100000-07

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

CLERK

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IN RE:

GLOBAL CAPACITY HOLDCO, LLC, <u>et al</u>.1 § Chapter 11
§ (Jointly Administered)
§
§ Case No. 10-12302 (PJW)
§
§
§

Debtors.

# NOTICE OF DEADLINE REQUIRING FILING OF PROOFS OF CLAIM

# TO ALL PERSONS AND ENTITIES WITH CLAIMS AGAINST THE FOLLOWING ENTITIES:

Debtor Name	Case No.	Debtor Name	Case No.
Global Capacity Holdco, LLC	10-12302	Global Capacity Direct,	10-12307
		f/k/a Vanco Direct USA, LLC	
Global Capacity Group, Inc.	10-12303	FNS 2007, Inc. f/k/a/ Frontrunner	10-12308
		Network Systems, Corp/	
20/20 Technologies, Inc.	10-12304	Nexvu Technologies, LLC	10-12309
Centrepath, Inc.	10-12305	20/20 Technologies I, LLC	10-12310
Capital Growth Systems, Inc.	10-12306	Capital Growth Acquisitions, Inc. 10-12311	

# PLEASE TAKE NOTICE THAT:

On July 23, 2010 (the "<u>Petition Date</u>"), the referenced debtors and debtors in possession in the above captioned case (the "<u>Case</u>") filed for relief under Chapter 11 of the United States Bankruptcy Code (the "<u>Bankruptcy Code</u>") in the United States Bankruptcy Court for the District of Delaware (the "<u>Court</u>").

# PLEASE TAKE FURTHER NOTICE THAT:

On September 15, 2010, the Debtors filed a motion with the Court requesting approval of a claims bar date by which Proofs of Claim must be filed in the Case and approving the procedures relating thereto (the "<u>Bar Date Motion</u>"), which was approved by the Court on September 22, 2010 (the "<u>Bar Date Order</u>"). Pursuant to the Bar Date Order, the court established a claims bar date deadline of <u>October 22, 2010</u> at 5:00 p.m. (Prevailing Pacific Time) (the "<u>General Bar Date</u>") for parties (other than governmental units) to file Proofs of Claim asserting claims against the Debtors that arose, or that are deemed to have arisen, prior to the

1 The Debtors in these cases, along with their case numbers, addresses, and the last four digits of each Debtor's federal tax identification number, are: Global Capacity Holdco, LLC, 200 S. Wacker Drive, Suite 1650, Chicago, IL 60606 (10-12302) (8858); Global Capacity Group, Inc., 730 North Post Oak Road, Houston, TX 77024 (10-12303) (0073); COM 20/20 Technologies, Inc., 200 South Wacker, Suite 1650, Chicago, IL 60606 (10-12304) (5612); Centrepath, Inc., 275 APA Winter Street, Waltham, MA 02451 (10-12305) (9034); Capital Growth Systems, Inc., 200 South Wacker Drive, Suite **ECR** 1650, Chicago, IL 60606 (10-12306) (3505); Global Capacity Direct, LLC (f/k/a Vanco Direct USA, LLC), 200 South Wacker Drive, Suite 1650, Chicago, IL 60606 (10-12307) (1970); FNS 2007, Inc. (fka Frontrunner Network Systems, GCL Corp.), 200 South Wacker Drive, Suite 1650, Chicago, IL 60606 (10-12308) (7892); Nexvu Technologies, LLC, 200 RAD South Wacker Drive, Suite 1650, Chicago, IL 60606 (10-12309) (4626); Capital Growth Acquisition, Inc., 200 South SSC Wacker Drive, Suite 1650, Chicago, IL 60606 (10-12311) (4116); and 20/20 Technologies I, LLC, 200 South Wacker DOCUMENT & MOTR-DATE Drive, Suite 1650, Chicago, IL 60606 (10-12310) (5514). ADM OPC 08719 OCT 19 º CLK Gal

Petition Date by all persons, corporations, partnerships, limited liability companies, and all other entities, and <u>January 19, 2011</u> at 5:00 p.m. (Prevailing Pacific Time) (the "<u>Government Bar Date</u>") as the date by which all governmental units must file proofs of claim in these cases.

As used in this Notice, the term "claim" or "Claim" has the meaning given to it in section 101(5) of the Bankruptcy Code, and includes as to or against the Debtors: (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 payment, whether or no such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured or unsecured; or no such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured or unsecured.

# YOU ARE RECEIVING THIS NOTICE BECAUSE YOU MAY BE HOLDING A CLAIM AGAINST ONE OF 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.

WHO MUST FILE CLAIMS: As set forth in the Bar Date Order, each person or entity, including, without limitation, each individual, partnership, joint venture, corporation, limited liability company, estate, trust and/or governmental unit, that asserts a Claim (as defined in the Bankruptcy Code) against the Debtors, including, but not limited to, Claims for taxes, accounts payable, alleged torts, and/or Claims (other than claims arising under Bankruptcy Code section 503(b)(9)) arising from or under pre-petition contracts, leases or agreements that arose before the Petition Date ("Pre-Petition Claim"), regardless of whether such Pre-Petition Claim is contingent, disputed, inchoate or unliquidated, is required to file a written Proof of Claim which substantially conforms to Official Form No. 10 to the Federal Rules of Bankruptcy Procedure.

WHO DOES NOT NEED TO FILE PROOFS OF CLAIM: The following creditors need <u>not</u> file Proofs of Claim for the specific Claims described in A-D below (collectively, the "<u>Excluded Claims</u>"):

- A. Any holder of a Pre-Petition Claim who has already filed a Proof of Claim against a Debtor with KCC the Clerk of this Court in the proper bankruptcy case utilizing the claim form which substantially conforms to Official Form No. 10;
- B. Any holder of a Pre-Petition Claim (i) whose claim is listed on the Debtors' schedules of liabilities ("<u>Schedules</u>"); (ii) whose claim is not described in such Schedules as "disputed," "contingent," or "unliquidated"; and (iii) for which the holder does not dispute the amount, priority, status, or nature of such Pre-petition Claim as set forth in the Schedules;
- C. Any holder of a Pre-Petition Claim that has been paid by the Debtors with the authorization of this Court; and
- D. Any holder of Pre-Petition Claim that has been allowed by an order of this Court entered on or before the Bar Date.

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WHERE TO FILE: Proofs of Claim must be filed so as to be received on or before the Bar Date either by mail or delivery by hand, courier, or overnight service to Kurtzman Carson Consultants LLC, ("<u>KCC</u>"), the Debtors' claims and noticing agent, by no later than 5:00 p.m. (Prevailing Pacific time) on or before the Bar Date at the following address:

Global Capacity Claims Processing c/o Kurtzman Carson Consultants LLC 2335 Alaska Avenue El Segundo, CA 90245

Claimants wishing to receive acknowledgment that their Proofs of Claim were received by KCC must submit (i) a copy of the Proof of Claim and (ii) a self-addressed, stamped envelope (in addition to the original Proof of Claim sent to KCC) concurrently with submitting its original Proof of Claim.

# EACH CLAIMANT MUST FILE A PROOF OF CLAIM IN THE PARTICULAR BANKRUPTCY CASE OF THE DEBTOR AGAINST WHICH THE CLAIMANT ASSERTS A CLAIM.

WHAT TO FILE: A duly completed and executed Proof of Claim which substantially conforms to the official Proof of Claim Form, Form 10 (enclosed). Each Proof of Claim must be (i) written in English; (ii) include a claim amount denominated in United States dollars; (iii) conform substantially with Form 10; (iv) be signed by the claimant or by an authorized agent or legal representative of the claimant; and (v) be submitted with copies of any supporting documentation or an explanation of why any such documentation is not available. Only original Proofs of Claim will be deemed acceptable for purposes of claims administration. Copies of Proofs of Claim or Proofs of Claim sent by facsimile, telecopy, e-mail, or other electronic submission will not be accepted.

# WHEN TO FILE: PROOFS OF CLAIM FOR ALL ENTITIES, EXCLUDING GOVERNMENTAL UNITS, MUST BE ACTUALLY RECEIVED BY KCC ON OR BEFORE OCTOBER 22, 2010 AT 5:00 P.M. PREVAILING PACIFIC TIME.

# PROOFS OF CLAIM FOR GOVERNMENT UNITS MUST ACTUALLY BE RECEIVED BY KCC ON OR BEFORE JANUARY 19, 2011 AT 5:00 P.M. PREVAILING PACIFIC TIME.

Postmarking the Proof of Claim prior to this date and time is <u>not</u> sufficient. It must be received by KCC by the General Bar Date or Government Bar Date, as applicable.

# PLEASE TAKE FURTHER NOTICE:

Any holder of a Pre-Petition Claim, other than with respect to Excluded Claims, who fails to file a Proof of Claim by the General Bar Date or Government Bar Date, as applicable, shall be forever barred, estopped and permanently enjoined from asserting such claim, whether directly or indirectly against any of the Debtors and their successors, assigns and/or respective property, and such claim shall not be counted for purposes of voting and distribution in these cases.

# PLEASE TAKE FURTHER NOTICE:

You may be listed as the holder of a claim against one of the Debtors in its Schedules. If you rely on the Schedules, it is your responsibility to determine that you claim is accurately listed in the Schedules. As described above, if (i) you agree with the nature, amount and status of your claim as listed in the Schedules **and** (ii) your claim is **NOT** described as "disputed," "contingent," or "unliquidated," then you are not required to file a Proof of Claim with respect to such 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 and the Bar Date Order.

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If any of the Debtors amend their Schedules, the holder of any claim adversely affected by such amendment to Schedules shall have the later of (i) the Bar Date or (ii) twenty (20) days from the date of such notice of amendment to file a Proof of Claim or to amend any previously timely and properly filed Proof of Claim.

You are **NOT** to contact the Clerk's Office, the Judge's Chambers, the law firms listed below or the United States Trustee for legal advice concerning whether or not to file a Proof of Claim, or the classification or treatment of any Claim.

# PLEASE TAKE FURTHER NOTICE:

The Schedules and the Proof of Claim Form, Form 10 are available by contacting KCC at:

Global Capacity Claims Processing c/o Kurtzman Carson Consultants LLC 2335 Alaska Avenue El Segundo, CA 90245 Phone: (866) 381.9100 Fax: (310) 823.9133 E-mail: <u>Global Info@kccllc.com</u>

**RESERVATION OF RIGHTS:** Nothing herein or in the Motion is intended to or shall prejudice the right of the Debtors or any other party in interest herein to dispute, or to assert offsets or defenses to, any claim reflected it the Schedules as to amount, liability, characterization, or otherwise, and to subsequently designate any claim as disputed, contingent, or unliquidated.

Francis A. Monaco, Jr. (DE Bar No. 2078) Mark L. Desgrosseilliers (DE Bar No. 4083) Thomas M. Horan (DE Bar No. 4641) **Womble Carlyle Sandridge & Rice, PLLC** 222 Delaware Avenue, Suite 1501 Wilmington, DE 19801 E-mail: fmonaco@wcsr.com E-mail: mdesgrosseilliers@wcsr.com E-mail: thoran@wcsr.com

-and-

Douglas S. Draper (LA Bar No. 5073) William H. Patrick, III (LA Bar No. 10359) Leslie A. Collins (LA Bar No. 14891) Heller, Draper, Hayden, Patrick & Horn, LLC 650 Poydras Street, Suite 2500 New Orleans, Louisiana 70130-6103 Telephone: (504) 299-3300 Facsimile: (504) 299-3309 E-mail: ddraper@hellerdraper.com E-mail: wpatrick@hellerdraper.com E-mail: lcollins@hellerdraper.com

Attorneys for the Debtors and Debtors in Possession



amount, you do not need to complete and return this form. If you disagree, please complete and return this form accordingly.

B 10 (Modified Official Form 10) (4/10)

UNITE	D STATES BANKRUPTC	UNITED STATES BANKRUPTCY COURT DISTRICT OF DELAWARE		
Indicate Debtor aga	inst which you assert a claim by checkin	g the appropriate box below. (Check only one Debtor per claim form.)		
20/20 Technologies	I, LLC (10-12310)	□ FNS 2007, Inc. (10-12308)	i i i i i i i i i i i i i i i i i i i	
20/20 Technologies,	Inc. (10-12304)	K Global Capacity Direct, LLC (10-12307)		
Capital Growth Acquired Control Con	uisition, Inc. (10-12311)	□ Global Capacity Group, Inc. (10-12303)		
Capital Growth Syste	ems, Inc. (10-12306)	□ Global Capacity Holdco, LLC (10-12302)		
□ Centrepath, Inc. (10-		NexVu Technologies, LLC (10-12309)	THIS SPACE IS FOR COURT USE ONLY	
NOTE: This form should not be used to make a claim for an administrative expense (other than a claim asserted under 11 U.S.C. § 503(b)(9)) arising after the commencement of the case. A "request" for payment of an administrative expense (other than a claim asserted under 11 U.S.C. § 503(b)(9)) may be filed pursuant to 11 U.S.C § 503.				
Name of Creditor (the pers	on or other entity to whom the debtor	owes money or property):	Check this box to indicate that this	
Florida Public Servi	ice Commission		claim amends a previously filed claim.	
Name and address where n	otices should be sent:	Name ID: 9094472		
			Court Claim Number:	
Florida Public Servi	ce Commission		(if known)	
2540 Shumard Oak	Blvd		()	
Tallahassee, FL 32	399-0850		Filed on:	
		Telephone No.		
Name and address where n	ayment should be sent (if different fro	m above):	Check box if you are aware that	
i name une une con miere p			anyone else has filed a proof of	
			claim relating to your claim. Attach	
			copy of statement giving particulars.	
		Telephone No.	Check this box if you are the debtor or trustee in this case.	
<u>.</u>			· · · · · · · · · · · · · · · · · · ·	
1. Amount of Claim a	s of Date Case Filed: \$		<ol> <li>Amount of claim Entitled to Priority under 11 U.S.C. § 507(a). If any portion</li> </ol>	
lf all or part of your claim	is secured, complete item 4 below; ho	wever, if all of your claim is unsecured, do not complete item 4.	of your claim falls in one of the	
If all or part of your claim	is entitled to priority, complete item 5.		following categories, check the box and	
			state the amount.	
Check this box if cl statement of all inte	÷	in addition to the principal amount of the claim. Attach itemized	Specify the priority of the claim.	
			Domestic support obligations under 11	
2. Basis for Claim:			U.S.C. § 507(a)(1)(A) or (a)(1)(B).	
(See instruction #2 o			☐ Wages, salaries, or commission (up to \$11,725*) earned within 180 days before	
3. Last four digits of any number by which creditor identifies debtor:		filing of the bankruptcy petition or		
3a. Debtor may have scheduled account as:		cessation of the debtor's business, which ever is earlier 11 U.S.C. § 507(a)(4).		
	instruction #4 on reverse side.)		Contributions to an employee benefit plan	
		n on property or a right of setoff and provide the requested information.	<ul> <li>11 U.S.C. § 507(a)(5).</li> <li>Up to \$2,600* of deposits toward purchase</li> </ul>	
Nature of property o Describe:	r right of setoff: 🔲 Real Estate	Motor Vehicle Other	lease, or rental of property or services for personal, family, or household use	
	<b>.</b>	nual Interest Rate:%	11 U.S.C. § 507(a)(7).	
			Taxes or penalties owed to governmental units 11 U.S.C. § 507(a)(8).	
u u	e and other charges as of time case fl	·	Other Specify applicable paragraph of 11	
	<u></u>		U.S.C. § 507(a)().	
Amount of Secured 1	Claim: \$ An	10unt Unsecured: S	Amount entitled to priority:	
6. Credits: The amount	at of all payments on this claim has been	en credited for the purpose of making this proof of claim.	\$* * Amounts are subject to adjustment on	
		t support the claim, such as promissory notes, purchase orders, invoices,	4/1/13 and every 3 years thereafter with	
itemized statements	of running accounts, contracts, judgme	nts, mortgages and security agreements. You may also attach a	respect to cases commenced on or after the	
summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.)			date of adjustment.	
DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENT MAY BE DESTROYED AFTER SCANNING.				
If the documents are not available, please explain:				
Date:	Signature: The person filing this also	im must sign it. Sign and print name and title, if any, of the creditor or	FOR COURT USE ONLY	
	other person authorized to file this cla	im and state address and telephone number if different from the notice	TOR COOKTODE ONET	
	address above. Attach copy of power	of attorney, if any.		
101012	Panalty for merenting for data	laim. Fina of un to \$500.000 an imminant from the former to	h 19115C 66152	
101012 Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.				

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## **INSTRUCTIONS FOR PROOF OF CLAIM FORM**

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, there may be exceptions to these general rules.

## Items to be completed in Proof of Claim form

#### Court, Name of Debtor, and Case Number:

Fill in the federal judicial district where the bankruptcy case was filed (for example, District of Delaware), the bankruptcy debtor's name, and the bankruptcy case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is located at the top of the notice.

### **Creditor's Name and Address:**

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A scparate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

## 1. Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the Bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

## 2. Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if the trustee or another party in interest files an objection to your claim.

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor: State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

## 3a. Debtor May Have Scheduled Account As:

Use this space to report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

## 4. Secured Claim.

Check the appropriate box and provide the requested information if the claim is fully or partially secured. Skip this section if the claim is entirely unsecured. (See DEFINITIONS, below.) State the type and the value of property that secures the claim, attach copies of lien documentation, and state annual interest rate and the amount past due on the claim as of the date of the bankruptcy filing.

## 5. Amount of Claim Entitled to Priority Under 11 U.S.C. §§ 507(a).

If any portion of your claim falls in one or more of the listed categories, check the appropriate box(es) and state the amount entitled to priority. (See DEFINITIONS, below.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

## 6. Credits:

An authorized signature on this proof of claim serves as an acknowledgement that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

#### 7. Documents:

Attach to this proof of claim form redacted copies documenting the existence of the debt and of any lien securing the debt. You may also attach a summary. You must also attach copies of documents that evidence perfection of any security interest. You may also attach a summary. FRBP 3001(c) and (d). If the claim is based on the delivery of health care goods or services, see instruction 2. Do not send original documents, as attachments may be destroyed after scanning.

## **Date and Signature:**

The person filing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. Attach a complete copy of any power of attorney. Criminal penalties apply for making a false statement on a proof of claim.

## DEFINITIONS

## Debtor

# A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

#### Creditor

A creditor is the person, corporation, or other entity owed a debt by the debtor on the date of the bankruptcy filing. See 11 U.S.C. § 101(10).

## Claim

A claim is the creditor's right to receive payment on a debt that was owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. § 101(5). A claim may be secured or unsecured.

#### **Proof of Claim**

A proof of claim form is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed.

#### Secured Claim Under 11 U.S.C. § 506(a)

A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien. A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

#### **Unsecured Claim**

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

## Claim Entitled to Priority Under 11 U.S.C. §§ 507(a)

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

## Redacted

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor should redact and use only the last four digits of any social-security, individual's taxidentification, or financial-account number, all but the initials of a minor's name and only the year of any person's date of birth.

#### **Evidence of Perfection**

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

#### Acknowledgement of Filing a Claim To receive acknowledgment of your filing, please enclose a stamped self-addressed envelope and a copy of this proof of claim.

INFORMATION

#### Offers to Purchase a Claim

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 *et seq.*), and any applicable orders of the bankruptcy court.

PLEASE SEND COMPLETED PROOFS OF CLAIM TO:

Global Capacity Claims Processing Center c/o Kurtzman Carson Consultants LLC 2335 Alaska Avenue El Segundo, CA 90245



2335 Alaska Avenue El Segundo, California 90245



10-13-2010

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