### Information to identify the case:

Debtor: American Apparel, LLC EIN: 20-3200601

**United States Bankruptcy Court District of Delaware** 

**Case Number: 16-12551 (BLS)** 

Official Form 309F (For Corporations or Partnerships)

## **Notice of Chapter 11 Bankruptcy Case**

12/15

For the debtor listed above, a case has been filed under chapter 11 of the Bankruptcy Code. An order for relief has been entered. This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read all pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor or the debtor's property. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property or otherwise try to collect from the debtor. Creditors cannot demand repayment from the debtors by mail, phone or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

Confirmation of a chapter 11 plan may result in a discharge of debt. A creditor who wants to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadline specified in this notice. (See line 11 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at <a href="www.pacer.gov">www.pacer.gov</a>).

The staff of the bankruptcy clerk's office cannot give legal advice.

Do not file this notice with any proof of claim or other filing in the case.

Valid Picture ID is required for access to the J. Caleb Boggs Federal Building. Additionally, the Debtors must also present photo ID plus original verification of his/her social security number to the Bankruptcy Trustee. If you do not have a photo ID and/or original verification of your social security number, please contact the Office of the United States Trustee's (302–573–6491).

1. Debtor's full name: See Chart Below

2. All other names used in the last 8 years: See Chart Below

#### **Jointly Administered Cases**

DEBTOR	ADDRESS	CASE NO.	EIN#
American Apparel, LLC	747 Warehouse Street,	16-12551 (BLS)	20-3200601
[American Apparel, Inc.	Los Angeles, California, 90021		
Endeavor Acquisition Corp.			
Viva Radio			
American Apparel]			
American Apparel (USA), LLC	747 Warehouse Street,	16-12552 (BLS)	26-2368940
[American Apparel	Los Angeles, California, 90021		
American Apparel, LLC			
AAI Acquisition, LLC			
American Apparel Manufacturing, Inc.			
American Apparel Group			
American Apparel Corporation]			
American Apparel Retail, Inc.	747 Warehouse Street,	16-12553 (BLS)	72-1577829
[American Apparel]	Los Angeles, California, 90021		

DEBTOR	ADDRESS	CASE NO.	EIN#
American Apparel Dyeing & Finishing,	747 Warehouse Street,	16-12554 (BLS)	41-2150324
Inc.	Los Angeles, California, 90021		
[American Apparel]			
KCL Knitting, LLC	747 Warehouse Street,	16-12555 (BLS)	95-4819518
[American Apparel]	Los Angeles, California, 90021		
Fresh Air Freight, Inc.	747 Warehouse Street,	16-12556 (BLS)	45-0533870
[American Apparel]	Los Angeles, California, 90021		

#### Address: See Chart Above

### Debtors' Attorneys

JONES DAY Erin N. Brady 555 South Flower Street, 50th Floor

Los Angeles, CA 90071 Telephone: (213) 489-3939 Facsimile: (213) 243-2539

Email:

enbrady@jonesday.com

JONES DAY Scott J. Greenberg Michael J. Cohen 250 Vesey Street New York, NY 10281

Telephone: (212) 326-3939 Facsimile: (212) 755-7306 Email:

sgreenberg@jonesday.co

m

mcohen@jonesday.com

PACHULSKI STANG ZIEHL & JONES LLP

Laura Davis Jones (DE Bar No. 2436) James E. O'Neill (DE Bar No. 4042) Joseph M. Mulvihill (DE Bar No. 6061)

919 N. Market Street, 17<sup>th</sup> Floor P.O. Box 8705

Wilmington, DE 19899-8705

(Courier 19801)

Telephone: (302) 652-4100 Facsimile: (302) 652-4400 Email: ljones@pszjlaw.com

joneill@pszjlaw.com jmulvihill@pszjlaw.com

#### Bankruptcy clerk's office

Documents in this case may be filed at this address.

You may inspect all records filed in this case at this office or online at www.pacer.gov.

#### **Debtors' Notice and Claims** Agent

If you have any questions about this notice, please contact Prime Clerk LLC

The debtor's representative must attend the meeting to be questioned under oath. Creditors may attend, but are not

## 824 Market Street, 3rd Floor Wilmington, Delaware 19801

Toll Free: (844) 596-2261 International: (914) 266-8242

**Email:** AAinquiry@primeclerk.com

### Hours open: Monday - Friday 8:00 AM - 4:00 PM

Contact phone 302-252-2900

#### More information can be found at the Claims' Agent Website:

http://cases.primeclerk.com/americanapparel

#### **Meeting of creditors**

required to do so.

#### December 20, 2016 at 10:00 (a.m.)

The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.

#### Location:

844 King Street, Room 3209, Wilmington, DE

#### Proof of claim deadline

#### Deadline for filing proof of claim: Not yet set. If a deadline is set, notice will be sent at a later time.

A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be filed either electronically or as a paper document. For more information on how to file a Proof of Claim, visit the Delaware Bankruptcy Court's website at http://www.deb.uscourts.gov/claims-information.

Your claim will be allowed in the amount scheduled unless:

- Your claim is designated as disputed, contingent or unliquidated;
- You file a proof of claim in a different amount; or
- You receive another notice

If your claim is not scheduled or if your claim is designated as disputed, contingent, or unliquidated, you must file a proof of claim or you might not be paid on your claim and you might be unable to vote on a plan. You may file a proof of claim even if your claim is scheduled.

You may review the schedules at the bankruptcy clerk's office or online at www.pacer.gov.

Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits a creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.

If you hold a gift card issued by the debtors before they filed for bankruptcy, the gift card will remain valid and may be used until December 31, 2016. If you hold a gift card issued by the debtors before they filed for bankruptcy and have not redeemed it, you may file a proof of claim on account of your interest in the value of such gift card.

# 8. Exception to discharge deadline

The bankruptcy clerk's office must receive a complaint and any required filing fee by the following deadline You must start a judicial proceeding by filing a complaint if you want to have a debt excepted from discharge under 11 U.S.C. § 1141(d)(6)(A).

Deadline for filing the complaint: To be Determined

# 9. Creditors with a foreign address

If you are a creditor receiving notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

# 10. Filing a Chapter 11 bankruptcy case

Chapter 11 allows debtors to reorganize or liquidate according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan and a disclosure statement telling you about the plan, and you may have the opportunity to vote on the plan. You will receive notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the property and may continue to operate its business.

### 11. Discharge of debts

Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See 11 U.S.C. § 1141(d). A discharge means that creditors may never try to collect the debt from the debtor except as provided in the plan. If you want to have a particular debt owed to you excepted from the discharge under 11 U.S.C. § 1141(d)(6)(A), you must start a judicial proceeding by filing a complaint and paying the filing fee in the bankruptcy clerk's office by the deadline

#### 12. Gift Cards

The Debtors intend to honor gift cards in their stores through December 31, 2016. Customers holding gift cards should use them prior to that date. Please take notice that the value of your gift card may be diminished or lost if not used prior to December 31, 2016. Gift card holders can check the value left on their gift cards by visiting https://www.americanapparel.net.