

DISTRICT COURT, DENVER COUNTY, COLORADO		DATE FILED: May 13, 2024 2:58 PM CASE NUMBER: 2024CV30763
Court Address: 1437 BANNOCK STREET, RM 256, DENVER, CO, 80202		
Plaintiff(s) ROSS BERMAN et al. v. Defendant(s) BELLROCK BRANDS INC et al.		<p style="text-align: center;">⚠ COURT USE ONLY ⚠</p> Case Number: 2024CV30763 Division: 466 Courtroom:
Order Granting Receiver's Motion to Establish Claims Administration Procedure and to Set Claims Bar Date		

The motion/proposed order attached hereto: GRANTED.

Issue Date: 5/13/2024



MARK T BAILEY
 District Court Judge

DISTRICT COURT, CITY AND COUNTY OF DENVER, STATE OF COLORADO 1437 Bannock Street Denver, Colorado 80202	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> Case Number: 2024CV30763 Division/Courtroom:
<p>Plaintiffs: ROSS BERMAN, JASON H. KARP, IMJ I LLC, a Delaware limited liability company, RACHEL FARBER REVOCABLE TRUST, STEPHEN FARBER REVOCABLE TRUST, AND RED CLOUD CAPITAL, LLC, a Connecticut limited liability company,</p> <p>v.</p> <p>Defendants: BELLROCK BRANDS INC., a British Columbia corporation, BRB DB HOLDINGS, INC., a Delaware corporation, BRB MARY'S HOLDINGS CORP., a Delaware corporation, DIXIE BRANDS (USA) INC., a Delaware corporation, MARY'S OPERATIONS, LLC, a Colorado limited liability company, MARY'S PETS, LLC, a Colorado limited liability company, MARY'S NUTRITIONALS, LLC, a Colorado limited liability company, DB FINANCE NEVADA, LLC, a Nevada limited liability company, and DB OKLAHOMA, LLC, a Colorado limited liability company.</p>	
ORDER GRANTING RECEIVER'S MOTION TO ESTABLISH CLAIMS ADMINISTRATION PROCEDURE AND TO SET CLAIMS BAR DATE	

This matter is before the Court on the Receiver's Motion to Establish Claims Administration Procedure and to Set Claims Bar Date (the "Motion") for the Receivership Estate of Bellrock Brands, Inc., BRB DB Holdings, Inc., BRB Mary's Holding Corp., Dixie Brands (USA) Inc., Mary's Operations, LLC, Mary's Pets, LLC, Mary's Nutritionals, LLC, DB Finance Nevada, LLC and DB Oklahoma, LLC (the "Receivership Defendants"). The Court has reviewed the Motion and the file. Good cause exists to establish a claims procedure and claims bar date. It is therefore

ORDERED that the Receiver's Motion is GRANTED and the procedures, claim form and notices attached to the Motion are APPROVED;

IT IS FURTHER ORDERED that all parties asserting claims against the Estate shall submit claims to the Receiver **within ninety (90) days from the date of this Order**; the Receiver shall promptly provide the Bar Date Notice and Proof of Claim Form to all known creditors and parties in interest as set forth in the Motion, but in any event, no later than twenty (20) business days from the date of this Order, and shall file a certificate of service reflecting the same;

IT IS FURTHER ORDERED that for any unknown claimant not receiving Notice of the claims bar date, the Receiver shall publish, within thirty (30) calendar days from the date of this Order, a notice of the Unknown Claimant Bar Date and the procedures for submitting proofs of claim on two days that are two weeks apart in local newspapers with a circulation where the Receivership Defendants did business, and shall file a certificate of service reflecting the same. Such claimant shall then have a period of forty-five (45) days from the date the Receiver publishes the notice of Unknown Claimant Bar Date within which to submit a claim to the Receiver in accordance with the procedures approved herein;

IT IS FURTHER ORDERED that the Receiver will promptly provide the notices to any claimant who makes a written request for such documents as to the Receiver's e-mail address or mailing address;

IT IS FURTHER ORDERED that all parties-in-interest, including the Receiver, shall have up to and until thirty (30) days from the Unknown Claimant Bar Date to file an Objection to the validity, extent, security, and priority of any claim;

IT IS FURTHER ORDERED that after the deadline for filing all Objections has expired, the Court will hold a short evidentiary hearing to rule on all Objections;

IT IS FURTHER ORDERED that the following additional procedures apply to any Proofs of Claim submitted in this matter:

- a. Each Proof of Claim must be signed by the Claimant or the authorized agent of the Claimant. The Claimant must attest under penalty of perjury that the information in the Proof of Claim is true and correct. Each Proof of Claim must be legible, written in English and denominated in United States currency.
- b. Each Claimant should attach to each Proof of Claim copies of all documents, including any electronic data, available to the Claimant that substantiate the Proof of Claim. If supporting documentation is not available, the Claimant must attach an explanation of why the documentation is unavailable.

- c. Each Proof of Claim must identify the Receivership Defendant to which the Claim relates. If the Claimant has a claim against more than one Receivership Defendant, the Claimant must file a separate Proof of Claim against each such Receivership Defendant.
- d. Any Claimant who is required to submit a Proof of Claim, but fails to do so in a timely manner or in the proper form, should be: (a) barred, estopped, and enjoined to the fullest extent allowed by applicable law from asserting, in any manner, such Claim against the Receiver, the Receivership Defendants and their respective estates or property, (b) not be permitted to object to any distribution plan proposed by the Receiver on account of such Claim, (c) be denied any distributions under any distribution plan implemented by the Receiver on account of such Claim, and (d) not receive any further notices on account of such Claim. Further, the Receivership Defendants will be discharged from any and all indebtedness or liability with respect to such Claim.
- e. Proofs of Claim may be submitted to the Receiver by hand delivery, by courier, by mail, facsimile or by e-mail, as an attachment in portable document format (.pdf). Proofs of Claim filed in any other manner, including with the Court, will not be considered properly submitted. Prior submissions by Claimants will not be treated as properly filed Claims; such Claimants must submit completed and signed Proof of Claim Forms to the Receiver on or before the applicable Bar Date. Each Proof of Claim submitted to the Receiver must conform substantially to and contain all of the information sought in the Proof of Claim Form approved by the Court.

Finally, IT IS FURTHER ORDERED that any claimant – as a condition of obtaining an allowed claim against the Estate – shall dismiss (without prejudice) any claim or cause of action pending against Receivership Defendants, or any of them, with the exception that Plaintiffs may, on good cause shown, request relief from the Court to pursue legal action against the Receivership Defendants. Failure to do shall result in a waiver of any right to participate in the Receivership claims administration process.

Dated: _____, 2024

BY THE COURT

DISTRICT COURT JUDGE