



## VIA E-MAIL

**AVA - 008**

March 27, 2017

**To:** CWA Avaya Members

**Re:** Avaya Bankruptcy Proof of Claim Deadline

The CWA's bankruptcy attorney, retained by the T&T Office, has provided the following information that may warrant your attention. Please read this carefully, especially if you have an open, outstanding grievance against Avaya that has a potential monetary impact.

The bankruptcy court in Avaya's bankruptcy case set May 8, 2017 as the deadline to file proofs of claim. Please note that this deadline does not apply to claims for wages, benefits or pensions paid in the ordinary course, which are still being paid, but does require that you file a claim or claims to protect grievance claims that arose from pre-bankruptcy filing conduct and are not fully resolved as well as any other litigation or out of the ordinary claims. However, should Avaya issue written notice of its intent to stop making payments under the CWA agreement, for things like wages, benefit and pensions, the proof of claim filing deadline becomes the later of thirty (30) days from receipt of the notice and May 8, 2017. As of today, all indications point to Avaya continuing to make payments under the CWA agreement for the time being.

In the event an employee believes he or she has a pre-petition claim for a grievance, litigation matter or other non-ordinary course wages, benefits or pensions, please follow the claim filing process set forth below – the union does not file claims for individuals as that is your individual responsibility:

The Petition Date: Avaya Inc. and 17 related debtors filed for relief under the bankruptcy code on January 19, 2017.

Below is a table providing the name of each debt or entity:

Debtor Name	Federal Tax Identification	Case Number
Avaya Inc.	22-3713430	17-10089 (SMB)
Avaya CALA Inc.	52-2229365	17-10090 (SMB)
Avaya EMEA Ltd.	52-2229361	17-10092 (SMB)
Avaya Federal Solutions, Inc.	20-8174392	17-10100 (SMB)
Avaya Holdings Corp.	26-1119726	17-10098 (SMB)
Avaya Holdings LLC	20-3766959	17-10094 (SMB)
Avaya Holdings Two, LLC	52-2323240	17-10095 (SMB)
Avaya Integrated Cabinet Solutions Inc.	77-0029449	17-10108 (SMB)
Avaya Management Services Inc.	52-2229358	17-10096 (SMB)
Avaya Services Inc.	81-3159687	17-10088 (SMB)
Avaya World Services Inc.	52-2229364	17-10097 (SMB)
Octel Communications LLC	36-4705700	17-10101 (SMB)
Sierra Asia Pacific Inc.	52-2229362	17-10102 (SMB)
Sierra Communication International LLC	52-2229828	17-10103 (SMB)
Technology Corporation of America, Inc.	65-0599022	17-10107 (SMB)
Ubiquity Software Corporation	94-3396232	17-10104 (SMB)
VPNet Technologies, Inc.	77-0411193	17-10105 (SMB)
Zang, Inc.	61-677229	17-10106 (SMB)

The Proof of Claim Filing Deadline: The filing deadline is **May 8, 2017, at 5:00 p.m.** prevailing Eastern Time.

We have been working closely with Avaya and Avaya has continued to pay pre-petition amounts due employees under the CWA agreement, including wages, benefits, pension and severance, so you may not currently have many claims, if any, on account of unpaid pre-petition wages, benefits, pensions or severance due under CWA agreement. Under federal non-bankruptcy law Avaya is not permitted to pay pensions in one lump sum but is currently paying the full amounts due over time.

However, in the event an employee or retiree has a claim for any grievances, litigation or other issues believes he or she has a claim for unpaid wages, benefits, severance or any on other grounds you must file a proof of claim against Avaya by May 8, 2017. Additionally, if Avaya sends notice to the CWA and directly to you of its intention to not wages, benefits pensions or severance type claims due under the CWA agreement, you have the later of 30 days from receipt of the notice and or May 8, 2017 to file a proof of claim for the terminated CBA protected amounts.

Grievance Claim: You must file a claim on account of any grievance(s) that arose prior to January 19, 2017 by May 8, 2017.

Filing a Pre-Petition Date Claim: For any claim for amounts that came due within the 180 days prior to the bankruptcy filing on January 16, 2017 you should check the box that calls the claim a priority claim under section 507(a)(4) of the bankruptcy code.

- You should use the attached “General Proof of Claim Form.” A few reminders regarding this form:

- If you attach a summary or documentation to the proof of claim form, it should not include confidential or personally sensitive information (e.g., social security number or health records), as proofs of claim are publicly available.
- If you assert a priority claim, a claim that arose within the 180-day period prior to the bankruptcy filing, the creditor should complete field 12.

Address for Filing Proofs of Claim: The address to which all proofs of claim must be delivered is as follows:

If by first-class mail, send to:

Avaya Inc.  
Claims Processing Center  
c/o Prime Clerk LLC  
830 Third Avenue, 3rd Floor  
New York, NY 10022

If by hand delivery or overnight mail, send to:

Avaya Inc.  
Claims Processing Center  
c/o Prime Clerk LLC  
830 Third Avenue, 3rd Floor  
New York, New York 10022

Note that the proofs of claim must be **actually received** at this address before **May 8, 2017**.

For more information and a proof of claim form – please follow this link:

<https://cases.primeclerk.com/avaya/EPOC-Index>

Should you have any questions, please feel free to contact us.

Thank you.

In Unity,



Lisa Bolton  
Vice President

LB:wrc  
opeiu-2, afl-cio

**UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK**

Fill in this information to identify the case (Select only one Debtor per claim form):		
<input type="checkbox"/> Avaya Inc. (17-10089)	<input type="checkbox"/> Avaya Management Services Inc. (17-10096)	<input type="checkbox"/> Sierra Communication International LLC (17-10103)
<input type="checkbox"/> Avaya Services Inc. (17-10088)	<input type="checkbox"/> Avaya World Services Inc. (17-10097)	<input type="checkbox"/> Ubiquity Software Corporation (17-10104)
<input type="checkbox"/> Avaya CALA Inc. (17-10090)	<input type="checkbox"/> Avaya Holdings Corp. (17-10098)	<input type="checkbox"/> VPNet Technologies, Inc. (17-10105)
<input type="checkbox"/> Avaya EMEA LTD. (17-10092)	<input type="checkbox"/> Avaya Federal Solutions, Inc. (17-10100)	<input type="checkbox"/> Zang, Inc. (17-10106)
<input type="checkbox"/> Avaya Holdings LLC (17-10094)	<input type="checkbox"/> Octel Communications LLC (17-10101)	<input type="checkbox"/> Technology Corporation of America, Inc. (17-10107)
<input type="checkbox"/> Avaya Holdings Two LLC (17-10095)	<input type="checkbox"/> Sierra Asia Pacific Inc. (17-10102)	<input type="checkbox"/> Avaya Integrated Cabinet Solutions Inc. (17-10108)

**Modified Official Form 410**

**Proof of Claim**

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Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense, other than a claim entitled to administrative priority pursuant to 11 U.S.C. § 503(b)(9). Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

<b>Part 1: Identify the Claim</b>		
<b>1. Who is the current creditor?</b>		
Name of the current creditor (the person or entity to be paid for this claim) _____		
Other names the creditor used with the debtor _____		
<b>2. Has this claim been acquired from someone else?</b>		
<input type="checkbox"/> No		
<input type="checkbox"/> Yes. From whom? _____		
<b>3. Where should notices and payments to the creditor be sent?</b>  Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	<b>Where should notices to the creditor be sent?</b>	
	<b>Where should payments to the creditor be sent? (if different)</b>	
	Name _____	Name _____
	Number _____ Street _____	Number _____ Street _____
	City _____ State _____ ZIP Code _____	City _____ State _____ ZIP Code _____
	Contact phone _____	Contact phone _____
Contact email _____	Contact email _____	
<b>4. Does this claim amend one already filed?</b>		
<input type="checkbox"/> No		
<input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____		Filed on _____
MM / DD / YYYY		
<b>5. Do you know if anyone else has filed a proof of claim for this claim?</b>		
<input type="checkbox"/> No		
<input type="checkbox"/> Yes. Who made the earlier filing? _____		

**Part 2:** Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor?  No  
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: \_\_\_\_\_

7. How much is the claim? \$\_\_\_\_\_ Does this amount include interest or other charges?  
 No  
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or creditcard.  
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).  
Limit disclosing information that is entitled to privacy, such as health care information.  
\_\_\_\_\_

9. Is all or part of the claim secured?  No  
 Yes. The claim is secured by a lien on property.  
**Nature of property:**  
 Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.  
 Motor vehicle  
 Other. Describe: \_\_\_\_\_  
**Basis for perfection:** \_\_\_\_\_  
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)  
**Value of property:** \$ \_\_\_\_\_  
**Amount of the claim that is secured:** \$ \_\_\_\_\_  
**Amount of the claim that is unsecured:** \$ \_\_\_\_\_ (The sum of the secured and unsecured amounts should match the amount in line 7.)  
**Amount necessary to cure any default as of the date of the petition:** \$ \_\_\_\_\_  
**Annual Interest Rate** (when case was filed) \_\_\_\_\_ %  
 Fixed  
 Variable

10. Is this claim based on a lease?  No  
 Yes. Amount necessary to cure any default as of the date of the petition. \$ \_\_\_\_\_

11. Is this claim subject to a right of setoff?  No  
 Yes. Identify the property: \_\_\_\_\_

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?  No  Yes. Check one:

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

<input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).	Amount entitled to priority \$ _____
<input type="checkbox"/> Up to \$2,850 of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).	\$ _____
<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,850) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).	\$ _____
<input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).	\$ _____
<input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).	\$ _____
<input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)( ) that applies.	\$ _____

13. Is all or part of the claim entitled to administrative priority pursuant to 11 U.S.C. § 503(b)(9)?  No  Yes. Indicate the amount of your claim arising from the value of any goods received by the debtor within 20 days before the date of commencement of the above case(s), in which the goods have been sold to the debtor in the ordinary course of such debtor's business. Attach documentation supporting such claim. \$ \_\_\_\_\_

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- I am the creditor.
- I am the creditor's attorney or authorized agent.
- I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date \_\_\_\_\_ (mm/dd/yyyy)

\_\_\_\_\_  
Signature

Print the name of the person who is completing and signing this claim:

Name \_\_\_\_\_  
 First name Middle name Last name

Title \_\_\_\_\_

Company \_\_\_\_\_  
 Identify the corporate servicer as the company if the authorized agent is a servicer.

Address \_\_\_\_\_  
 Number Street

City State ZIP Code

Contact phone \_\_\_\_\_ Email \_\_\_\_\_

## Instructions for Proof of Claim

United States Bankruptcy Court

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These instructions and definitions generally explain the law. In certain circumstances, such as bankruptcy cases that debtors do not file voluntarily, exceptions to these general rules may apply. You should consider obtaining the advice of an attorney, especially if you are unfamiliar with the bankruptcy process and privacy regulations.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both.  
18 U.S.C. §§ 152, 157 and 3571.

### How to fill out this form

- Fill in all of the information about the claim as of the date the case was filed.
- Fill in the caption at the top of the form.
- If the claim has been acquired from someone else, then state the identity of the last party who owned the claim or was the holder of the claim and who transferred it to you before the initial claim was filed.
- Attach any supporting documents to this form.  
Attach redacted copies of any documents that show that the debt exists, a lien secures the debt, or both. (See the definition of *redaction* on the next page.)  
Also attach redacted copies of any documents that show perfection of any security interest or any assignments or transfers of the debt. In addition to the documents, a summary may be added. Federal Rule of Bankruptcy Procedure (called “Bankruptcy Rule”) 3001(c) and (d).
- Do not attach original documents because attachments may be destroyed after scanning.
- If the claim is based on delivering health care goods or services, do not disclose confidential health care information. Leave out or redact confidential information both in the claim and in the attached documents.

- A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, individual’s tax identification number, or financial account number, and only the year of any person’s date of birth. See Bankruptcy Rule 9037.
- For a minor child, fill in only the child’s initials and the full name and address of the child’s parent or guardian. For example, write *A.B., a minor child (John Doe, parent, 123 Main St., City, State)*. See Bankruptcy Rule 9037.

### Confirmation that the claim has been filed

To receive confirmation that the claim has been filed, either enclose a stamped self-addressed envelope and a copy of this form. You may view a list of filed claims in this case by visiting the Claims and Noticing Agent’s website at <http://cases.primeclerk.com/avaya>.

### Understand the terms used in this form

**Administrative expense:** Generally, an expense that arises after a bankruptcy case is filed in connection with operating, liquidating, or distributing the bankruptcy estate.  
11 U.S.C. § 503.

**Claim:** A creditor’s right to receive payment for a debt that the debtor owed on the date the debtor filed for bankruptcy. 11 U.S.C. §101 (5). A claim may be secured or unsecured.

**Claim Pursuant to 11 U.S.C. § 503(b)(9):** A claim arising from the value of any goods received by the Debtor within 20 days before the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of the Debtor's business. Attach documentation supporting such claim.

**Creditor:** A person, corporation, or other entity to whom a debtor owes a debt that was incurred on or before the date the debtor filed for bankruptcy. 11 U.S.C. § 101 (10).

**Debtor:** A person, corporation, or other entity who is in bankruptcy. Use the debtor's name and case number as shown in the bankruptcy notice you received. 11 U.S.C. § 101 (13).

**Evidence of perfection:** Evidence of perfection of a security interest may include documents showing that a security interest has been filed or recorded, such as a mortgage, lien, certificate of title, or financing statement.

**Information that is entitled to privacy:** A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, an individual's tax identification number, or a financial account number, only the initials of a minor's name, and only the year of any person's date of birth. If a claim is based on delivering health care goods or services, limit the disclosure of the goods or services to avoid embarrassment or disclosure of confidential health care information. You may later be required to give more information if the trustee or someone else in interest objects to the claim.

**Priority claim:** A claim within a category of unsecured claims that is entitled to priority under 11 U.S.C. § 507(a). These claims are paid from the available money or property in a bankruptcy case before other unsecured claims are paid. Common priority unsecured claims include alimony, child support, taxes, and certain unpaid wages.

**Proof of claim:** A form that shows the amount of debt the debtor owed to a creditor on the date of the bankruptcy filing. The form must be filed in the district where the case is pending.

**Redaction of information:** Masking, editing out, or deleting certain information to protect privacy. Filers must redact or leave out information entitled to **privacy** on the *Proof of Claim* form and any attached documents.

**Secured claim under 11 U.S.C. § 506(a):** A claim backed by a lien on particular property of the debtor. A claim is secured to the extent that a creditor has the right to be paid from the property before other creditors are paid. The amount of a secured claim usually cannot be more than the value of the particular property on which the creditor has a lien. Any amount owed to a creditor that is more than the value of the property normally may be an unsecured claim. But exceptions exist; for example, see 11 U.S.C. § 1322(b) and the final sentence of § 1325(a).

Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment may be a lien.

**Setoff:** Occurs when a creditor pays itself with money belonging to the debtor that it is holding, or by canceling a debt it owes to the debtor.

**Unsecured claim:** A claim that does not meet the requirements of a secured claim. A claim may be unsecured in part to the extent that the amount of the claim is more than the value of the property on which a creditor has a lien.

### Offers to purchase a claim

Certain entities purchase claims for an amount that is less than the face value of the claims. These entities may contact creditors offering to purchase their claims. Some written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court, the bankruptcy trustee, or the debtor. A creditor has no obligation to sell its claim. However, if a creditor decides to sell its claim, any transfer of that claim is subject to Bankruptcy Rule 3001(e), any provisions of the Bankruptcy Code (11 U.S.C. § 101 et seq.) that apply, and any orders of the bankruptcy court that apply.

### Please send completed Proof(s) of Claim to:

Avaya Inc. Claims Processing Center  
c/o Prime Clerk LLC  
830 3rd Avenue, 3rd Floor  
New York, NY 10022

**Do not file these instructions with your form**