

Edgar Filing: GLOBIX CORP - Form NT 10-K

GLOBIX CORP  
Form NT 10-K  
December 31, 2002

SECURITIES AND EXCHANGE COMMISSION  
WASHINGTON, DC 20549

FORM 12b-25

Commission File Number 1-14168

CUSIP Number: Pending

NOTIFICATION OF LATE FILING

(Check One):  Form 10-K  Form 11-K  Form 20-F  Form 10-Q

Form N-SAR

For Period Ended: September 30, 2002

Transition Report on Form 10-K  Transition Report on Form 10-Q  
 Transition Report on Form 20-F  Transition Report on Form N-SAR  
 Transition Report on Form 11-K

For the Transition Period Ended: \_\_\_\_\_

Read attached instruction sheet before preparing form. Please print or type.

Nothing in this form shall be construed to imply that the Commission has verified any information contained herein.

If the notification relates to a portion of the filing checked above, identify the item(s) to which the notification relates:

\_\_\_\_\_  
\_\_\_\_\_

PART I  
REGISTRANT INFORMATION

Full name of registrant Globix Corporation  
\_\_\_\_\_

Former name if applicable  
\_\_\_\_\_

Address of principal executive office (Street and number)  
139 Centre Street  
\_\_\_\_\_

City, state and zip code New York, New York 10013  
\_\_\_\_\_

PART II  
RULES 12b-25 (b) AND (c)

If the subject report could not be filed without unreasonable effort or expense and the registrant seeks relief pursuant to Rule 12b-25(b), the following should be completed. (Check box if appropriate).

(a) The reasons described in reasonable detail in Part III of this form could not be eliminated without

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unreasonable effort or expense;

- [X] (b) The subject annual report, semi-annual report, transition report on Form 10-K, 20-F, 11-K or Form N-SAR, or portion thereof will be filed on or before the 15th calendar day following the prescribed due date; or the subject quarterly report or transition report on Form 10-Q, or portion thereof, will be filed on or before the fifth calendar day following the prescribed due date; and
- (c) The accountant's statement or other exhibit required by Rule 12b-25 (c) has been attached if applicable.

PART III  
NARRATIVE

State below in reasonable detail the reasons why Form 10-K, 11-K, 20-F, 10-Q, N-SAR or the transition report or portion thereof could not be filed within the prescribed time period. (Attach extra sheets if needed.)

The Company is in the process of completing the work required to implement the principles of fresh start accounting set forth in American Institute of Certified Public Accountants Statement of Position No. 90-7 "Financial Reporting by Entities in Reorganization Under the Bankruptcy Code" and, consequently, is unable to file its Annual Report on Form 10-K by the December 30, 2002 deadline. The Company is also studying whether Rule 3-10(f) of Regulation S-X will require it to provide, in the Annual Report on Form 10-K, audited condensed financial information for the 11 subsidiaries that have guaranteed its 11% Senior Secured Notes due 2008. If the Company is required to provide such information, it will need extra time to complete the work needed for each of the individual subsidiary guarantors.

PART IV  
OTHER INFORMATION

(1) Name and telephone number of person to contact in regard to this notification

Gregory P. Leahy, Esq.	(212)	334-8500
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(Name)	(Area Code) (Telephone Number)

(2) Have all other periodic reports required under Section 13 or 15(d) of the Securities Exchange Act of 1934 or Section 30 of the Investment Company Act of 1940 during the preceding 12 months or for such shorter period that the registrant was required to file such report(s) been filed? If the answer is no, identify report(s).

Yes     No

Quarterly Report on Form 10-Q for the quarter ended June 30, 2002.

(3) Is it anticipated that any significant change in results of operations from the corresponding period for the last fiscal year will be reflected by the earnings statements to be included in the subject report or portion thereof?

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Yes     No

If so: attach an explanation of the anticipated change, both narratively and quantitatively, and, if appropriate, state the reasons why a reasonable estimate of the results cannot be made.

The Company emerged from bankruptcy on April 25, 2002. The financial statements to be presented in the Annual Report on Form 10-K will be presented in accordance with the principles of fresh start accounting referred to above. As a result, the Company's financial results for the period ended September 30, 2002 will include two different bases of accounting, one for the period before emergence from bankruptcy and the other for the period following emergence from bankruptcy. The results for the period following emergence from bankruptcy are not comparable to the results for the period prior to emergence from bankruptcy. Until the work required to implement the principles of fresh start accounting is completed, it is not possible to predict the results of the Company's operations for the period following emergence from bankruptcy.

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Globix Corporation  
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(Name of Registrant as Specified in Charter)

Has caused this notification to be signed on its behalf by the undersigned thereunto duly authorized.

GLOBIX CORPORATION

Date December 31, 2002  
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By /s/ John D. McCarthy  
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Name: John D. McCarthy  
Title: Senior Vice President