

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:)	Chapter 11
)	
NATIONAL EQUIPMENT SERVICES,)	Case No. 03-27626
INC., et al ¹ ,)	
)	(Jointly Administered)
)	
Debtors.)	Honorable Pamela S. Hollis
)	

ORDER FIXING BAR DATES FOR FILING PROOFS OF CLAIM AGAINST ANY DEBTOR AND APPROVING FORM AND MANNER OF NOTICE THEREOF

Upon the motion (the "Motion")² of the Debtors seeking entry of an order (i) establishing bar dates by which creditors must file proofs of claim; and (ii) approving the form and manner of notice thereof; and due notice of the Motion having been given; and it appearing that the relief requested in the Motion is in the best interests of the Debtors' estates, their creditors and other parties in interest; and it appearing that this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that this proceeding is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and it appearing that venue of this proceeding and this Motion is properly in this district pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion and of the hearing of the Motion having been given under the particular circumstances; and after due deliberation and sufficient cause appearing therefore; it is hereby

ORDERED that the Motion is granted; and it is further

¹ The Debtors are the following entities: National Equipment Services, Inc., NES Equipment Services Corporation f/k/a Falconite, Inc., Rebel Studio Rentals, Inc., NES Shoring Acquisition Inc., NES Management Service Corp., NES Partners, Inc., Falconite Rebuild Center, Inc., NES Indiana Partners, Inc., NES Companies LP, NES Equipment Rental, L.P., NES Traffic Safety, L.P.

² Capitalized terms not defined herein are as defined in the Motion.

ORDERED that the Bar Date shall be fixed as the date that is fifty-five (55) calendar days after the date on which the Debtors file their Schedules with the Court; and it is further

ORDERED that pursuant to section 105(a) of the Bankruptcy Code, and Federal Rule of Bankruptcy Procedure 3002(c)(3), all persons and entities, including, without limitation, individuals, partnerships, corporations, estates and trusts wishing to assert prepetition claims, as defined in 11 U.S.C. § 101(5) (collectively, "Claims"), or interests against one or more of the Debtors are required to file, on or before the Bar Date, a separate, completed and executed proof of claim (conforming substantially to Official Bankruptcy Form 10) on account of any Claim such creditors wish to assert against any Debtor; provided, however, that proofs of claim are not required at this time to be filed by creditors wishing to assert Claims against the Debtors of the types set forth in clauses (a) through and including (d), below:

- a. Any person or entity that has already properly filed, with the Clerk of the United States Bankruptcy Court for the Northern District of Illinois, Eastern Division, a proof of claim against the Debtors utilizing a claim form substantially in conformity with Official Form No. 10;
- b. Any person or entity (i) whose claim is listed on the Schedules; (ii) whose claim is not listed as "disputed," "contingent," or "unliquidated," and (iii) who does not dispute the amount or nature of the claim for such person or entity as set forth in the Schedules;
- c. Any person having a claim under section 507(a) and section 503 of the Bankruptcy Code as an administrative expense of the Debtors' chapter 11 cases; and
- d. Any person or entity that holds a claim that has been allowed by an order of this Court entered on or before the Bar Date or Governmental Bar Date (as defined below), as applicable to such person or entity.

and it is further

ORDERED that the Bar Date does not apply to any and all Claims which may be asserted by a governmental unit. All Claims asserted by a governmental unit against a Debtor must be

filed by December 24, 2003, 4:30 p.m., prevailing central time (the "Governmental Bar Date"); and it is further

ORDERED that the Motion does not apply to administrative claims. Any Claims to be asserted under Bankruptcy Code sections 503 or 507 as administrative claims will be addressed by a separate motion and order; and it is further

ORDERED that the form of notice of the Bar Date and Governmental Bar Date (the "Bar Date Notice"), substantially in the form attached to the Motion as Exhibit B, is hereby approved; and it is further

ORDERED that the proof of claim form substantially in the form attached to the Motion as Exhibit A is hereby approved (the "Proof of Claim Form"), and the Debtors are authorized to change the font for ease of mailing. The Debtors shall cause copies of the Bar Date Notice, which shall include the specific dates of the Bar Date and Governmental Bar Date, and the Proof of Claim Form to be mailed (by first class U.S. Mail, postage prepaid) five days after the Schedules are filed to the following:

- a. The Office of the United States Trustee for this District;
- b. Each member of the unsecured creditors' committee and the committee's attorneys;
- c. All parties listed on the Debtors' master mailing matrix, which includes all known holders of claims and interests listed on the Schedules at the addresses stated therein and their counsel (if known);
- d. All state and local taxing authorities for the jurisdictions in which the Debtors conducted their businesses;
- e. Parties to any litigation that was pending as of the Petition Date and any party that has filed a motion to lift the automatic stay; and
- f. All persons and entities requesting notice pursuant to Bankruptcy Rule 2002 as of the entry of the order approving the Motion.

ORDERED that the Debtors shall file with the Clerk of the Court the Bar Date Notice reflecting the specified calendar dates of both the Bar Date and Governmental Bar Date within five (5) calendar days after the Schedules are filed with the Court; and it is further

ORDERED that governmental units that fail to file a proof of claim before the Governmental Bar Date and other creditors that fail to file a proof of claim or interest before the Bar Date, will be forever barred, estopped and enjoined, unless otherwise ordered by this Court, from: (a) asserting claims or interests against any Debtor; and (b) voting upon, or receiving distributions under, any confirmed plan for any of the Debtors; and it is further

ORDERED that proofs of claim shall be deemed filed only when actually received, with original signatures and not by facsimile, by Kurtzman Carson Consultants LLC at the following address:

If by mail/courier/hand deliver:
NES Claims Processing
c/o Kurtzman Carson Consultants LLC
5301 Beethoven Street, Suite 102
Los Angeles, CA 90066

and it is further

ORDERED that creditors holding claims against more than one Debtor must file a separate claim in the case of each Debtor against whom the creditor asserts a claim. A creditor will be bound by the Debtor named in its proof of claim; and it is further

ORDERED that the Debtors shall attempt to cause a publication notice substantially in the form of the Bar Date Notice to be published once at least thirty-five (35) days before the Bar Date in the following publications: Wall Street Journal, National Edition, USA Today, National Edition, and The Chicago Tribune. In addition, the Debtors will post the Bar Date Notice and Proof of Claim Form to their website at: www.kccllc.net/nes. Such form and manner of

publication notice is hereby approved and found to be adequate notice for all purposes; and it is further

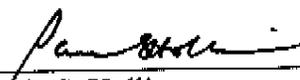
ORDERED that in accordance with Bankruptcy Rule 2002(a)(7), service of the Bar Date Notice and Proof of Claim Form in the manner set forth above shall be deemed sufficient notice of the Bar Date and Governmental Bar Date to all creditors; and it is further

ORDERED that the provisions of this Order apply to all pre-petition claims of whatever character against the Debtors or their assets, whether secured or unsecured, priority or nonpriority, liquidated or unliquidated, fixed or contingent; and it is further

ORDERED that this Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Chicago, Illinois

Dated: July 30, 2003



Pamela S. Hollis,
United States Bankruptcy Judge