dollars, the conversion rate used in such conversion); (iii) conform substantially to Official Form 410; and (iv) be signed by the holder of the claim or by an authorized agent of the holder of the claim (along with documentation of such authorization);
 - b. ***Original Signatures Required.*** Only (i) original proof of claim forms or (ii) proof of claim forms submitted using the electronic filing interface available at www.cases.stretto.com/iconaircraft will be deemed acceptable for purposes of claims administration. Proof of claim forms sent by facsimile or electronic mail will **not** be accepted;

- c. **Supporting Documentation.** Each proof of claim form must include supporting documentation in accordance with Bankruptcy Rules 3001(c) and 3001(d);
- d. **Timely Service.** Each proof of claim form, including supporting documentation, must be filed (i) via the electronic filing interface available at www.cases.stretto.com/iconaircraft/file-a-claim or (ii) by United States mail or other hand delivery system, so as to be **actually received** by Stretto on or before the applicable Bar Date at the following address:

For First-Class Mail or Overnight Mail to:

Icon Aircraft, Inc. Claims Processing Center
c/o Stretto, Inc.
410 Exchange, Suite 100,
Irvine, California 92602

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

- e. **Receipt of Service.** Claimants wishing to receive acknowledgment that their proof of claim forms were received by Stretto must submit (i) a copy of the proof of claim form; and (ii) a self-addressed, stamped envelope.

B. Failure to File a Proof of Claim Form

16. Pursuant to Bankruptcy Rule 3003(c)(2), the Debtors propose that any person or entity who is required, but fails, to file a proof of claim form in accordance with the terms of the Bar Date Order on or before the applicable Bar Date (absent the consent of the Debtors in their sole discretion) shall be forever barred, estopped, and enjoined from asserting such claim against the Debtors (or filing a proof of claim) and the Debtors and their property shall be forever discharged from any and all indebtedness or liability with respect to or arising from such claim; *provided* that late-filed proofs of claim shall be treated in accordance with section 726(a)(3) of the Bankruptcy Code. Moreover, such creditor shall be prohibited from voting to accept or reject any plan filed in these chapter 11 cases, participating in any distribution in these chapter 11 cases on account of such claim, or receiving further notices regarding such claim.

III. Procedures for Providing Notice of the Bar Dates

A. Mailing of Bar Date Notice

17. Pursuant to Bankruptcy Rule 2002(a)(7), the Debtors propose to cause written notice of the Bar Dates, substantially in the form annexed as **Exhibit 1** to the Bar Date Order (the “Bar Date Notice”) to be mailed via first class mail, no later than three (3) business days after entry of the Bar Date Order, to the following parties:

- a. the Office of the United States Trustee for the District of Delaware (the “U.S. Trustee”);
- b. counsel to the official committee of unsecured creditors, if any;
- c. the entities listed as holding the 30 largest unsecured claims against the Debtors;
- d. all known creditors and other known holders of claims against the Debtors;
- e. all persons or entities that have requested notice of the proceedings in these chapter 11 cases pursuant to Bankruptcy Rule 2002 as of the date of the Bar Date Order;
- f. all persons or entities that have filed proofs of claim in these chapter 11 cases as of the date of the Bar Date Order;
- g. all known equity interest holders of the Debtors as of the date the Bar Date Order is entered;
- h. all known entities who are party to executory contracts and unexpired leases with the Debtors;
- i. all known entities who are party to active litigation with the Debtors;
- j. all current and former employees of the Debtors employed within one year of the Petition Date (to the extent that contact information for former employees is available in the Debtors’ records);
- k. all regulatory authorities that regulate the Debtors;
- l. the Office of the Attorney General;
- m. the United States Internal Revenue Service; and

- n. all other taxing authorities for the jurisdictions in which the Debtors have paid taxes within one year of the Petition Date.

18. Among other things, the Bar Date Notice will: (a) identify the General Bar Date; (b) provide holders of claims with the information necessary to allow them to make an informed decision as to whether to file a proof of claim; and (c) describe the procedures for filing a timely proof of claim and the consequences of failing to do so.

B. Publication Notice

19. In the interest of ensuring that all potential claimants receive adequate notice of the General Bar Date, in addition to providing the Bar Date Notice to all known holders of claims, the Debtors propose to provide notice of the General Bar Date by publication. The Debtors propose to publish the Bar Date Notice in accordance with Bankruptcy Rule 2002(l), modified for publication in substantially the form annexed as **Exhibit 2** to the Bar Date Order (the “**Publication Notice**”), on one occasion in the *Sacramento Bee* and the national edition of *The New York Times* on or before May 13, 2024, thus satisfying the requirements of Bankruptcy Rule 2002(a)(7) that such notice be published at least twenty-one (21) days before the General Bar Date.

20. The proposed Publication Notice includes a telephone number that creditors may call to obtain copies of the proof of claim form, the URL for a website at which creditors may obtain a copy of the proof of claim form, and information concerning the procedures and appropriate deadlines for filing a proof of claim form.

Basis For Relief

I. Ample Authority Exists to Approve the Bar Dates and the Proposed Procedures for Filing Proofs of Claim

21. Bankruptcy Rule 3003(c)(3) generally governs the filing of proofs of claim in a chapter 11 case and provides, in relevant part, that “[t]he court shall fix and for cause shown may

extend the time within which proofs of claim or interest may be filed.”² Although Bankruptcy Rule 2002(a)(7) generally provides that all parties in interest must receive twenty-one (21) days’ notice of the time fixed for filing proofs of claim pursuant to Bankruptcy Rule 3003(c), neither the Bankruptcy Code, the Bankruptcy Rules, nor the Bankruptcy Local Rules specify a time by which proofs of claim must be filed in chapter 11 cases (other than section 502(b)(9) of the Bankruptcy Code relating to governmental units).

22. It is well-recognized that a claims bar date plays an essential role in the twin goals of bankruptcy—preserving a debtor’s assets and maximizing property available to satisfy creditors.³ A claims bar date allows the debtor and parties in interest to expeditiously determine and evaluate the liabilities of the estate. The absence of such a deadline, in contrast, would prolong creditor uncertainty, increase the costs and expenses incurred by a debtor in connection with the claims reconciliation process, and delay or even derail the claims process, thus undercutting one of the principal purposes of bankruptcy law—“secur[ing] within a limited period the prompt and effectual administration and settlement of the debtor’s estate.”⁴

23. The Debtors’ procedures, described herein, provide creditors with notice and opportunity and a clear process for filing their claims, all while achieving administrative and judicial efficiency. Indeed, the proposed procedures will provide comprehensive notice and clear instructions to creditors, on the one hand, and allow these chapter 11 cases to move forward quickly with a minimum of administrative expense and delay, on the other hand. Accordingly, they should be approved.

² Fed. R. Bankr. P. 3003(c)(3).

³ See, e.g., *Bank of Am. Nat. Tr. & Sav. Ass’n v. 203 N. LaSalle St. P’ship*, 526 U.S. 434, 453 (1999).

⁴ See *Chemetron Corp. v. Jones*, 72 F.3d 341, 346 (3d Cir. 1995).

II. The Proposed Notice Procedures Are Reasonable and Appropriate

24. Bankruptcy Rule 2002(a)(7) requires that the Debtors provide claimants at least 21 days' notice by mail of the Bar Dates pursuant to Bankruptcy Rule 3003(c). Additionally, Bankruptcy Rule 2002(l) provides that the Court may order notice by publication if it finds that notice by mail is impractical or it is desirable to supplement other notice. Bankruptcy Rule 9008 also provides that the Court shall determine the form and manner of publication notice, the newspapers used, and the frequency of publication.

25. In conjunction with setting deadlines to file proofs of claim, the Debtors must give appropriate notice to interested parties. The Debtors propose to mail the Bar Date Notice to their known creditors and to rely on publication to give notice to their unknown creditors. This procedure is consistent with applicable case law and practice in this district.⁵ To determine the adequacy of notice given to a creditor, bankruptcy law distinguishes between “known” and “unknown” creditors.⁶ As the Third Circuit explained in *Chemetron*, “[k]nown creditors must be provided with actual written notice of a debtor’s bankruptcy filing and bar claims date. For unknown creditors, notification by publication will generally suffice.”⁷ A “known” creditor is one whose identity is either known or is “reasonably ascertainable by the debtor.”⁸ An “unknown” creditor is one whose “interests are either conjectural or future or, although they could be discovered upon investigation, do not in due course of business come to knowledge [of the debtor].”⁹

⁵ See, e.g., *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 317 (1950); see also *Chemetron*, 72 F.3d at 346 (3d Cir. 1995).

⁶ *Chemetron*, 72 F.3d at 346.

⁷ *Id.* (citations omitted).

⁸ *Id.* (citing *Tulsa Prof'l Collection Servs., Inc. v. Pope*, 485 U.S. 478, 490 (1988)).

⁹ *Id.* (citing *Mullane*, 339 U.S. at 317).

26. Where a creditor is known to the debtor, due process requires that the debtor must take reasonable steps, such as direct mailing, to provide actual notice of the deadline for filing proofs of claim. A creditor's identity is "reasonably ascertainable" if that creditor can be identified through "reasonably diligent efforts."¹⁰ But this does not require the debtor to engage in "impracticable and extended searches . . . in the name of due process."¹¹ Rather, the required search is limited to a debtor's "books and records."¹²

27. The Debtors submit that the relief requested herein provides for clear notice of the General Bar Date in satisfaction of the requirements of the Bankruptcy Rules and consistent with the underlying policies of the Bankruptcy Code and applicable case law. Specifically, to the extent the General Bar Date is established as **June 3, 2024 at 4:00 p.m. (prevailing Eastern Time)**, the Debtors intend to: (a) mail the Bar Date Notice to known holders of claims on or before three (3) business days after the date the Court enters the Bar Date Order; and (b) provide Publication Notice by a date that is at least twenty-one (21) days before the General Bar Date. Thus, if the Bar Date Order is entered by May 8, 2024, and the General Bar Date is established consistent with the relief requested, all known holders of claims will have approximately twenty-six (26) days of mailed notice. The Debtors will also publish the Publication Notice as soon as practicable after approval of this Motion, but no later than May 13, 2024, providing unknown or unreachable holders of Claims at least twenty-one (21) days of constructive notice of the Bar Date for filing their proofs of claim, thereby satisfying Bankruptcy Rule 2002(a)(7). Finally, because the Debtors intend to file their Schedules on or before May 13, 2024, known holders of claims will have ample

¹⁰ *Menonite Bd. of Missions v. Adams*, 462 U.S. 791, 798 n.4 (1983).

¹¹ *See Mullane*, 339 U.S. at 317–18.

¹² *See, e.g., Chemetron*, 72 F.3d at 347.

opportunity to review the Schedules, reconcile the information contained therein with their own books and records, and prepare and file proofs of claim, if necessary.

28. Accordingly, for all the foregoing reasons, the Debtors respectfully submit that the proposed Bar Dates and the form and manner of providing notice thereof are appropriate in light of the circumstances, inure to the benefit of all parties in interest and should be approved.

Notice

29. Notice of this Motion will be provided by email, facsimile, or overnight courier to: (a) the U.S. Trustee; (b) the holders of the thirty (30) largest unsecured claims against the Debtors; (c) the DIP Secured Parties; (d) the United States Attorney's Office for the District of Delaware; (e) the Internal Revenue Service; (f) the state attorneys general for states in which the Debtors conduct business; and (g) any party that has requested notice pursuant to Bankruptcy Rule 2002. The Debtors submit that, in light of the nature of the relief requested, no other or further notice need be given.

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WHEREFORE, the Debtors request that the Court enter the Bar Date Order, substantially in the form attached hereto as **Exhibit A**, granting the relief requested herein and granting such other relief as the Court deems appropriate under the circumstances.

Dated: April 24, 2024
Wilmington, Delaware

/s/ Jared W. Kochenash

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Proposed Counsel for the Debtors and Debtors in Possession

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

ICON AIRCRAFT, INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 24-10703 (CTG)

(Jointly Administered)

Hearing Date: May 8, 2024 at 10:00 a.m. (ET)

Objection Deadline: May 1, 2024 at 4:00 p.m. (ET)

NOTICE OF MOTION

PLEASE TAKE NOTICE that the above-captioned debtors and debtors in possession (together, the “Debtors”) filed the attached *Debtors’ Motion for Entry of an Order (I) Setting Bar Dates for Filing Proofs of Claim; (II) Approving Notice of Bar Dates; and (III) Granting Related Relief* (the “Motion”) with the United States Bankruptcy Court for the District of Delaware (the “Court”).

PLEASE TAKE FURTHER NOTICE that any objections to the Motion must be filed on or before **May 1, 2024 at 4:00 p.m. (ET)** (the “Objection Deadline”) with the United States Bankruptcy Court for the District of Delaware, 824 North Market Street, 3rd Floor, Wilmington, Delaware 19801. At the same time, you must serve a copy of the objection upon the undersigned counsel to the Debtors so as to be received on or before the Objection Deadline.

PLEASE TAKE FURTHER NOTICE THAT A HEARING TO CONSIDER THE MOTION WILL BE HELD ON MAY 8, 2024 AT 10:00 A.M. (ET) BEFORE THE HONORABLE CRAIG T. GOLDBLATT, UNITED STATES BANKRUPTCY COURT JUDGE FOR THE DISTRICT OF DELAWARE, 824 N. MARKET STREET, 3RD FLOOR, COURTROOM NO. 7, WILMINGTON, DELAWARE 19801.

PLEASE TAKE FURTHER NOTICE THAT, IF YOU FAIL TO RESPOND IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY GRANT THE RELIEF REQUESTED IN THE MOTION WITHOUT FURTHER NOTICE OR A HEARING.

¹ The Debtors in these chapter 11 cases, together with the last four digits of each Debtor’s federal tax identification number, are: ICON Aircraft, Inc. (7443); Rycon LLC (5297); IC Technologies Inc. (7918); and ICON Flying Club, LLC (6101). The Debtors’ service address is 2141 ICON Way, Vacaville, CA 95688.

Dated: April 24, 2024
Wilmington, Delaware

/s/ Jared W. Kochenash

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Proposed Counsel for the Debtors and Debtors in Possession

Exhibit A

Proposed Bar Date Order

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

ICON AIRCRAFT, INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 24-10703 (CTG)

(Jointly Administered)

Ref. Docket No. ____

**ORDER (I) SETTING BAR DATES
FOR FILING PROOFS OF CLAIM; (II) APPROVING
NOTICE OF BAR DATES, AND (III) GRANTING RELATED RELIEF**

Upon consideration of the motion (“Motion”)² of the above-captioned debtors and debtors in possession (collectively, the “Debtors”), for entry of an order: (a) setting bar dates for the filing of proofs of claim; (b) approving the notice of bar dates; and (c) granting related relief, each as more fully set forth in the Motion; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012; and this matter being a core proceeding within the meaning of 28 U.S.C. § 157(b)(2); and the Court being able to issue a final order consistent with Article III of the United States Constitution; and venue of this proceeding and the Motion in this district being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and appropriate notice of and opportunity for hearing on the Motion having been given; and the relief requested in the Motion being in the best interests of the Debtors’ estates, their creditors, and other

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² Capitalized terms used but not otherwise defined herein shall have the respective meanings ascribed to them in the Application.

parties in interest; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor

IT IS HEREBY ORDERED THAT:

1. The Motion is granted as set forth herein.
2. Except as otherwise provided below, each person or entity that asserts a claim against the Debtors that arose (or is deemed to have arisen) before the Petition Date, including all priority claims, shall be required to file an original, written proof of claim, substantially in the form of Official Form 410, so that such proof of claim form is **actually received** on or before **June 3, 2024 at 4:00 p.m. (prevailing Eastern Time)** at the addresses and in the form set forth in the Motion.
3. All governmental units holding claims (whether secured, unsecured priority, or unsecured non-priority) that arose (or is deemed to have arisen) before the Petition Date must file proofs of claim, including claims for unpaid taxes, if any, whether such claims arise from prepetition tax years or periods, or prepetition transactions to which the Debtors were a party, so that they are **actually received** on or before **October 1, 2024 at 4:00 p.m. (prevailing Eastern Time)** at the addresses and in the form set forth in the Motion.
4. In the event that the Debtors amend or supplement their Schedules after having given notice of the Bar Dates, holders of claims affected thereby must file proofs of claim with respect to such claims so that they are actually received on or before the later of: (a) the General Bar Date or the Governmental Bar Date, as applicable to such claims; and (b) 4:00 p.m. (prevailing Eastern Time) on the date that is twenty-one (21) days from the date on which the Debtors provide notice of the amendment or supplement to the Schedules. Notice of the Amended Schedules Bar

Date shall be sent to each claimant holding a claim affected by any such amendment or supplement and shall describe the listing and treatment of such claim on the Schedules, including how such treatment has changed, if applicable, and indicate the Amended Schedules Bar Date for such claim.

5. All proofs of claim must be **actually received** by Stretto, Inc. (“Stretto”), the notice and claims agent retained in these chapter 11 cases, on or before the applicable Bar Date. If proofs of claim are not received by Stretto on or before the applicable Bar Date, the holders of the underlying claims shall be barred from asserting such claims against the Debtors and precluded from voting on any chapter 11 plans filed in these chapter 11 cases and/or receiving distributions from the Debtors on account of such claims in these chapter 11 cases.

6. The procedures for filing the proof of claim form, as set forth in the Motion, are approved.

7. The procedures for providing notice of the Bar Dates, including the Bar Date Notice attached as **Exhibit 1** hereto and the Publication Notice attached as **Exhibit 2** hereto, are approved.

8. The Debtors are authorized, in their discretion, to extend the applicable Bar Date for certain holders of claims by stipulation where the Debtors determine that such extension is in the best interest of their estates.

9. The Debtors shall serve notice of the Bar Dates to their known creditors, and such mailing shall be made to the last known mailing address for each such creditor.

10. After the initial service of the Bar Date Notice, the Debtors may, in their sole discretion, make supplemental mailings of notices, including in the event that: (a) notices are returned by the post office with forwarding addresses; (b) certain parties acting on behalf of parties in interest decline to pass along notices to these parties and instead return their names and addresses to the Debtors for direct mailing; and (c) additional potential claimants become known as the result

of the Bar Date mailing process. Debtors shall not be required to mail additional notices to any entity or party, for which any notice is returned to the Debtors as “return to sender” without a forwarding address.

11. The Bar Date Notice, the Publication Notice, and any supplemental notices that the Debtors may send from time to time as set forth in this Order constitute adequate and sufficient notice of each of the respective Bar Dates and satisfies the requirements of the Bankruptcy Code, the Bankruptcy Rules, and the Bankruptcy Local Rules.

12. The Debtors are authorized and empowered to take all actions necessary to implement the relief granted in this Order.

13. The Court retains jurisdiction with respect to all matters arising from or relating to the implementation, interpretation, and enforcement of this Order.

Exhibit 1

Bar Date Notice

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

ICON AIRCRAFT, INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 24-10703 (CTG)

(Jointly Administered)

Ref. Docket No. ____

**NOTICE OF (I) DATE BY WHICH PARTIES MUST FILE PROOFS OF CLAIM; AND
(II) PROCEDURES FOR FILING PROOFS OF CLAIM AGAINST THE DEBTORS**

PLEASE TAKE NOTICE that the above-captioned debtors and debtors in possession (collectively, the “Debtors”) filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (the “Bankruptcy Code”) in the United States Bankruptcy Court for the District of Delaware (the “Court”) on April 4, 2024 (the “Petition Date”).

PLEASE TAKE FURTHER NOTICE that on April 24, 2024, the Debtor filed the *Debtors’ Motion for Entry of an Order (I) Setting Bar Dates for Filing Proofs of Claim; (II) Approving Notice of Bar Dates; and (III) Granting Related Relief* [Docket No. [●]] (the “Bar Date Motion”) with the Court. On May [●], 2024, the Court entered an order approving the Bar Date Motion [Docket No. [●]] (the “Bar Date Order”) and establishing certain dates (each, a “Bar Date,” and collectively, the “Bar Dates”) by which parties holding claims against the Debtors arising prior to the Petition Date must file proofs of claim. Each date is expressly set forth below.

YOU ARE RECEIVING THIS NOTICE BECAUSE YOU MAY BE HOLDING A CLAIM AGAINST THE DEBTORS IN THE ABOVE-CAPTIONED CHAPTER 11 CASES. THEREFORE, YOU SHOULD READ THIS NOTICE CAREFULLY AND DISCUSS IT WITH YOUR ATTORNEY. IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.

¹ The Debtors in these chapter 11 cases, together with the last four digits of each Debtor’s federal tax identification number, are: Icon Aircraft, Inc. (7443); Rycon LLC (7918); IC Technologies Inc. (5297); and ICON Flying Club, LLC (6101). The Debtors’ service address is 2141 ICON Way, Vacaville, CA 95688.

Background to the Debtors’ Chapter 11 Cases

- A. **General Information About the Debtors’ Cases.** The Debtors’ cases are being jointly administered under case number 24-10703 (CTG). No request for the appointment of a trustee or examiner has been made in these chapter 11 cases (these “Chapter 11 Cases”).
- B. **Access to Proof of Claim Forms and Additional Information.** If you have any questions regarding the claims processing and/or if you wish to obtain a copy of the Bar Date Motion, Bar Date Order, proof of claim form, or related documents (and/or any other pleadings filed in these chapter 11 cases) you may do so by: (i) visiting the website of the Debtors’ notice and claims agent, Stretto, Inc. (“Stretto”) at: www.cases.stretto.com/iconaircraft, (ii) calling Stretto at (866) 993-1870 (Toll-Free) or (949) 892-1896 (International), and/or (iii) writing via hardcopy to: Icon Aircraft, Inc. Claims Processing Center, c/o Stretto, Inc., 410 Exchange, Suite 100, Irvine, California 92602. Please note that Stretto **cannot** advise you on how to file, or whether you should file, a proof of claim.
- C. **Schedules of Assets and Liabilities.** The Debtors anticipate filing their statement of financial affairs and schedules of assets and liabilities (collectively, the “Schedules”) on or before May 13, 2023, with the Court. The Debtors’ Schedules may be examined and inspected by interested parties during regular business hours at the Clerk of the Bankruptcy Court, United States Bankruptcy Court, District of Delaware, 824 North Market Street, Wilmington, Delaware 19801. The Schedules are also available online and free of charge at www.cases.stretto.com/iconaircraft.

Bar Dates Approved by the Court

The Court has established the following Bar Dates as those dates by which parties holding claims against the Debtors arising prior to the Petition Date must file proofs of claims so that they are **actually received** by Stretto:

General Bar Date: **June 3, 2024 at 4:00 p.m. (prevailing Eastern Time)** is the date by which all entities (which includes individual persons, estates, trusts, partnerships, and corporations, among others) must file proofs of claims.

Governmental Bar Date: **October 1, 2024 at 4:00 p.m. (prevailing Eastern Time)** is the date by which all governmental units holding claims (whether secured, unsecured priority, or unsecured non-priority) must file proofs of claim, including claims for unpaid taxes, if any, whether such claims arise from prepetition tax years or periods, or prepetition transactions to which the Debtors were a party.

Amended Schedules Bar Date: To the extent applicable, the later of (i) the General Bar Date or the Governmental Bar Date, as applicable, and (ii) twenty one (21) days from the date on which

the Debtors provide notice of an amendment to the Schedules is the date by which holders of claims affected thereby must file proofs of claims.

Parties Required to File Claim Forms

- A. Definition of Claim.** Under section 101(5) of the Bankruptcy Code and as used herein, the word “claim” means: (i) 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 (ii) 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.
- B. Parties Who Must File Claim Forms.** Except as otherwise set forth herein, any person or entity that holds claims against the Debtors that arose (or is deemed to have arisen) before the Petition Date must file a proof of claim on or before the applicable Bar Date.
- C. Parties Who Do Not Need to File Claim Forms.** Certain parties are not required to file a proof of claim. The Court may, however, enter one or more separate orders at a later time requiring holders of claims to file proofs of claim and setting related deadlines. If the Court does not enter such an order, you will receive notice of it.

The following persons or entities holding claims that would otherwise be subject to the applicable Bar Date need **not** file proofs of claim:

- a. any person or entity whose claim is listed on the Schedules if: (i) the claim is ***not*** scheduled as any of “disputed,” “contingent,” or “unliquidated;” and (ii) such person or entity agrees with the amount, nature, and priority of the claim as set forth in the Schedules;
- b. any person or entity whose claim has previously been allowed by order of the Court;
- c. any person or entity whose claim has been paid in full by the Debtors pursuant to the Bankruptcy Code or in accordance with an order of the Court;
- d. a current employee of the Debtors, if an order of this Court authorized the Debtors to honor such claim in the ordinary course of business as a wage, commission, or benefit; *provided* that current employees must submit a proof of claim by the General Bar Date for all other claims arising before the Petition Date;
- e. any person or entity holding a claim for which a separate deadline is fixed by the Court;

- f. holders of claims for fees and expenses of professionals retained in these chapter 11 cases; and
- g. FeiRen International Co., Ltd., solely with respect to its claim as DIP Lender and DIP Agent (each as defined in the *Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing Postpetition Financing; (II) Granting Liens and Providing Superpriority Administrative Expense Claims; (III) Modifying the Automatic Stay; (IV) Scheduling a Final Hearing; and (V) Granting Related Relief* [Docket No. 13]).

Instructions for Filing Claim Forms

- A. Contents of Claim Forms.** Each proof of claim form must (i) be written in English; (ii) include a claim amount denominated in United States dollars (and to the extent such claim is converted to United States dollars, the conversion rate used in such conversion); (iii) conform substantially to Official Form 410; and (iv) be signed by the holder of the claim or by an authorized agent of the holder of the claim (along with documentation of such authorization).
- B. Original Signatures Required.** Only (i) original proof of claim forms or (ii) proof of claim forms submitted using the electronic filing interface available at www.stretto.com/iconaircraft will be deemed acceptable for purposes of claims administration. Proof of claim forms sent by facsimile or electronic mail will **not** be accepted.
- C. Supporting Documentation.** Each proof of claim form must include supporting documentation in accordance with Bankruptcy Rules 3001(c) and 3001(d).
- D. Timely Service.** Each proof of claim form, including supporting documentation, must be filed (i) via the electronic filing interface available at www.cases.stretto.com/iconaircraft or (ii) by United States mail or other hand delivery system, so as to be **actually received** by Stretto on or before the applicable Bar Date at the following address: Icon Aircraft, Inc. Claims Processing Center, c/o Stretto, Inc., 410 Exchange, Suite 100, Irvine, California 92602. **Proof of claim forms submitted by facsimile or electronic mail will not be accepted.**
- E. Receipt of Service.** Claimants wishing to receive acknowledgment that their proof of claim forms were received by Stretto must submit (i) a copy of the proof of claim form; and (ii) a self-addressed, stamped envelope.

Consequences of Failing to Timely File Your Claim Form

Pursuant to the Bar Date Order and in accordance with Bankruptcy Rule 3003(c)(2), if you or any party or entity who is required, but fails, to file a proof of claim in accordance with the Bar Date Order on or before the applicable Bar Date, please be advised that (absent the consent of the Debtors, in their sole discretion):

- **YOU WILL BE FOREVER BARRED, ESTOPPED, AND ENJOINED FROM ASSERTING SUCH CLAIM AGAINST THE DEBTORS (OR FILING A PROOF OF CLAIM WITH RESPECT THERETO);**
- **YOU WILL NOT RECEIVE ANY DISTRIBUTION IN THESE CHAPTER 11 CASES ON ACCOUNT OF THAT CLAIM; AND**
- **YOU WILL NOT BE PERMITTED TO VOTE ON ANY CHAPTER 11 PLAN OR PLANS FOR THE DEBTORS ON ACCOUNT OF THAT CLAIM OR RECEIVE FURTHER NOTICES REGARDING SUCH CLAIM.**

Amendments to the Debtors' Schedules

- A. **Amendments to Schedules.** In the event that the Debtors amend their Schedules after the date of this notice, the Debtors will provide holders of claims that are affected by any such amendment notice of the amendment, and such parties will be given an opportunity to file proofs of claim before a new deadline that will be specified in that future notice.
- B. **Amended Schedules Bar Date.** The Court has approved the later of (i) the General Bar Date or the Governmental Bar Date, as applicable, and (ii) twenty one (21) days from the date on which the Debtors provide notice of the amendment to the Schedules as the date by which holders of claims affected by the amendment must file proofs of claim with respect to such claims.

Reservation of Rights

Nothing contained in this notice is intended to or should be construed as a waiver of the Debtors' rights 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; or (c) otherwise amend or supplement the Schedules.

Dated: April [●], 2024
Wilmington, Delaware

/s/ Draft

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Proposed Counsel to the Debtors and Debtors in Possession

Exhibit 2

Publication Notice

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

ICON AIRCRAFT, INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 24-10703 (CTG)

(Jointly Administered)

**NOTICE OF (I) DATE BY WHICH PARTIES MUST FILE PROOFS OF CLAIM; AND
(II) PROCEDURES FOR FILING PROOFS OF CLAIM AGAINST THE DEBTORS**

PLEASE TAKE NOTICE that the above-captioned debtors and debtors in possession (collectively, the “Debtors”) filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (the “Bankruptcy Code”) in the United States Bankruptcy Court for the District of Delaware (the “Court”) on April 4, 2024 (the “Petition Date”).

PLEASE TAKE FURTHER NOTICE that the Court has established the following Bar Dates as those dates by which parties holding claims against the Debtors arising prior to the Petition Date must file proofs of claim: (a) **June 3, 2024 at 4:00 p.m. (prevailing Eastern Time)** is the date by which all entities (which includes individual persons, estates, trusts, partnerships, and corporations, among others) must file proofs of claim (the “General Bar Date”); (b) **October 1, 2024 at 4:00 p.m. (prevailing Eastern Time)** is the date by which all governmental units holding claims (whether secured, unsecured priority, or unsecured non-priority) must file proofs of claim, including claims for unpaid taxes, if any, whether such claims arise from prepetition tax years or periods, or prepetition transactions to which the Debtors were a party (the “Governmental Bar Date”); and (c) to the extent applicable, the later of (i) the General Bar Date or the Governmental Bar Date, as applicable, and (ii) twenty one (21) days from the date on which the Debtors provide notice of an amendment to the Schedules is the date by which holders of claims affected thereby must file proofs of claim.

PLEASE TAKE FURTHER NOTICE that each proof of claim form, including supporting documentation, must be filed: (a) via the electronic filing interface available at www.cases.stretto.com/iconaircraft; or (b) by United States mail or other hand delivery system, so as to be **actually received** by Stretto on or before the applicable Bar Date at the following address: Icon Aircraft, Inc. Claims Processing Center, c/o Stretto, Inc. 410 Exchange, Suite 100, Irvine, California 92602. **Proof of claim forms submitted by facsimile or electronic mail will not be accepted.**

¹ The Debtors in these chapter 11 cases, together with the last four digits of each Debtor’s federal tax identification number, are: Icon Aircraft, Inc. (7443); Rycon LLC (7918); IC Technologies Inc. (5297); and ICON Flying Club, LLC (6101). The Debtors’ service address is 2141 ICON Way, Vacaville, CA 95688.

PLEASE TAKE FURTHER NOTICE that failure to file a proof of claim in accordance with the above will result in your claim being **forever barred, estopped, and enjoined and you shall receive no distribution in these chapter 11 cases on account of that claim or be entitled to vote on the chapter 11 plan.**