

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

In re: § Chapter 11  
CROSSROADS SYSTMES, INC. §  
Debtor. § Case No. 17-51926  
§  
§

**NOTICE OF COMMENCEMENT OF CHAPTER 11 CASE  
AND PROOF OF CLAIM BAR DATE**

**PLEASE TAKE NOTICE THAT** on August 13, 2017 (the “Petition Date”), Crossroads Systems, Inc., a Delaware corporation (the “Debtor”), filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101 through 1330 (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Western District of Texas, San Antonio Division (the “Court”).

**TO ALL INTERESTED PARTIES:**

**COMMENCEMENT OF CASE.** Pursuant to Bankruptcy Code §§ 1107 and 1108, the Debtor is authorized to continue to operate its business and manage its properties as a debtor-in-possession. The Debtor’s case is being administered under the style *In re Crossroads Systems, Inc.*, Case No. 17-51926. You will not receive notice of all documents filed in this case. All documents that the Debtor files with the Court, including lists of property and debts, will be available for download at <https://www.crossroads.com> as well as at the Office of the Clerk listed below.

**INFORMATION CONCERNING THIS CASE.** Because the Court’s General Order regarding administrative procedures for electronic case filing governs these cases, the Court’s docket sheet and documents filed electronically are also accessible at the Court’s Internet site, [www.txwb.uscourts.gov](http://www.txwb.uscourts.gov), through an account obtained from PACER Service Center at 1-800-676-6856.

**CREDITORS AND PARTIES IN INTEREST MAY NOT TAKE CERTAIN ACTIONS.** A creditor is anyone to whom the Debtor owes money or property or anyone who has a claim or may have a claim against the Debtor that arose at the time of or before the Petition Date. Under the Bankruptcy Code, the Debtor is granted certain protection against creditors and other parties in interest. Common examples of prohibited actions by creditors and other parties in interest are contacting the Debtor to demand repayment, taking action against the Debtor to collect money owed to creditors or to take property of the Debtor, and starting or continuing foreclosure actions, or repossessions. If unauthorized actions are taken by a creditor or other party in interest against the Debtor, the Court may penalize that creditor or party in interest. A creditor or other party in interest who is considering taking action against the Debtor or its property should review Bankruptcy Code § 362 and may wish to seek legal advice. **The staff of the bankruptcy court and the United States Trustee’s Office are not permitted to give legal advice to creditors or other parties in interest.**

**NOTICE OF MEETING OF CREDITORS.** Pursuant to the *Order Approving Debtor’s Emergency Motion for an Order (I) Combining the Hearing on the Joint Prepackaged Plan of the Debtor and Disclosure Statement and (II) Granting Related Relief*, **a meeting of creditors and equity security holders pursuant to Bankruptcy Code § 341 will be conducted in the chapter 11 case on September \_\_\_\_\_, 2017 at [TIME] AND [LOCATION].**

**PROOF OF CLAIM.** The Court presiding over the above-captioned chapter 11 case has entered its *Order (I) Authorizing the Mailing of Notices, (II) Establishing a Bar Date for Filing Proofs of Claim, (III) Establishing Ramifications for Failure to Timely File Claims, (IV) Approving Consolidated Notice of (A) Case Commencement and (B) Bar Date, and (V) Approving Notice Procedures* (the “Order”) establishing \_\_\_\_\_, 2017 (the “**Claims Bar Date**”) as the deadline for creditors of the Debtor to file proofs of claim against the Debtor’s estate. A proof of claim is a signed statement describing a creditor’s claim. Creditors receiving this notice by mail should receive a

**EXHIBIT A**

proof of claim form. If you need additional proof of claim forms, you may contact the Debtor's counsel, Eric Terry Law, PLLC Att: Eric Terry, 3511 Broadway, San Antonio, Texas 78209, or by email at [eric@ericterrylaw.com](mailto:eric@ericterrylaw.com).

Under the Bankruptcy Code and as utilized in this notice and the Order, the term "claim" has been given the broadest possible definition, and includes any right to payment, whether in contract, tort, or by statute, and whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, priority, or unsecured as of the Petition Date for the Debtor.

The Debtor filed its Schedules of Assets and Liabilities on August 13, 2017 (the "Schedules"). The Schedules may be amended from time to time. The Schedules and any amendments thereto may be viewed at the following website: <https://www.crossroads.com> and can also be inspected at the office of the Clerk of the Bankruptcy Court, Hipolito F. Garcia Federal Building and United States Courthouse, 615 East Houston Street, Room 597, San Antonio, Texas 78205, or viewed on the Court's web site at <http://www.txwb.uscourts.gov/> through an account obtained from PACER Service Center at 1-800-676-6856. If your claim is listed in the Schedules, and is not listed as disputed, contingent or unliquidated, your claim will be allowed in the amount scheduled unless you file a proof of claim, or you are sent further notice about the claim. Whether or not your claim is scheduled, you are permitted to file a proof of claim.

If you assert a claim against the Debtor, you must file a proof of claim if:

- (a) your claim has not been listed by the Debtor in the Schedules;
- (b) you disagree with the amount of the claim scheduled by the Debtor in the Schedules;
- (c) the Debtor has scheduled your claim as unknown, disputed, contingent or unliquidated;
- (d) you believe your claim to be a secured claim, and the Debtor has not so scheduled your Claim; or
- (e) you believe your claim to be entitled to priority under the Bankruptcy Code, and the Debtor has not so scheduled your claim.

If you fail timely to file a proof of claim, and your claim is not scheduled, is scheduled for \$0.00, or is scheduled as disputed, unknown, contingent or unliquidated in the Schedules, unless otherwise provided under applicable law:

- (a) Your claim will be disallowed and you will not receive any distribution under any plan(s) that may be confirmed in the chapter 11 case; and
- (b) You nevertheless will be bound by the terms of any plan(s) that may be confirmed in the chapter 11 case.

**Special Claims.** For claims arising from rejection of executory contracts or unexpired leases pursuant to Bankruptcy Code § 365, the last day to file a proof of claim is the later of either (1) the Claims Bar Date, (2) the Rejection Claim Bar Date identified in the Prepackaged Plan, or (3) the first business day that is at least thirty (30) calendar days after the mailing of the notice of entry of any order approving the rejection of an executory contract or lease.

For claims arising from recovery by the Debtor of estate property transferred to you by the Debtor prior to the Petition Date as a voidable transfer, the last day to file a proof of claim is the later of (i) Claims Bar Date, or (ii) the first business day that is at least thirty (30) calendar days after the mailing of the notice of entry of an order or judgment avoiding a transfer.

For claims arising from the assessment of certain taxes as described in Bankruptcy Code § 502(i), the last day to file a proof of claim is the later of (i) Claims Bar Date, or (ii) the first business day that is at least ninety (90) calendar days after the date the relevant tax claim is assessed.

The last day to file a proof of claim in the Debtor's case pursuant to Rule 3004 of the Federal Rules of Bankruptcy Procedure is governed by the terms of Bankruptcy Rule 3004.

Pursuant to Bankruptcy Rule 3002(c)(1), the last date and time for filing proofs of claim by governmental units (as defined in Bankruptcy Code § 101(27)) is **February 12, 2018**.

The Order does not establish any deadline for the payment of administrative expenses arising under Bankruptcy Code §§ 503, 507(a)(1), 507(b), 330(a), 331 or 364. Parties should review the Prepackaged Plan for administrative claim deadlines.

The following persons and entities need **not** file a proof of claim by the Claims Bar Date:

- (a) any person or entity that has already properly filed, with the Clerk of the United States Bankruptcy Court for the Western District of Texas, a proof of claim against the Debtor using a claim form which substantially conforms to Official Form No. 10;
- (b) any person or entity whose claim has been paid by the Debtor;
- (c) any professionals whose retention in the chapter 11 case has been approved by the Court; and
- (d) The United States Trustee.

**Instructions for Filing Proofs of Claim and Consequences for Failure to Timely File Claim.** Any proof of claim filed after the Claims Bar Date or other applicable deadline will be disallowed. Any person or entity that is required by the Order to file a proof of claim and fails to do so by the Claims Bar Date or other applicable deadline set forth herein shall not be treated as a creditor for purposes of voting or receiving distributions in the case, and any claim of such person or entity will be discharged and forever barred unless otherwise provided under applicable law. Each creditor and recipient of this Notice and their respective agents and attorneys have an affirmative duty to review this notice, and timely file any proof of claim on or before the Claims Bar Date or other applicable deadline, or be forever barred from filing or asserting any such claim unless otherwise provided by applicable law. Each creditor and recipient of this notice is personally responsible for reviewing this notice and timely filing any proof of claim and should not rely upon their respective agents and attorneys to meet the deadlines specified in this notice.

**PROOFS OF CLAIM MUST BE FILED SO THAT THEY ARE ACTUALLY RECEIVED BY THE COURT ON OR BEFORE THE CLAIMS BAR DATE, \_\_\_\_\_, 2017, EXCEPT AS STATED HEREIN. PROOFS OF CLAIM MAY BE FILED ELECTRONICALLY ON THE COURT'S WEB SITE LOCATED AT [HTTPS://ECF.TXWB.USCOURTS.GOV/CGI-BIN/AUTOFILINGCLAIMS.PL](https://ecf.txwb.uscourts.gov/cgi-bin/autofilingclaims.pl) OR BY MAIL, IN PERSON, BY PERSONAL SERVICE OR FEDERAL EXPRESS ADDRESSED TO:**

**Clerk, U.S. Bankruptcy Court  
Hipolito F. Garcia Federal Building and United States Courthouse  
615 East Houston Street, Room 597  
San Antonio, Texas 78205**

You are encouraged to use the enclosed form of proof of claim. Pursuant to Bankruptcy Code § 502(b), amounts due shall be stated in lawful currency of the United States as of the Petition Date. Do not file your proof of claim with, or send copies of proofs of claim to, the Debtor. Pursuant to the Order, proofs of claim not filed with (i.e., actually received by) the Clerk of the Bankruptcy Court by the applicable deadline shall be deemed not to be properly or timely filed. To receive an acknowledgment that your proof of claim has been received by the Clerk of the Bankruptcy Court and filed, you must provide with your original proof of claim one additional copy and a postage-paid, self-addressed envelope.

**Amendments to Claims, Amendments to Schedules, and Claim Transfers.** After the deadline for filing claims, a creditor may not seek to amend a claim deemed filed on its behalf under Bankruptcy Code § 1111(a) by virtue of the

listing of such claim by the Debtor in their respective Schedules if such amendment increases the amount of the claim.

Following notice of any amendment to the Schedules reducing the amount of a scheduled claim, or that reclassifies a scheduled, undisputed, liquidated or non-contingent claim as disputed, unliquidated or contingent, any creditor so affected shall have until the later of (i) the Claims Bar Date, or (ii) thirty (30) days after the mailing of notice of the amendment, to file a proof of claim; provided, however, that following the Claims Bar Date, proofs of claim filed as a result of amendments to the Schedules shall be limited in amount to the amount previously scheduled by the Debtor, unless the creditor has otherwise timely filed a proof of claim. No extension of time is granted if the Debtor's amendment to its Schedules increases the claim deemed filed under Bankruptcy Code § 1111(a). Amendments to the Schedules regarding creditors who previously have filed proofs of claim shall not affect any proof of claim already on file or extend the deadline for filing proofs of claim. Nothing set forth herein shall be deemed to preclude the Debtor from objecting to any claim, whether scheduled or filed, on any grounds.

If a timely filed claim is transferred, the transferee must both (i) file a notice of transfer of the claim with the Clerk of the Bankruptcy Court, in accordance with Bankruptcy Rule 3001(e), by forwarding such notice to the Clerk of the Bankruptcy Court at its address indicated above, and (ii) serve a copy of the notice of transfer on the Debtor's counsel addressed to Eric Terry, Eric Terry Law, PLLC, 3511 Broadway, San Antonio, Texas 78209.

**Equity Interest Holders.** Pursuant to Bankruptcy Rule 3003(b)(2), it is not necessary for an equity security holder to file a proof of interest based solely upon such interest; provided, however, that if an equity holder asserts any rights as a creditor of a Debtor, a proof of claim is required, except as set forth herein.

**Trading Restrictions.** The Court has entered the *Interim Order Establishing Notification and Hearing Procedures for Transfers of Certain Equity Securities* (the "Trading Order"). The Trading Order establishes required procedures for trading equity securities of the Debtor. Equity Interest Holders should carefully review the Trading Order, which is being separately served upon them and will be available for download at <https://www.crossroads.com>.

**PURPOSE OF CHAPTER 11 FILING.** Chapter 11 of the Bankruptcy Code enables a debtor to reorganize pursuant to a plan. A plan is not effective unless approved by the Court at a confirmation hearing. Creditors will be given notice concerning any plan, or in the event the case is dismissed or converted to another chapter of the Bankruptcy Code. The Debtor will remain in possession of its property and will continue to operate its business unless a trustee is appointed.

**COUNSEL FOR THE DEBTOR.** The attorney for the Debtor is Eric Terry Law, PLLC, 3511 Broadway, San Antonio, Texas 78209.

Dated: August \_\_, 2017.  
San Antonio, Texas

Yvette Taylor, Clerk  
United States Bankruptcy Court  
Western District of Texas  
615 East Houston Street, Room 597  
San Antonio, Texas 78205