

**PORZIO, BROMBERG & NEWMAN, P.C.**

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Attorneys for Warren J. Martin Jr., Assignee for the  
Benefit of Creditors of Fleer/SkyBox International LP  
and Fleer Collectibles, LLC

In the Matter of the General Assignment for  
the Benefit of Creditors of FLEER/SKYBOX  
INTERNATIONAL LP

Assignor,

to

WARREN J. MARTIN JR.,

Assignee.

In the Matter of the General Assignment for  
the Benefit of Creditors of FLEER  
COLLECTIBLES, LLC,

Assignor,

to

WARREN J. MARTIN JR.,

Assignee.

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION, PROBATE PART  
BURLINGTON COUNTY

DOCKET NO: P-2005-1394

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION, PROBATE PART  
BURLINGTON COUNTY

DOCKET NO: P-2005-1408

**NOTICE OF MOTION FOR ORDER LIMITING REGULAR MAIL  
SERVICE OF MOTIONS AND PLEADINGS TO CERTAIN CREDITORS  
AND PARTIES-IN-INTEREST**

TO: ALL PARTIES ON ATTACHED SERVICE LIST

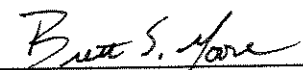
**PLEASE TAKE NOTICE** that Warren J. Martin Jr. (the "Assignee"), Assignee for the Benefit of Creditors of Fleer/SkyBox International LP ("Fleer/Skybox") and Fleer Collectibles, LLC ("Fleer Collectibles"), by and through his counsel, Porzio, Bromberg & Newman, P.C., shall move before the Honorable Ronald E. Bookbinder, J.S.C., a Judge of the Superior Court of the State of New Jersey, on the 26th day of August, 2005 at 1:45 p.m., or as soon thereafter as counsel may be heard, at the Superior Court of New Jersey, Chancery Division, Probate Part, Burlington County, 49 Rancocas Road, Mt. Holly, New Jersey 08060, for entry of an Order Limiting Regular Mail Service of Motions and Pleadings to Certain Creditors and Parties-in-Interest (the "Motion").

**PLEASE TAKE FURTHER NOTICE** that the Assignee will rely upon the attached Verified Application to Limit Regular Mail Service of Motions and Pleadings to Certain Creditors and Parties-in-Interest together with the argument of counsel and any testimony that the Court may require on the return date of the Motion.

**PLEASE TAKE FURTHER NOTICE** that if you fail to oppose the Motion, the Court may enter an Order Approving the Motion without further notice to you. A proposed form of Order is submitted herewith.

DATED: July 27, 2005

**PORZIO, BROMBERG & NEWMAN, P.C.**

By:   
Brett S. Moore (BM-0014)

Attorneys for Warren J. Martin Jr., Assignee for the Benefit of Creditors of Fleer/SkyBox International LP and Fleer Collectibles, LLC

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DOCKET NO: P-2005-1394

In the Matter of the General Assignment for  
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WARREN J. MARTIN JR.,

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SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION, PROBATE PART  
BURLINGTON COUNTY

DOCKET NO: P-2005-1408

**VERIFIED APPLICATION TO LIMIT REGULAR MAIL SERVICE OF  
MOTIONS AND PLEADINGS TO CERTAIN CREDITORS AND  
PARTIES-IN-INTEREST**

TO: THE HONORABLE RONALD E. BOOKBINDER  
SUPERIOR COURT JUDGE

Warren J. Martin Jr. (the "Assignee"), Assignee for the Benefit of Creditors of Fleer/SkyBox International LP ("Fleer/Skybox"), as well as for Fleer Collectibles, LLC ("Fleer Collectibles"), by and through his counsel, Porzio, Bromberg & Newman, P.C., by way of Verified Application to Limit Regular Mail Service of Motions and Pleadings to Certain Creditors and Parties-In-Interest (the "Application"), respectfully states as follows:

### **Background**

1. Fleer/Skybox and Fleer Collectibles executed respective Deeds of Assignment for the Benefit of Creditors (the "Assignments") on June 10, 2005.
2. On June 17, 2005, the Assignee filed Notices of Assignment (the "Notices") regarding each of the Assignments with this Court.
3. Attached to the Notices were service lists (the "Service Lists") containing the names and addresses of 334 creditors of Fleer/Skybox and Fleer Collectibles.
4. On July 14, 2005, Fleer/Skybox and Fleer Collectibles filed amended Notices of Assignment (the "Amended Notices") which were also duly filed and recorded with the County Clerk and with this Court on July 18, 2005.
5. Since the Notices were filed, the Assignee and his counsel have been contacted by additional creditors seeking information about the Assignment. Accordingly, the Service Lists have been updated continually to reflect newly discovered creditors. To date, the Service List contains the names and addresses of approximately 392 creditors and parties-in-interest.

### Service of Pleadings

6. Although there is no express requirement to do so, thus far, the Assignee has served copies of pleadings filed with the Court on all known creditors. A summary of such service is as follows:

7. On June 20, 2005, the following documents were served on all then known creditors via regular mail:

- i) Petition for Proceedings on Assignment for the Benefit of Creditors for Fleer/SkyBox International LP, with the attached Exhibit "A" as the Deed of Assignment, dated June 8, 2005 (served on Fleer/Skybox Creditors);
- ii) Petition for Proceedings on Assignment for the Benefit of Creditors for Fleer Collectibles, LLC (served on Fleer Collectibles creditors);
- iii) Notice of Assignment;
- iv) Verified Application for Order Authorizing Employment of Key Employees as Independent Contractors; Notice of same and Proposed Order for same;
- v) Petition to Appoint Porzio, Bromberg & Newman, P.C., As Counsel for the Assignee; and Proposed Order for same;
- vi) Petition to Appoint Fox Rothschild, LLP, as Special Corporate Counsel for the Assignee; and Proposed Order for same;
- vii) Petition to Appoint Stetz, Belgiovine and Manwarren, P.C., as Accountants for the Assignee; Affidavit of Gary Stetz; and Proposed Order for same;
- viii) Petition to Appoint A. Atkins Appraisal Corporation As Appraiser; and Proposed Order for same; and

ix) Petition to Appoint Continental Auction Group, Inc. as Auctioneer; and Proposed Order for same.

8. On June 24, 2005, the Notices of Assignment and proof of claim forms were served on all then known creditors via regular mail.

9. On June 29, 2005, the Verified Application for Order (1) Establishing Bidding Procedures Including Approval of Break-Up Fee; (2) Scheduling Auction; and (3) Authorizing Sale of (A) Fleer/SkyBox's Intellectual Property and (B) Substantially All of the Assets of Fleer Collectibles; Notice of the Motion; and Proposed Order for same were served on all then known creditors via regular mail.

10. On July 1, 2005, the Assignee's Certification in Further Support of Retention Applications ("Certification") was served on all known creditors via regular mail.

#### **The Web-Site and Media Reports Concerning the Assignment**

11. On June 30, 2005, the Assignee launched a web-site, [www.fleerabc.com](http://www.fleerabc.com), (the "Web-Site"). The Web-Site contains general information, answers to frequently asked questions, and links to all documents that have been filed in the Assignments. The Web-Site is frequently updated to include new information and links to newly filed pleadings.

12. On July 1, 2005, in the cover letter serving the Certification (the "Letter"), all known creditors were advised of the existence and contents of the Web-Site. Creditors were also advised that if they preferred to receive email service of documents, as opposed to regular mail, they should send contact information to [fleer@pbnlaw.com](mailto:fleer@pbnlaw.com), which is also

available as a link on the Web-Site. Additionally, all creditors who call the Assignee are being advised of the Web-Site.

13. Pursuant to the Letter, the Assignee and his counsel have received numerous requests from creditors asking to receive service of documents via email, as opposed to regular mail.

14. Information about the Assignments and the Web-Site has been published by *The Philadelphia Inquirer*, *The Burlington County Times*, *Sports Collectors Digest* and Beckett Media's website.

15. To date, the Web-Site has been accessed more than 250,000 times, averaging over 12,000 times a day. Over 900 proof of claim forms have been downloaded from the Web-Site.

#### **Relief Requested and Reasons Therefore**

16. As noted, although there is no statutory requirement that an Assignee for the Benefit of Creditors serve all pleadings filed in the case on all creditors via regular mail, out of an abundance of caution, the Assignee has thus far done so.

17. However, given the large administrative expenses associated with mailing hard copies of documents to all creditors, the Assignee has determined that it is in the best interest of creditors to limit service pursuant to this Application.

18. While the Assignee believes that it was important to mail copies of pleadings and proofs of claim forms to all known creditors at the outset of these proceedings to put all known creditors on notice, the Assignee is satisfied that creditors are now generally familiar with the proceedings and that this is no longer necessary.

19. In connection with those initial mailings, and given the large number of known creditors in this case, the Assignee has already incurred substantial administrative and mailing expenses related to serving pleadings on all creditors via regular mail.

20. Accordingly, the Assignee hereby requests that this Court enter an order authorizing him to limit service via regular mail to the following creditors, holding claims of \$475,000.00 or more:

- Major League Baseball Properties, Inc. (\$479,560.22);
- Visions in Flight (\$625,000.00);
- National Football Players' Association (\$629,313.43);
- Lazer Photo Engraving, Inc. (\$838,535.71);
- NBA Properties, Inc. (\$961,994.11);
- 4Kids Entertainment (\$1,050,000.00);
- Collectsport.net (\$1,204,482.50);
- Dynamic Graphics (\$1,529,506.94); and
- Yaquinto Printing (\$1,952,203.20).

21. In addition to service via regular mail to the above creditors, the Assignee will continue to put all filed pleadings on the Web-Site. Furthermore, for those creditors that have provided the Assignee with an e-mail address, the Assignee will provide e-mail notice of all future pleadings filed in the case.

22. Also, to the extent that an application by the Assignee will impact a creditor's particular interest, the Assignee will serve such creditor with a hard-copy of such application.

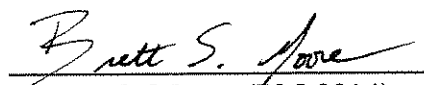
23. Importantly, this application is being served on all creditors via regular mail, such that creditors who wish to continue to receive notice by regular mail (rather than by e-mail or by accessing the Web-Site) may advise the Assignee of this prior to the hearing on this Application.

24. By limiting regular mail service as set forth herein, the Assignee can more efficiently manage the estate and better preserve existing funds for the benefit of creditors.

**WHEREFORE**, your Petitioner, Warren J. Martin Jr., Assignee for the Benefit of Creditors of Fleer/SkyBox International LP and Fleer Collectibles, LLC, respectfully prays for the entry of the proposed Order Limiting Regular Mail Service of Motions and Pleadings to Certain Creditors and Parties-In-Interest submitted herewith.

DATED: July 27, 2005

**PORZIO, BROMBERG & NEWMAN, P.C.**

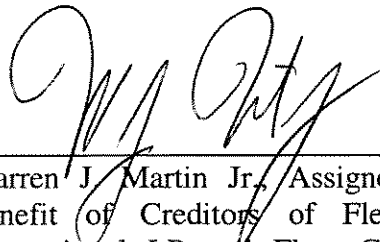
By:   
Brett S. Moore (BM-0014)

Attorneys for Warren J. Martin Jr., Assignee for the Benefit of Creditors of Fleer/SkyBox International LP and Fleer Collectibles, LLC

**VERIFICATION**

I, Warren J. Martin Jr., do hereby verify that the statements contained in the foregoing Application are true according to the best of my knowledge, information and belief. I am aware that if any of the foregoing statements made by me are false, I am subject to punishment.

DATED: July 27, 2005

By:   
Warren J. Martin Jr., Assignee for the  
Benefit of Creditors of Fleer/SkyBox  
International LP and Fleer Collectibles,  
LLC

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SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION, PROBATE PART  
BURLINGTON COUNTY

DOCKET NO: P-2005-1408

**ORDER LIMITING REGULAR MAIL SERVICE OF MOTIONS AND  
PLEADINGS TO CERTAIN CREDITORS AND PARTIES-IN-INTEREST**

THIS MATTER, being brought before the Court by Warren J. Martin Jr., Assignee for  
the Benefit of Creditors herein (the "Assignee"), upon the Verified Application to Limit Regular  
Mail Service of Motions and Pleadings to Certain Creditors and Parties-in-Interest (the

"Application"); and the Court having considered the Application and any opposition thereto, and it appearing that the relief requested in the Application is just and appropriate; and it appearing that good and sufficient notice of the Application has been given; and after due deliberation and sufficient cause appearing therefore;

IT IS ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005

**ORDERED** that the Assignee is authorized to limit regular mail service to: (i) those creditors holding claims of \$475,000.00 or more, and (ii) those creditors that advise the Assignee that they wish to continue to receive notice by regular mail; and it is further

**ORDERED** that the Assignee will post all filed pleadings on the Web-Site<sup>1</sup> and, for those creditors that have provided the Assignee with an email address, the Assignee will provide email service of all pleadings filed in the case; and it is further

**ORDERED** that, to the extent that an application by the Assignee will impact a creditor's particular interest, the Assignee will serve such creditor with a hard-copy of such application; and it is further

**ORDERED** that a copy of the within Order shall be served in accordance with this Motion within seven (7) days from the date hereof.

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<sup>1</sup> Capitalized terms not defined herein shall have the meaning ascribed to such terms in the Application.