

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

**In re:** )  
 ) **Chapter 11**  
**A NOVO BROADBAND, INC.,** )  
 )  
 ) **Debtor.** ) **Case No. 02-13708 (PJW)**  
 )  
 ) **(Tax ID No. 31-1239657)** )  
 )

**NOTICE OF BAR DATES FOR FILING OF PROOFS OF CLAIM**

**TO ALL CREDITORS AND EQUITY INTEREST HOLDERS:**

On April 30, 2003, the United States Bankruptcy Court for the District of Delaware (the "Court") entered an order in the above-captioned chapter 11 case (the "Bar Date Order") establishing certain claims bar dates in the chapter 11 case of the above-captioned debtor and debtor in possession (collectively, the "Debtor"). By the Bar Date Order, the Court authorized the Debtor to fix **July 7, 2003 at 5:00 p.m. (ET)**, as the general claims bar date (the "General Bar Date") in the above-captioned case. Except as described below, the Bar Date Order requires all Entities, other than Governmental Units, that have or assert any prepetition Claims against the Debtor to file proofs of claim with Delaware Claims Agency, L.L.C. ("Delaware Claims"), the claims noticing and balloting agent in this case, so that their proofs of claim are received by Delaware Claims on or before 5:00 p.m., Eastern Time, on the General Bar Date. Please note that the terms "Entity," "Governmental Unit" and "Claim" are defined below.

For your convenience, enclosed with this Notice is a proof of claim form, which identifies on its face the amount, nature and classification of your Claim(s), if any, listed in the Debtor's schedules of assets and liabilities and statements of financial affairs filed in this case (collectively, the "Schedules").

**KEY DEFINITIONS**

As used in this Notice, the term "Entity" has the meaning given to it in section 101(15) of the Bankruptcy Code, 11 U.S.C. §§ 101-1330 (the "Bankruptcy Code"), and includes all persons (individuals, partnerships and corporations), estates, trusts, Governmental Units and the United States Trustee.

As used in this Notice, the term "Governmental Unit" has the meaning given to it in section 101(27) of the Bankruptcy Code and includes the United States; states; commonwealths; districts; territories; municipalities; foreign states; or departments, agencies or instrumentalities of the foregoing.

As used in this Notice, the term “Claim” shall mean, as to or against the Debtor and in accordance with section 101(5) of the Bankruptcy Code: (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 a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured or unsecured.

## **WHO MUST FILE A PROOF OF CLAIM AND THE APPLICABLE BAR DATES**

### **The Bar Dates**

The Bar Date Order establishes the following bar dates for filing proofs of claim in this case (collectively, the “Bar Dates”):

- (a) The General Bar Date. Pursuant to the Bar Date Order, all Entities holding Claims against the Debtor (whether secured, unsecured priority or unsecured nonpriority) that arose prior to December 18, 2002, are required to file proofs of claim by **July 7, 2003 at 5:00 p.m. (ET)** the General Bar Date, including Entities whose Claims against the Debtor arise out of the obligations of those Entities under a contract for the provision of liability insurance to the Debtor.
- (b) The Government Bar Date. In accordance with section 502(b)(9) of the Bankruptcy Code, all Governmental Units holding Claims against the Debtor (whether secured, unsecured priority or unsecured nonpriority) that arose prior to December 18, 2002 are required to file proofs of claim by **June 17, 2003 at 5:00 p.m. (ET)** (the “Government Bar Date”), including Governmental Units with Claims against the Debtor for unpaid taxes, whether such Claims arise from prepetition tax years or periods or prepetition transactions to which a Debtor was a party.
- (c) The Rejection Bar Date. Any Entity whose Claims arise out of the Court-approved rejection of an executory contract or unexpired lease, in accordance with section 365 of the Bankruptcy Code and pursuant to an order entered prior to the confirmation of a plan of reorganization in the Debtor’s chapter 11 case, must file a proof of claim on or before the later of: (i) the General Bar Date or (ii) thirty (30) days after the date of the order authorizing the Debtor’s rejection of the applicable contract or lease. The later of these dates is referred to in this Notice as the “Rejection Bar Date.”
- (d) The Amended Schedule Bar Date. If, subsequent to the mailing and publication of this Notice, the Debtor amends its Schedules to reduce the undisputed, noncontingent and liquidated amount or to change the nature or classification of a Claim against the Debtor reflected therein, the affected claimant is required to file a proof of claim or amend any previously filed proof of claim in respect of the amended scheduled claim on or before the later of: (i) the General Bar Date or the Government Bar Date, as applicable, or (ii) twenty (20) days after the date that

notice of the applicable amendment to the Schedules is served on the claimant. The later of these dates is referred to in this Notice as the “Amended Schedule Bar Date.”

**Entities That Must File Proofs of Claims by the General Bar Date or the Government Bar Date**

Subject to terms described above for holders of Claims subject to the Rejection Bar Date and the Amended Schedule Bar Date, the following Entities must file proofs of claim on or before the General Bar Date or, with respect to Claims of Governmental Units, on or before the Government Bar Date:

- (a) any Entity whose prepetition Claim against the Debtor is not listed in the Debtor’s Schedules or is listed as “disputed,” “contingent” or “unliquidated” and that desires to participate in this chapter 11 case or share in any distribution in this chapter 11 case; and
- (b) any Entity that believes its prepetition Claim is improperly classified in the Schedules or is listed in an incorrect amount and that desires to have its Claim allowed in a classification or amount other than that identified in the Schedules.

**Entities Not Required to File Proofs of Claim by the General Bar Date or the Government Bar Date**

The Bar Date Order further provides that the following Entities need not file proofs of claim by the General Bar Date:

- (c) any Entity that already has properly filed a proof of claim against the Debtor in accordance with the procedures described in this Notice;
- (d) any Entity (i) whose Claim against the Debtor is not listed as “disputed,” “contingent” or “unliquidated” in the Schedules and (ii) that agrees with the nature, classification and amount of its Claim as identified in the Schedules;
- (e) any Entity whose Claim against the Debtor previously has been allowed by, or paid pursuant to, an order of the Court;

**No Requirement to File Proofs of Interest**

Any Entity holding an interest in the Debtor (an “Interest Holder”), which interest is based exclusively upon the ownership of stock in the Debtor or warrants or rights to purchase, sell or subscribe to such a security or interest (any such security or interest being referred to in this Notice as an “Interest”), need not file a proof of interest on or before the General Bar Date; provided, however, that Interest Holders who wish to assert Claims against the Debtor that arise out of or relate to the ownership or purchase of an Interest, including Claims arising out of or relating to the sale, issuance or distribution of the Interest, must file proofs of claim on or before the General Bar Date, unless another exception identified in this Notice applies.

## **CONSEQUENCES OF FAILURE TO FILE PROOF OF CLAIM**

Any Entity that is required to file a proof of claim, but that fails to do so by the applicable Bar Date described in this Notice, shall be forever barred, estopped and enjoined from the following:

- (f) asserting any Claim against the Debtor that the Entity has that (i) is in an amount that exceeds the amount, if any, that is identified in the Schedules on behalf of such Entity as undisputed, noncontingent and liquidated or (ii) is of a different nature or a different classification than any Claim identified in the Schedules on behalf of such Entity (any such Claim being referred to in this Notice as an “Unscheduled Claim”); or
- (g) voting upon, or receiving distributions under any plan in this chapter 11 case with respect to an Unscheduled Claim.

**If it is unclear from the Schedules whether your Claim is disputed, contingent or unliquidated as to amount or is otherwise properly listed and classified, you must file a proof of claim on or before the applicable Bar Date.** Any Entity that relies on the information in the Schedules bears responsibility for determining that its Claim is accurately listed therein.

## **RESERVATION OF RIGHTS**

The Debtor reserves the right to (a) dispute, or to assert offsets or defenses against, any filed Claim or any Claim listed or reflected in the Schedules as to nature, amount, liability, classification or otherwise; and (b) subsequently designate any Claim as disputed, contingent or unliquidated. Nothing contained in this Notice shall preclude the Debtor from objecting to any Claim, whether scheduled or filed, on any grounds.

## **PROCEDURE FOR FILING PROOFS OF CLAIM**

A signed original of a completed proof of claim, together with any accompanying or supporting documentation, must be delivered to A Novo Broadband, Inc., c/o Delaware Claims Agency, L.L.C., 103 West Seventh Street, Third Floor, P.O. Box 515, Wilmington, Delaware, 19801, so as to be received no later than 5:00 p.m., Eastern Time, on the applicable Bar Date. Proofs of claim may be submitted in person or by courier service, hand delivery or mail addressed to Delaware Claims at the foregoing address. ***Any proof of claim submitted by facsimile or e-mail will not be accepted and will not be deemed filed until the proof of claim is submitted by one of the methods described in the foregoing sentence.*** Proofs of claim will be deemed filed only when actually received by Delaware Claims. If you wish to receive acknowledgement of Delaware Claims’ receipt of your proof of claim, you must also submit by the applicable Bar Date and concurrently with submitting your original proof of claim (a) a copy of your original proof of claim and (b) a self-addressed, stamped return envelope.

Proofs of claim must include all documentation required by Bankruptcy Rules 3001(c) and 3001(d), including an original or a copy of any written document that forms the

basis of the Claim or, for secured Claims, evidence that the alleged security interest has been perfected.

**ADDITIONAL INFORMATION**

If you require additional information regarding the filing of a proof of claim, you may contact Delaware Claims. You may contact Delaware Claims by writing to A Novo Broadband, Inc., c/o Delaware Claims Agency, L.L.C., 103 West Seventh Street, Third Floor, P.O. Box 515, Wilmington, Delaware, 19801 or by phone at (800)638-9412. The claims registers for the Debtor will be available for review during normal business hours in Delaware Claims' offices at the address identified above.

Dated: Wilmington, Delaware  
May 5, 2003

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