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5 ATTORNEYS FOR DEBTOR

6 **UNITED STATES BANKRUPTCY COURT**  
7 **DISTRICT OF ARIZONA**

8 In re:  
9 NUTRACEA, a California corporation,  
10  
11 Debtor.

Chapter 11

2:09-bk-28817-CGC

**DEBTOR'S *EX PARTE* MOTION TO  
EXTEND BAR DATE FOR PROOFS  
OF CLAIM UNDER RULE 3003(c)(3)  
FOR CERTAIN CREDITORS**

13  
14 Pursuant to Bankruptcy Rule 3003(c)(3), Debtor hereby moves the court for the  
15 entry of an order extending the existing bar date of March 31, 2010 for filing proofs of  
16 claim against the bankruptcy estate for the following creditors: (a) those who did not  
17 receive notice of the earlier bar date; (b) those who are affected by any amendment to  
18 Debtor's schedules; and (c) those who mailed their proofs of claim to the erroneous post  
19 office box listed on the earlier bar date notice. Debtor requests that the bar date for such  
20 creditors be extended to twenty-one (21) days after the mailing of a new bar date notice  
21 to the affected creditor. This motion is appropriately filed as an ex parte motion because  
22 its purpose is to extend the deadline for the creditors described above to file their proofs  
23 of claim and, accordingly, there is no reason to expect opposition to the motion. This  
24 motion is more fully set forth and supported in the accompanying Memorandum of Points  
25 and Authorities.  
26

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 1. By order entered on February 12, 2010 (Dkt. No. 247), the Court fixed  
3 March 31, 2010 as the bar date for filing proofs of claim against the estate. The Court  
4 ordered that any creditor that failed to do so would be “forever barred from voting on any  
5 proposed plan of reorganization, receiving a distribution from the estate, or otherwise  
6 participating in the Chapter 11 case.”

7 2. Notice of the claims bar date was mailed to all those on the master mailing  
8 list and all those on the Official Notice Service List on February 22, 2010. (See  
9 Certificate of Service, Dkt. No. 319).

10 3. Notice of the claims bar date was mailed to Debtors’ shareholders over a  
11 four day period from February 23, 2010 to February 26, 2010, by (a) Broadridge and  
12 Mediant Communications LLC, the shareholder services employed by brokerage houses  
13 for those who hold Debtor’s shares in street names, and (b) by Debtor to the those listed  
14 on the mailing labels provided by American Stock Transfer & Trust Company, LLC.  
15 (*Id.*).

16 4. Additional copies of the Notice of the claims bar date were e-mailed on  
17 February 22, 2010 to the certain parties who filed notices of appearance in this case.  
18 (*Id.*).

19 5. Additional copies of the Notice of the claims bar date were mailed on  
20 March 2, 2010 and March 9, 2010 to Debtor’s D&O insurer and to certain parties to  
21 executory contracts. (*Id.*).

22 6. As part of its ongoing review and reconciliation of its books and records,  
23 including its accounts payable, Debtor anticipates filing one or more amendments to its  
24 schedules. Debtor may also correct the mailing addresses of certain creditors. Debtor  
25 proposes that, as and when it does so, it will mail notice of the twenty-one day bar date to  
26 the affected creditors.



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**File a Motion:**[2:09-bk-28817-CGC Nutracea, a California corporation](#)

Type: bk

Chapter: 11 v

Office: 2 (Phoenix)

Assets: y

Judge: CGC

**U.S. Bankruptcy Court****District of Arizona**

## Notice of Electronic Filing

The following transaction was received from S. CARY FORRESTER entered on 4/15/2010 at 1:36 PM AZ and filed on 4/15/2010

**Case Name:** Nutracea, a California corporation**Case Number:** [2:09-bk-28817-CGC](#)**Document Number:** [376](#)**Docket Text:**

Ex Parte Motion to Extend *Bar Date for Proofs of Claim Under Rule 3003(c)(3) for Certain Creditors* filed by S. CARY FORRESTER of FORRESTER & WORTH, PLLC on behalf of Nutracea, a California corporation (related document(s)[247] Order Setting Last Day to File Claims). (FORRESTER, S.)

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**N:\Word Docs\Cary\Active\NutraCea\Pleadings\Bar Date Motion\Extended Bar Date\Motion to Extend Bar Date with Service List.pdf

**Electronic document Stamp:**

[STAMP bkecfStamp\_ID=875559564 [Date=4/15/2010] [FileNumber=17406940-0] [3c852bbfda8d134c1e0a1274ea7be9e6c24a740755704de189160f7be84cfde28b71e9c1d98537b146080f1bcc28618fa756b893048fdbaebc41efae5fc089ae]]

**2:09-bk-28817-CGC Notice will be electronically mailed to:**

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