

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In the matter of:	X	
	X	
	X	
CLAIMS BAR DATE PURSUANT TO	X	GENERAL ORDER
RULE 3002(c)(5), FEDERAL RULES OF	X	
BANKRUPTCY PROCEDURE	X	M-302
	X	

Rule 3002(c)(5) of the Federal Rules of Bankruptcy Procedure provides:

If notice of insufficient assets to pay a dividend was given to creditors pursuant to Rule 2002(e), and subsequently the trustee notifies the court that payment of a dividend appears possible, the clerk shall notify the creditors of that fact and that they may file proofs of claim within 90 days after the mailing of the notice.

In this District notices sent pursuant to Rule 3002(c)(5) are mailed by a notice provider and the Bankruptcy Clerk, who prepares the notice that includes the date certain by which the proofs of claim are to be filed, and who is unable to know when the notice will be mailed. Consequently, for purposes of Rule 3002(c)(5) the date of mailing shall be deemed to be four days after transmission by the Bankruptcy Clerk to the notice provider, and the Bankruptcy Clerk shall use 94 days after transmission to the notice provider to calculate the bar date for filing claims under Rule 3002(c)(5).

The Bankruptcy Judges of this District having considered this clarification to Rule 3002(c)(5) and agreeing this practice should be adopted

NOW, it is

ORDERED, that, effective immediately, any notices transmitted to a notice provider by the Bankruptcy Clerk shall use 94 days after transmission to calculate the bar date for filing claims under Rule 3002(c)(5).

Dated: New York, New York
February 17, 2005

/s/ Stuart M. Bernstein
Chief Judge Stuart M. Bernstein