

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:)	
)	Chapter 11
SUNGARD AS NEW HOLDINGS, LLC, <i>et al.</i> , ¹)	Case No. 22-90018 (DRJ)
Debtors.)	(Jointly Administered)
)	
)	

**NOTICE OF DEADLINES FOR THE FILING OF
PROOFS OF CLAIM, INCLUDING REQUESTS FOR PAYMENT
PURSUANT TO SECTION 503(b)(9) OF THE BANKRUPTCY CODE**

**TO: ALL PERSONS AND ENTITIES WHO MAY HAVE CLAIMS AGAINST ANY OF
THE FOLLOWING DEBTOR ENTITIES:**

DEBTOR	CASE NO.
SUNGARD AVAILABILITY SERVICES, LP	22-90017
SUNGARD AS NEW HOLDINGS, LLC	22-90018
SUNGARD AVAILABILITY SERVICES (CANADA) LTD./SUNGARD SERVICES DE CONTINUITE DES AFFAIRES (CANADA) LTEE	22-90019
SUNGARD AVAILABILITY SERVICES HOLDINGS (CANADA), INC.	22-90020
INFLOW LLC	22-90021
SUNGARD AS NEW HOLDINGS III, LLC	22-90022
SUNGARD AVAILABILITY NETWORK SOLUTIONS INC.	22-90023
SUNGARD AS NEW HOLDINGS II, LLC	22-90024
SUNGARD AVAILABILITY SERVICES HOLDINGS (EUROPE), INC.	22-90025
SUNGARD AVAILABILITY SERVICES HOLDINGS, LLC	22-90026
SUNGARD AVAILABILITY SERVICES TECHNOLOGY, LLC	22-90027
SUNGARD AVAILABILITY SERVICES, LTD.	22-90028

¹ The Debtors in these chapter 11 cases, along with the last four digits of the Debtors' tax identification numbers, are: InFlow LLC (9489); Sungard AS New Holdings, LLC (5907); Sungard AS New Holdings II, LLC (9169); Sungard AS New Holdings III, LLC (3503); Sungard Availability Network Solutions Inc. (1034); Sungard Availability Services (Canada) Ltd./Sungard, Services de Continuite des Affaires (Canada) Ltee (3886); Sungard Availability Services Holdings (Canada), Inc. (2679); Sungard Availability Services Holdings (Europe), Inc. (2190); Sungard Availability Services Holdings, LLC (6403); Sungard Availability Services Technology, LLC (9118); Sungard Availability Services, LP (6195); and Sungard Availability Services, Ltd. (4711). The location of the Debtors' service address for purposes of these chapter 11 cases is: 565 E Swedesford Road, Suite 320, Wayne, PA 19087.

PLEASE TAKE NOTICE THAT:

On April 11, 2022 (the “Petition Date”), Sungard AS New Holdings, LLC and certain of its affiliates and subsidiaries, as debtors and debtors in possession (collectively, the “Debtors”) in the above-captioned cases filed voluntary petitions for relief under chapter 11 of title 11 the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for Southern District of Texas (the “Court”).

On May 11, 2022, the Court entered an order [Docket No. 218] the (“Bar Date Order”)² establishing certain dates by which parties holding prepetition claims against the Debtors must file proofs of claim, including requests for payment pursuant to section 503(b)(9) of the Bankruptcy Code (“Proofs of Claim”). **For the avoidance of doubt, there is no separate claims process for creditors of Sungard Availability Services (Canada) Ltd./Sungard, Services de Continuite des Affaires (Canada) Ltee (“Sungard AS Canada”). Creditors of Sungard AS Canada, including any Canadian-based creditors, ARE NOT exempt from the Bar Date Order.**

As used in this notice (this “Notice”), the term “claim” means, as to or against the Debtors and in accordance with section 101(5) of the Bankruptcy Code: (a) 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 (b) 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.

I. THE BAR DATES

The Bar Date Order establishes the following bar dates for filing Proofs of Claim in these chapter 11 cases (the “Bar Dates”):

- a. **The General Bar Date.** Except as described below, all persons or entities holding claims against the Debtors that arose or are deemed to have arisen prior to the Petition Date, including claims arising under section 503(b)(9) of the Bankruptcy Code, are required to file Proofs of Claim so that they are **actually received by Wednesday, June 22, 2022**. Except as otherwise set forth below, the General Bar Date applies to all types of claims against the Debtors that arose prior to the Petition Date, including secured claims, unsecured priority claims, and unsecured non-priority claims.
- b. **The Governmental Bar Date.** All governmental units holding claims against the Debtors that arose or are deemed to have arisen prior to the Petition Date are required to file Proofs of Claim so that they are **actually received by October 10, 2022**. The Governmental Bar Date applies to all governmental units holding claims against the Debtors, including secured claims, unsecured priority claims, and unsecured non-priority claims, claims arising under section 503(b)(9) of the Bankruptcy Code, and claims

² Capitalized terms used but not defined herein have the meanings ascribed to them in the Bar Date Order.

for unpaid taxes arising from prepetition tax years or periods or prepetition transactions.

- c. **The Amended Schedules Bar Date.** All persons or entities asserting claims against the Debtors' whose claims are affected by an amendment or supplement to the Debtors' schedules of assets and liabilities filed in these cases (the "Schedules") are required to file Proofs of Claim so that they are **actually received by the later of (i) the General Bar Date or Governmental Bar Date, as applicable, and (ii) on the date that is thirty (30) days after the date on which the Debtors provide notice of such amendment or supplement.**
- d. **The Rejection Damages Bar Date.** All persons or entities asserting claims against the Debtors' arising from the Debtors' rejection of an executory contract or unexpired lease are required to file Proofs of Claim so that they are **actually received by the later of (i) the General Bar Date or Governmental Bar Date, as applicable, and (ii) the date that is thirty (30) days following service of an order approving the rejection of such executory contract or unexpired lease; and (iii) any such other date that the Court may fix in the applicable order approving such rejection.**

II. WHO MUST FILE A PROOF OF CLAIM

Except as otherwise set forth herein, the following persons or entities holding claims against the Debtors that arose (or that are deemed to have arisen) prior to the Petition Date *must* file Proofs of Claim on or before the applicable Bar Date:

- a. any person or entity whose claim against a Debtor is not listed in the applicable Debtor's Schedules or whose claim is listed as contingent, unliquidated, or disputed, if such person or entity desires to participate in the Chapter 11 Cases or otherwise wishes to share in any distribution arising from the Chapter 11 Cases;
- b. any person or entity that believes its claim is improperly classified in the Schedules or listed for an incorrect amount and desires to have its claim allowed under a classification or in an amount different than set forth in the Schedules;
- c. any former or present full-time, part-time, salaried, or hourly employee asserting a claim based on a grievance against any Debtor to the extent the grounds for such grievance arose on or prior to the Petition Date;
- d. any person or entity that believes its claim is listed in the wrong Debtor's Schedule and desires to have its claim allowed against a Debtor whose Schedule does not list such entity's claim; and

- e. any person or entity alleging that its claim is or may qualify as an administrative expense pursuant to section 503(b)(9) of the Bankruptcy Code.

III. PARTIES WHO DO NOT NEED TO FILE A PROOF OF CLAIM

Certain parties are not required to file Proofs of Claim. The Court may, however, enter one or more separate orders at a later time requiring creditors to file Proofs of Claim for some kinds of the following claims and setting related deadlines. If the Court does enter such an order, you will receive notice of it. The following entities holding claims that would otherwise be subject to the Bar Dates need **not** file Proofs of Claims:

- a. the U.S. Trustee, on account of claims for fees payable pursuant to 28 U.S.C. § 1930;
- b. any person or entity that has already filed a signed Proof of Claim against the respective Debtor(s) with the Clerk of the Court or with Kroll in a form substantially similar to Official Form 410;
- c. any person or entity whose claim is listed on the Schedules and: (i) is **not** listed in the Schedules as “disputed,” “contingent,” or “unliquidated;” (ii) such person or entity agrees with the amount, nature, and priority of the claim as set forth in the Schedules; and (iii) such person or entity does not dispute the claim is an obligation of the specific Debtor whose Schedules list such claim;
- d. any person or entity whose claim has previously been allowed by a final order of the Court;
- e. any Debtor holding a claim against another Debtor;
- f. any person or entity whose claim is solely against any of the Debtors’ non-Debtor affiliates;
- g. any person or entity whose claim has been paid in full by the Debtors pursuant to the Bankruptcy Code or in accordance with a Court order;
- h. a current employee of the Debtors whose claim is for a wage, commission, or benefit that the Court has authorized, by entry of an order, the Debtors to pay in the ordinary course of business; *provided*, that a current employee must submit a Proof of Claim by the applicable Bar Date for all other claims arising prior to the Petition Date, including claims for wrongful termination, discrimination, harassment, hostile work environment, or retaliation;
- i. any current officer, manager, director, or employee for claims based on indemnification, contribution, or reimbursement;

- j. any person or entity holding a claim for which a separate deadline is fixed by this Court;
- k. any person or entity holding a claim allowable under sections 503(b) and 507(a)(2) of the Bankruptcy Code as an administrative expense; *provided* that any entity asserting a claim entitled to priority under section 503(b)(9) of the Bankruptcy Code must file a Proof of Claim based on such claim by the General Bar Date;
- l. 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 granting the Debtors' motion to approve debtor-in-possession financing and use of cash collateral; and
- m. any person or entity holding an equity interest in any Debtor.

IV. INSTRUCTIONS FOR FILING PROOFS OF CLAIM

The following requirements shall apply with respect to filing and preparing each Proof of Claim:

- a. **Contents.** Each Proof of Claim must: (i) be written in English; (ii) include a claim amount denominated in United States dollars; (iii) conform substantially with the Proof of Claim Form provided by the Debtors or Official Form 410; and (iv) be signed by the claimant or by an authorized agent or legal representative on behalf of the claimant.
- b. **Section 503(b)(9) Claim.** Any Proof of Claim asserting a claim entitled to priority under section 503(b)(9) must also: (i) include the value of the goods received by the Debtors in the twenty (20) days prior to the Petition Date; (ii) attach any documentation identifying the particular invoices for which the 503(b)(9) claim is being asserted; and (iii) attach documentation of any reclamation demand made to the Debtors under section 546(c) of the Bankruptcy Code (if applicable).
- c. **Electronic Signatures Permitted.** Only **original** Proofs of Claim signed (including electronically) by the claimant or an authorized agent or legal representative of the claimant are acceptable for purposes of claims administration. Copies of Proofs of Claim, or Proofs of Claim sent by facsimile or electronic mail will not be accepted. Unless otherwise ordered and/or authorized by this Court, an original Proof of Claim filed with the original signature (including electronic) of a party other than the creditor who filed that claim must be retained and preserved by the filing party for a period of not less than 5 years after these Chapter 11 Cases are closed. The filing party must produce the original document to the Court or other third party upon request for their review as required by the Administrative Procedures for the Filing, Signing, and Verifying of Documents by Electronic Means in Texas Bankruptcy Courts.

- d. **Identification of the Debtor Entity.** Each Proof of Claim must clearly identify the Debtor against which a claim is asserted, including the individual Debtor's case number. A Proof of Claim filed without identifying a specific Debtor will be deemed as filed only against Sungard Availability Services, LP ("Sungard AS LP").
- e. **Claim Against Multiple Debtor Entities.** Each Proof of Claim must state a claim against **only one** clearly identified Debtor. If a Proof of Claim lists more than one Debtor it may be treated as filed only against Sungard AS LP. Notwithstanding anything to the contrary set forth in the Bar Date Order, the filing of a Proof of Claim by an administrative agent or indenture trustee in one of the Chapter 11 Cases will also be deemed to constitute the filing of a Proof of Claim in the cases of all other Debtors against whom a claim may be asserted under the applicable credit agreement, indenture, or other operative documents.
- f. **Supporting Documentation.** Each Proof of Claim must include supporting documentation in accordance with Bankruptcy Rules 3001(c) and (d). If, however, such documentation is voluminous, such Proof of Claim may include a summary of such documentation or an explanation as to why such documentation is not available; *provided*, that (i) the Proof of Claim contain current contact information for the creditor or its designated representative from whom the Debtors may request the full supporting documentation and (ii) such party must produce those documents upon request by Debtors' counsel no later than ten (10) days from the date of such request.
- g. **Timely Service.** Each Proof of Claim must be filed, including supporting documentation, so as to be **actually received** by Kroll on or before the applicable Bar Date: (i) electronically via the interface through PACER (Public Access to Court Electronic Records at <http://ecf.txsb.uscourts.gov>) or the interface available on Kroll's website at <https://cases.ra.kroll.com/SungardAS/> or (ii) by first class U.S. mail, overnight U.S. mail, or other hand delivery method at the following address:

Sungard AS New Holdings, LLC Claims Processing Center
c/o Kroll Restructuring Administration LLC
850 3rd Avenue, Suite 412
Brooklyn, NY 11232
- h. **Receipt of Service.** Claimants wishing to receive proof of receipt of their Proofs of Claim submitted by U.S. mail must enclose (i) a copy of the Proof of Claim Form (in addition to the original Proof of Claim Form sent to Kroll) and (ii) a self-addressed, stamped envelope to Kroll.

V. CONSEQUENCES OF FAILING TO TIMELY FILE YOUR PROOF OF CLAIM

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:

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

VI. 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.

VII. THE DEBTORS' SCHEDULES AND ACCESS THERETO

You may be listed as the holder of a claim against one or more of the Debtor entities in the Debtors' Schedules, which will be filed by June 4, 2022, and available at <https://cases.ra.kroll.com/SungardAS/>.

If you rely on the Debtors' Schedules, it is your responsibility to determine that the claim is accurately listed in the Schedules. If you agree with the nature, amount, and status of your claim as listed in the Debtors' Schedules, and if you do not dispute that your claim is only against the Debtor entity specified by the Debtors, and if your claim is not described as "disputed," "contingent," or "unliquidated," you do **not** need to file a Proof of Claim. Otherwise, or if you decide to file a Proof of Claim, you must do so before the applicable Bar Date in accordance with the procedures set forth in this Notice.

VIII. ADDITIONAL INFORMATION

Copies of the Debtors' Schedules, the Bar Date Order, and other information regarding these chapter 11 cases are (or will be once filed) available for inspection free of charge on the Debtors' website at <https://cases.ra.kroll.com/SungardAS/>. The Schedules and other filings in these chapter 11 cases also are (or will be once filed) available for a fee at the Court's website at <https://ecf.txsb.uscourts.gov/>. A login identification and password to the Court's Public Access to Court Electronic Records ("PACER") are required to access this

information and can be obtained through the PACER Service Center at <https://pacer.login.uscourts.gov>. Copies of the Schedules and other documents filed in these cases also may be examined between the hours of 8:00 a.m. and 5:00 p.m. (prevailing Central Time), Monday through Friday, at the office of the Clerk of the Bankruptcy Court, United States Bankruptcy Court for the Southern District of Texas, United States Courthouse, 515 Rusk Avenue, Houston, Texas 77002.

If you require additional information regarding the filing of a Proof of Claim, you may contact the Debtors' claims and noticing agent, Kroll at (844) 224-1140 (Toll Free) or (646) 979-4408 (International).

HOLDERS OF POSSIBLE CLAIMS AGAINST THE DEBTORS SHOULD CONSULT AN ATTORNEY REGARDING ANY MATTERS NOT COVERED BY THIS NOTICE, SUCH AS WHETHER THE HOLDER SHOULD FILE A PROOF OF CLAIM