

**Fill in this information to identify the case:**

Debtor D & I Silica, LLC

United States Bankruptcy Court for the: Southern District of Texas  
(State)

Case number 20-33501

# Official Form 410

## Proof of Claim

04/19

**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. 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 or 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.**

**Part 1: Identify the Claim**

1. Who is the current creditor?	<u>Canadian National Railway Company</u> Name of the current creditor (the person or entity to be paid for this claim)	
	Other names the creditor used with the debtor <u>CN</u>	
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent?	<b>Where should notices to the creditor be sent?</b> See summary page  Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)  Contact phone <u>5143996182</u> Contact email <u>martin.cyr@cn.ca</u>	<b>Where should payments to the creditor be sent? (if different)</b>  Contact phone _____ Contact email _____  Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____
4. Does this claim amend one already filed?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Claim number on court claims registry (if known) <u>396</u> Filed on <u>08/13/2020</u> MM / DD / YYYY	
5. Do you know if anyone else has filed a proof of claim for this claim?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Who made the earlier filing? <u>Martin Cyr</u>	



**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: 6714 \_\_\_\_

7. How much is the claim? \$ 17185.85. 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 credit card.  
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.

Freight - Rail Transportation

9. Is all or part of the claim secured? ☒ No  
☐ Yes. The claim is secured by a lien on property.  
**Nature or property:**  
☐ Real estate: If the claim is secured by the debtor's principle 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 amount 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)?

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

☒ No

☐ Yes. Check all that apply:

☐ 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

\$ \_\_\_\_\_

☐ Up to \$3,025\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

\$ \_\_\_\_\_

☐ Wages, salaries, or commissions (up to \$13,650\*) 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).

\$ \_\_\_\_\_

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

\$ \_\_\_\_\_

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

\$ \_\_\_\_\_

☐ Other. Specify subsection of 11 U.S.C. § 507(a)( ) that applies.

\$ \_\_\_\_\_

\* Amounts are subject to adjustment on 4/01/22 and every 3 years after that for cases begun on or after the date of adjustment.

13. Is all or part of the claim 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, 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 acknowledgement 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 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 10/15/2020  
MM / DD / YYYY

/s/Martin Cyr  
Signature

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

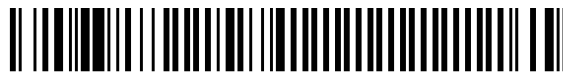
Name Martin Cyr  
First name Middle name Last name

Title Manager Credit and Escalations

Company Canadian National Railway Company  
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address \_\_\_\_\_

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



# KCC ePOC Electronic Claim Filing Summary

For phone assistance: Domestic (866) 554-5810 | International (781) 575-2032

<b>Debtor:</b> 20-33501 - D & I Silica, LLC <b>District:</b> Southern District of Texas, Houston Division		
<b>Creditor:</b> Canadian National Railway Company Canadian National Railway Company 935 de la Gauchetiere Street West Floor 4  Montreal, Quebec, H3B 2M9 Canada <b>Phone:</b> 5143996182 <b>Phone 2:</b>  <b>Fax:</b>  <b>Email:</b> martin.cyr@cn.ca	<b>Has Supporting Documentation:</b> Yes, supporting documentation successfully uploaded <b>Related Document Statement:</b>	
	<b>Has Related Claim:</b> Yes <b>Related Claim Filed By:</b> Martin Cyr	
	<b>Filing Party:</b> Authorized agent	
<b>Other Names Used with Debtor:</b> CN	<b>Amends Claim:</b> Yes - 396, 08/13/2020 <b>Acquired Claim:</b> No	
<b>Basis of Claim:</b> Freight - Rail Transportation	<b>Last 4 Digits:</b> Yes - 6714	<b>Uniform Claim Identifier:</b>
<b>Total Amount of Claim:</b> 17185.85	<b>Includes Interest or Charges:</b> No	
<b>Has Priority Claim:</b> No	<b>Priority Under:</b>	
<b>Has Secured Claim:</b> No <b>Amount of 503(b)(9):</b> No <b>Based on Lease:</b> No <b>Subject to Right of Setoff:</b> No	<b>Nature of Secured Amount:</b> <b>Value of Property:</b> <b>Annual Interest Rate:</b> <b>Arrearage Amount:</b> <b>Basis for Perfection:</b> <b>Amount Unsecured:</b>	
<b>Submitted By:</b> Martin Cyr on 15-Oct-2020 3:34:56 p.m. Eastern Time <b>Title:</b> Manager Credit and Escalations <b>Company:</b> Canadian National Railway Company		

## #056714 D&amp;I SILICA, LLC

INVOICE-NUMBER	TYPE DESCRIPTION	PATRON-NUMBER	INVOICE-DATE	CURRENCY	OPEN-AMOUNT	WAYBILL-DATE	EQUIP-INITIAL	EQUIP-NUMBER	FROM-AT-STATION-NAME	PROV-ST	TO-STATION-NAME	PROV-ST
81737919	FREIGHT	056714A	05/16/2020	USD	\$ 415.30	03/13/2020	CRDX	23115	RADEBAUGH	PA	INDEPENDENCE	WI
82072747	FREIGHT	056714A	06/17/2020	USD	\$ 918.00	04/17/2020	SOXX	33699	BLAIR	WI	BLAIR	WI
82077819	FREIGHT	056714A	06/17/2020	USD	\$ 918.00	04/17/2020	JAIX	860152	BLAIR	WI	BLAIR	WI
754169644	OS - SHIPMENT PLAN CHANGES	056714ZY	06/11/2019	USD	\$ 2,500.00	03/14/2019	CN	1	BLAIR	WI		
754169646	OS - SHIPMENT PLAN CHANGES	056714ZY	06/11/2019	USD	\$ 2,000.00	03/25/2019	CN	1	BLAIR	WI		
754285807	OS - OT57- NON COMPLIANCE FEE (PRIVATES)	056714ZY	10/11/2019	USD	\$ 800.00	10/07/2019	AOKX	483851	BLAIR	WI		
754286488	OS - OT57- NON COMPLIANCE FEE (PRIVATES)	056714ZY	10/12/2019	USD	\$ 800.00	10/08/2019	AOKX	483827	BLAIR	WI		
754288348	OS - OT57- NON COMPLIANCE FEE (PRIVATES)	056714ZY	10/15/2019	USD	\$ 200.00	10/11/2019	AOKX	483874	BLAIR	WI		
754296115	OS - OT57- NON COMPLIANCE FEE (PRIVATES)	056714ZY	10/23/2019	USD	\$ 200.00	10/19/2019	HKRX	300758	BLAIR	WI		
754300660	OS - OT57- NON COMPLIANCE FEE (PRIVATES)	056714ZY	10/28/2019	USD	\$ 200.00	10/24/2019	NAHX	331230	BLAIR	WI		
754311355	OS - OT57- NON COMPLIANCE FEE (PRIVATES)	056714ZY	11/09/2019	USD	\$ 200.00	11/05/2019	HKRX	300688	BLAIR	WI		
754329035	OS - OT57- NON COMPLIANCE FEE (PRIVATES)	056714ZY	11/28/2019	USD	\$ 1,200.00	11/24/2019	HKRX	300603	INDEPENDENCE	WI		
754337082	OS - OT57- NON COMPLIANCE FEE (PRIVATES)	056714ZY	12/06/2019	USD	\$ 200.00	12/02/2019	NAHX	331230	BLAIR	WI		
754349599	OS - OT57- NON COMPLIANCE FEE (PRIVATES)	056714ZY	12/20/2019	USD	\$ 200.00	12/16/2019	CBFX	313832	BLAIR	WI		
754353810	OS - OT57- NON COMPLIANCE FEE (PRIVATES)	056714ZY	12/25/2019	USD	\$ 200.00	12/21/2019	MBKX	102458	INDEPENDENCE	WI		
920116458	LATE PAYMENT CHARGES	056714A	07/02/2019	USD	\$ 88.68							
920116871	LATE PAYMENT CHARGES	056714A	09/02/2019	USD	\$ 444.42							
920116872	LATE PAYMENT CHARGES	056714C	09/02/2019	USD	\$ 286.01							
920117721	LATE PAYMENT CHARGES	056714A	01/02/2020	USD	\$ 2,773.26							
920117722	LATE PAYMENT CHARGES	056714C	01/02/2020	USD	\$ 61.68							
920118180	LATE PAYMENT CHARGES	056714A	03/02/2020	USD	\$ 2,399.87							
920118181	LATE PAYMENT CHARGES	056714C	03/02/2020	USD	\$ 180.63							
					\$ 17,185.85							