**Aeroméxico Bar Date FAQ**

* **What is a Bar Date?**
	+ The Bar Date is the court approved deadline for filing claims against Grupo Aeroméxico, S.A.B. de C.V., Aerovías de México, S.A. de C.V., Aerolitoral, S.A. de C.V. and Aerovías Empresa de Cargo, S.A. (collectively, “**Aeroméxico**” or the “**Debtors**”), for money owed or harm you believe was caused by acts or omissions of any of the Debtors from on or before the June 30, 2020 Chapter 11 filing date.
	+ The Bar Date has been established as **January 15, 2021, at 5:00 p.m. Prevailing Pacific Time.**
	+ Proof of Claim forms and related documentation must be actually received by Aeroméxico’s claims and noticing agent, Epiq Corporate Restructuring, LLC (“**Epiq**”), or the Bankruptcy Court on or before the Bar Date. A holder of a claim that arose on or prior to June 30, 2020 who fails to file a Proof of Claim on or before the Bar Date (unless exempted from the requirements of the Bar Date Order) will be forever barred, estopped, and enjoined from asserting that claim against the applicable Debtors, their property or their estates, and will not be entitled to vote on any plan filed in the Debtors’ bankruptcy cases or to receive any distributions on account of that claim.

# Why did I receive this “Bar Date Notice”?

* + The Bar Date Notice was provided to inform you of the Bar Date**.** The Bar Date Notice was provided to all creditors and other parties that are known to Aeroméxico and that Aeroméxico believes may have claims against any of the Debtors. For example, the Bar Date Notice was sent to (without limitation) vendors, suppliers, all United States employees, employees in Mexico and other non-US countries with known claims, passenger customers who purchased tickets in the last 12 months, and other contract counterparties of Aeroméxico. **The fact that you have received this notice does not mean that you have a claim** or that Aeroméxico or the Bankruptcy Court believe that you have a claim against Aeroméxico.
	+ The objective of the Bar Date procedures is to successfully reach and inform known and unknown potential claimants of the deadline and process for filing proofs of claim in these chapter 11 cases. All known potential claimants will receive a copy of the Bar Date Notice.
	+ In addition, notice of the bar date is being published in the national and international editions of The Wall Street Journal, New York Times, the Mexican national edition of El Economista, and any such other publications as the Debtors deem appropriate, in order to reach as many unknown claimants as practicable.

# I saw the Bar Date Notice on the website/in a publication, but did not receive a notice. Why didn’t I receive the “Bar Date Notice” individually?

* + You may or may not receive a copy of the Bar Date Notice, however, receipt or non-receipt of the Bar Date Notice does not determine whether you have a claim against the Debtors. If you did not receive a notice, it does not mean that you do or you do not have a claim against the Debtors. It just means that the Debtors were unaware of a claim you may have against the Debtors as of June 30, 2020. You can download the applicable Proof of Claim Form(s) from the Aeroméxico case website here: <https://dm.epiq11.com/aeromexico> or, for Official Form No. 410, [www.uscourts.gov/forms/bankruptcy-forms](http://www.uscourts.gov/forms/bankruptcy-forms).

# What is a “Claim”?

* + Under the Bankruptcy Code, a “claim” is defined as a right to a payment, including rights that are liquidated or unliquidated, contingent or fixed, matured or unmatured, disputed or undisputed, secured or unsecured.
	+ A “claim” may also be a right to an equitable remedy for breach of performance by any of the Debtors if such breach gives rise to a right of payment.

# Do I have a claim? What is my claim?

* + If you believe you were owed money by any of the Debtors before the June 30, 2020 Chapter 11 filing date, you may have a claim.
		- If you are an authorized agent, you may file a Proof of Claim on behalf of the individual or entity that you represent.
	+ If you do not believe you have a claim against Aeroméxico you do not need to do anything in response to any notice you may have received, nor do you need to submit a Proof of Claim form.
	+ If you believe you have a claim against any of the subsidiaries or affiliates of Aeroméxico that are not Debtors and are not subject to this bankruptcy proceeding, you are not required to file or submit a Proof of Claim Form.
	+ Proof of Claim Forms for claims listed on the Schedules of Assets and Liabilities (“**schedules**”) which were filed by each Debtor, are annotated with a note indicating the scheduled amount, the debtor and whether they are scheduled as contingent, unliquidated or disputed.
		- Additionally, a copy of the filed schedules is available for review on the court docket. You may access the court docket by visiting the Aeroméxico case website here: <https://dm.epiq11.com/case/aem/documents> and clicking on the “Schedules Of Assets And Liabilities” link to review these specific documents.
		- The schedules reflect the amounts each Debtor believes they may owe creditors as of the time of the Chapter 11 filing. If you **agree** with the scheduled amount, classification and asserted Debtor, and the amount is not listed as Contingent, Unliquidated or Disputed, **you are not required to file a Proof of Claim Form**.
		- If you **disagree** with the scheduled amount, classification or Debtor, orthe amount is listed as Contingent, Unliquidated, or Disputed, **you must file a Proof of Claim**.
	+ Neither Epiq nor Aeroméxico can provide advice as to whether you may have a claim, what entity your claim may be against, and whether you should file a Proof of Claim. You should review your own records to determine if you are owed money by Aeroméxico or otherwise believe you have a claim against Aeroméxico from before the June 30, 2020 Chapter 11 filing date.
	+ If you believe that you may have a claim, you can find instructions on how to file a Proof of Claim on Aeroméxico’s restructuring website here: <https://dm.epiq11.com/aeromexico>. The instructions are available in English and Spanish. If you require further assistance, you may wish to contact your own personal legal counsel.
	+ Your claim should be denominated in United States currency as of the Petition Date. If your claim is in Pesos, the correct conversion rate is the conversion rate that was in place as of June 30, as published by the date by the Mexican Federal Official Gazette.
		- 23.0893 Pesos = 1 USD
		- 1 Peso = 0.04331 USD

# What is a Proof of Claim?

* + A “Proof of Claim” is the official form that a creditor or other interested party (or litigant, or someone who believes that Aeroméxico has caused them damages) must submit in order to assert and support any claim against any or all of the Debtors.
	+ You can download the applicable Proof of Claim Form(s) from Aeroméxico’s restructuring website here: <https://dm.epiq11.com/aeromexico> or, for Official Form No. 410, [www.uscourts.gov/forms/bankruptcy-forms](http://www.uscourts.gov/forms/bankruptcy-forms).
	+ The Proof of Claim Form contains instructions that describe the types of claimants that should use such form and the types of claims that should be asserted using such form.
	+ Each Proof of Claim Form **must** be signed by the creditor, or by an authorized agent of the creditor. If you are an individual submitting a Proof of Claim Form on behalf of yourself, you are considered a creditor for the purposes of the Proof of Claim process, and you or your authorized agent must sign your Proof of Claim.
		- The Bar Date Order authorizes electronic signatures and ink signatures.
	+ You may attach to each Proof of Claim Form copies of any documents on which the claim is based (if voluminous, a summary may be attached), but you are not required to do so, and failure to attach any such documents will not affect your ability to submit a Proof of Claim. Please do not send original documents with your Proof of Claim, as they will not be returned to you and may be destroyed after they are processed and reviewed.

# Which form should I use?

* + You can submit your Proof of Claim either using the form attached to your Bar Date notice (which has English and Spanish instructions) or Official Form 410, the Bankruptcy Court’s standard form.

# Who is Epiq?

* + Epiq Corporate Restructuring, LLC has been appointed by the Bankruptcy Court to act as the Debtors’ Claims Agent, which includes sending the Bar Date Notice and processing all Proof of Claim Forms.
	+ Epiq is not permitted to provide legal or financial advice. Epiq’s role as claims and noticing agent is to receive, process, and record claims as filed, and maintain the official claims register. Epiq does not determine the validity or allowance of claims and is not able to determine whether or not a party should file a claim.

# Do I need to file a Proof of Claim?

* + If you believe that you may have a claim that arose before the filing date of June 30, 2020 that has not been paid, you should consider whether to file a Proof of Claim.
	+ Aeroméxico‘s subsidiaries are not Debtors and are not subject to this bankruptcy proceeding. If you have a claim only against one of Aeroméxico’s non-Debtor subsidiaries, you are not required to file or submit a Proof of Claim Form.
	+ A separate Proof of Claim form must be filed for amounts owed by each Debtor.
	+ In accordance with the Bar Date Order, individuals or entities with certain types of claims do not need to file a Proof of Claim. Those exemptions are listed in the Bar Date Order.

# How do I submit a Proof of Claim?

* + Proofs of Claim will be deemed filed only when received by Epiq by U.S. mail or hand delivery, or filed electronically through Epiq’s website or the Court website, or received by the Court by hand delivery. You can find instructions on how to file a Proof of Claim in English and Spanish on Aeroméxico’s restructuring website here: <https://dm.epiq11.com/aeromexico>.
	+ Proofs of claim delivered that contain confidential information must be marked “CONFIDENTIAL.”
	+ Submission of Proof of Claim Forms via email and/or facsimile transmission is not permitted.

# Can I submit a Proof of Claim after the Bar Date?

* + A holder of a claim that arises on or prior to June 30, 2020 who fails to file a Proof of Claim on or before the Bar Date (unless exempted from the requirements of the Bar Date Order) will be forever barred, estopped, and enjoined from asserting that claim against the Debtors, their property or their estates and will not be entitled to vote on any plan filed in the Debtors’ bankruptcy cases or to receive any distributions on account of that claim.

# Can I amend a claim after the Bar Date?

* + If you wish to adjust a Proof of Claim that was previously filed, you must fill out a new Proof of Claim Form and select the applicable box to indicate that it amends a previously filed claim, the applicable claim number that is being amended (if known) and the original submission date (if known).
	+ Timely filed Proofs of Claim may be amended after the Bar Date. However, a Proof of Claim cannot be amended to assert a new claim after the Bar Date, and it is ultimately up to the Bankruptcy Court to determine how any claim amendments received after the Bar Date will be treated.

# How will I know that my claim was processed?

* + All Proof of Claim Forms submitted to Epiq will be processed at Epiq’s facility. Once a claim is processed, it will appear on the electronic claims register provided on Aeroméxico’s case website at <https://dm.epiq11.com/aeromexico>. Regardless of the date the Proof of Claim is processed, your claim will be reflected with the actual date of receipt by Epiq or the Bankruptcy Court. Claimants are also encouraged to contact Epiq’s call center via phone (Toll Free US: (855) 917-3578; Non U.S. Parties: +1 (503) 520-4473) to request confirmation of submitted claims.
	+ Neither the processing of a Proof of Claim by Epiq nor the appearance of a claim on the claims register is an admission or determination by any party as to the validity or allowance of such claim.

# When and how will I be paid?

* + Before any distributions are made, a plan of reorganization and disclosure statement will be filed with the Bankruptcy Court that will explain the claim distribution process and the amounts that will be paid (if any) on account of allowed claims, and the form of such consideration. It can be several months or more after those documents are filed before any distributions are made.
	+ The Debtors and any other party in interest have the right to object to any filed Proof of Claim. If an objection is filed, you will be notified and a court date will be scheduled for the Bankruptcy Court to determine the appropriate amount, if any, of your allowed claim. If such a court date is scheduled, you are entitled to present additional materials in support of your Proof of Claim either before or at that hearing. You may also choose to have a lawyer represent you at any such hearing.
	+ If it is determined that you hold an allowed general unsecured claim against Aeroméxico that is entitled to a distribution, you may receive a distribution in the amount of all or a portion of your claim at the end of Aeroméxico’s bankruptcy cases, which, unless the claim is subject to a statutory priority or subordination, will generally be paid on the same priority level as all other general unsecured claims.

# What is a plan of reorganization?

* + A plan of reorganization is a document that explains how a Debtor proposes to pay the amounts it owes to its creditors. Once filed, this plan will be available for creditors to review
	+ The amount you may receive under the plan (if any), the form of consideration you receive, and whether you have a right to vote on the plan will be determined at a later date.

# I did not receive a Bar Date Notice or Proof of Claim form. How can I obtain one?

* + If you would like to obtain a copy of the Bar Date Notice for informational purposes or need a Proof of Claim Form, you can find them on the website administered by the Debtors’ Claims Agent at <https://dm.epiq11.com/aeromexico>.

# If I have further questions regarding filing a claim, who can I call?

* + If you have further questions about filing a claim, please call Epiq, who is the Court- appointed Claims Agent in these cases. Epiq can be reached at Toll Free US: (855) 917-3578; Non U.S. Parties: +1 (503) 520-4473, or aeromexicoinfo@epiqglobal.com.

# Does someone represent me in this matter/case? Is there a lawyer I can speak to?

* + The Official Committee of Unsecured Creditors the “**Committee**”) was appointed and is a fiduciary in these cases to represent the interests of all unsecured creditors.
	+ You may also contact counsel to the Committee, Morrison & Foerster LLP, at the following: krichardson@mofo.com.

**Aeroméxico Bar Date FAQ: Special Considerations for Passengers**

# I have a cancelled or refunded flight purchased within one year of the Petition Date. Do I need to file a Proof of Claim?

* + *Prepetition Tickets*
		- If you believe that you are entitled to a cash refund on prepetition tickets for a canceled flight, or are otherwise owed cash in connection with that ticket, **that claim will be discharged by the bankruptcy process unless you submit a Proof of Claim.** That fact that you have done so, however, does not establish that you are, in fact, eligible to such a cash refund.
			* Note that if you file a Proof of Claim, the amounts that will be paid on account of allowed claims (which may be 0, or significantly less than 100%) and the form of such consideration (which may not be cash) are uncertain and will be determined by the Debtors’ eventual plan of reorganization. Furthermore, it will be several months or more (perhaps significantly more) after the Bar Date before any distributions are made on account of such claims.
		- The Bar Date Order provides that **passengers with electronic vouchers are not required to file a Proof of Claim** to use such vouchers. These vouchers are authorized to be honored by the Customer Programs Order.
	+ *Other Customer Programs*
		- A variety of other prepetition obligations related to passenger customer programs are authorized to be honored by the Customer Programs Order, including the following programs; **you are not required to file a Proof of Claim in order to participate in any of these programs.**
			* Non-cash sales and promotional programs
			* Travel voucher programs
			* Club Premier points relating to the loyalty program
			* VIP lounge membership programs
		- However, if you believe you are owed cash in connection with these programs, or have a claim separately related to these programs, **you must file a Proof of Claim**.

# I had a flight that I purchased within one year of the Petition Date, and took the flight. Why did I receive a Bar Date Notice?

* + The Bar Date Order provides that the Debtors will send the Bar Date Package to all customers who purchased a ticket one year prior to the Petition Date, whether or not such flight was ultimately taken or whether there are any outstanding refund or similar claims.
	+ The fact that you have received this notice does not mean that you have a claim or that Aeroméxico or the Bankruptcy Court believe that you have a claim against Aeroméxico.

# I did not receive a Proof of Claim form but have purchased a ticket in the past 12 months. Should I file a proof a claim?

* + The Debtors made all reasonable efforts to locate a mailing and/or email address for their customers in year prior to the Petition Date. However, the Bar Date will apply to prepetition claims (other than certain exceptions provided in the Bar Date Order), so you should still file a Proof of Claim form if you believe you have a claim against the Debtors.
	+ You can download the applicable Proof of Claim Form(s) from the Aeroméxico case website here: <https://dm.epiq11.com/aeromexico> or, for Official Form No. 410, [www.uscourts.gov/forms/bankruptcy-forms](http://www.uscourts.gov/forms/bankruptcy-forms).

# What if I purchased a ticket after June 30, 2020?

* + The Bar Date applies only to prepetition claims, so you do not need to file a Proof of Claim for claims in connection with this ticket purchase.

# What if I purchased a ticket prior to June 30, 2019 and received a Bar Date Notice and Proof of Claim Form?

* + You may be receiving a Proof of Claim for a different reason other than your purchase of that flight. You should review the Bar Date Notice to determine whether you may have a prepetition claim against the Debtors.