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## PROOF OF PUBLICATION

October 2, 2023

I, Tami Bacon, in my capacity as a Principal Clerk of the Publisher of The New York Times, a daily newspaper of general circulation printed and published in the City, County, and State of New York, hereby certify that the advertisement annexed hereto was published in the editions of The New York Times on the following date or dates, to wit on.

10/2/2023, NY & NATL, pg B3

*Tami Bacon*

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JOHN MCGILL  
Electronic Notary Public  
Commonwealth of Virginia  
Registration No. 8038092  
My Commission Expires Dec 31, 2027

UNITED STATES BANKRUPTCY COURT, DISTRICT OF NEW JERSEY  
In re: CYTENA TECHNOLOGIES, INC., et al., Debtors.  
Chapter 11  
Case No. 23-14853 (JKS)  
(Jointly Administered)

NOTICE OF HEARING TO CONSIDER CONFIRMATION OF THE CHAPTER 11 PLAN FILED BY THE DEBTORS AND RELATED VOTING AND OBJECTION DEADLINES

TO: ALL HOLDERS OF CLAIMS, HOLDERS OF INTERESTS, AND PARTIES IN INTEREST IN THE ABOVE-CAPTIONED CHAPTER 11 CASES  
PLEASE TAKE NOTICE THAT on September 26, 2023, the United States Bankruptcy Court for the District of New Jersey (the "Bankruptcy Court") entered an order (Docket No. 563) (the "Disclosure Statement Order") (a) authorizing Cytena Technologies, Inc. and its affiliated debtors and debtors in possession (collectively, the "Debtors") to solicit acceptances for the Second Amended Joint Plan of Reorganization of Cytena Technologies, Inc. and its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code (Docket No. 552) (as modified, amended, or supplemented from time to time, the "Plan"); (b) approving the Disclosure Statement relating to the Second Amended Joint Plan of Reorganization of Cytena Technologies, Inc. and its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code (Docket No. 552) (as modified, amended, or supplemented from time to time, the "Disclosure Statement") as containing "adequate information" pursuant to section 1125 of the Bankruptcy Code; (c) approving the solicitation materials and documents to be included in the solicitation packages (the "Solicitation Packages"); and (d) approving procedures for soliciting, noticing, meetings, and tabulating votes on the Plan and for filing objections to the Plan.

PLEASE TAKE FURTHER NOTICE THAT the hearing at which the Bankruptcy Court will consider confirmation of the Plan will commence on **November 6, 2023, at 10:00 a.m. (Eastern Standard Time)**, as soon thereafter as courted may be heard (the "Confirmation Hearing") before the Honorable John K. Sherwood, United States Bankruptcy Judge, Martin Luther King, Jr. Federal Building, 50 Walnut Street, Third Floor, Courtroom 10, Newark, NJ 07102.

PLEASE BE ADVISED: THE CONFIRMATION HEARING MAY BE CONTINUED FROM TIME TO TIME BY THE BANKRUPTCY COURT OR THE DEBTORS. WITHOUT FURTHER NOTICE OTHER THAN BY SUCH ADJOURNMENT BEING ANNOUNCED IN OPEN COURT OR BY A NOTICE OF ADJOURNMENT FILED WITH THE BANKRUPTCY COURT AND SERVED ON ALL PARTIES ENTITLED TO NOTICE.

CRITICAL INFORMATION REGARDING VOTING ON THE PLAN

**Voting Record Date.** The voting record date is **September 14, 2023** (the "Voting Record Date"), which is the date for determining which certain holders of claims are entitled to vote on the Plan.

**Voting Deadline.** The deadline for voting on the Plan is **October 26, 2023 at 4:00 p.m. (Eastern Standard Time)** (the "Voting Deadline"). If you receive a Solicitation Package, including a Plan and intend to vote on the Plan you must: (a) follow the instructions carefully; (b) complete all of the required information on the ballot; and (c) execute and return your completed ballot according to and as set forth in detail in the voting instructions so that it is actually received by the Debtors' claims and noticing agent Kartman Carson Consultants LLC, the "Claims and Noticing Agent" on or before the Voting Deadline. A failure to follow such instructions may disqualify your vote.

CRITICAL INFORMATION REGARDING OBJECTION TO THE PLAN  
**Objection Deadline.** The deadline for filing objections to the Plan is **October 26, 2023 at 4:00 p.m. (Eastern Standard Time)** (the "Confirmation Objection Deadline"). Any objection to the relief sought at the Confirmation Hearing must: (a) be in writing; (b) state with particularity the basis of the objection; and (c) be filed with the Clerk of the Bankruptcy Court electronically by attorneys who regularly practice before the Bankruptcy Court in accordance with the General Order Regarding Electronic Means for Filing, Signing, and Verification of Documents dated March 27, 2002 (the "General Order") and the Commentary Supplementing Administrative Procedures dated as of March 2004 (the "Supplemental Commentary") (the General Order, the Supplemental Commentary and the User's Manual for the Electronic Case Filing System can be found at [www.njd.uscourts.gov](http://www.njd.uscourts.gov), the official website for the Bankruptcy Court) and by all other parties in interest, on CO-R004 in Portable Document Format (PDF), and shall be served in accordance with the General Order and its Supplemental Commentary upon the following parties so as to be actually received on or before the Confirmation Objection Deadline: (i) Debtors: Cytena Technologies, Inc., 2133 Pineside Lane, Bridgewater, NJ 08807; (ii) Capital Debtor: Cytena Technologies, Inc., 2133 Pineside Lane, Bridgewater, NJ 08807; (iii) Lender: Citibank, N.A., 601 Lexington Avenue, New York, New York 10022; Attention:

Edward Sassower, P.C., Christopher Marquis, P.C., Derek L. Hunter, (H) Counsel for the Debtors: Cole Schwartz P.C., Court Plaza, 25 Main Street, Hackensack, New Jersey 10112; Attention: Michael D. Sirota; Warren A. Ustun; Tacey R. Tullins; (iv) Counsel for the Committee: Pachtold Stamp Glick & Jones LLP, 700 Third Avenue, 14th Floor, New York, New York 10017; Attention: Bradford J. Sander; Robert J. Feinstein; Paul Labov; (v) Counsel to the Ad Hoc Group: Gibson, Dunn & Crutcher LLP, 200 Park Avenue, New York, New York 10016; Attention: Scott J. Greenberg; Steven A. Darnowski & Stephen D. Sherman.

ARTICLE VII OF THE PLAN CONTAINS RELEASE, EXCULPATION, AND WAIVER PROVISIONS, AND ARTICLE VIII OF THE PLAN CONTAINS A THIRD-PARTY RELEASE. THIS, YOU ARE ADVISED TO REVIEW AND CONSIDER THE PLAN CAREFULLY BECAUSE YOUR RIGHTS MIGHT BE AFFECTED THEREUNDER.

YOU MAY ELECT NOT TO GRANT THE THIRD-PARTY RELEASE CONTAINED IN ARTICLE VIII OF THE PLAN ONLY IF YOU (A) DO NOT VOTE TO ACCEPT THE PLAN OR ARE DEEMED TO ACCEPT THE PLAN AND (B) RETURN A BALLOT OR OPT OUT FORM, AS APPLICABLE, CHECKING THE BOX TO "OPT OUT" FROM THE THIRD-PARTY RELEASE. SUBJECT TO ANY FINAL ORDER OF THE BANKRUPTCY COURT TO THE CONTRARY, REGARDLESS OF WHETHER THE BANKRUPTCY COURT DETERMINES THAT YOU HAVE A RIGHT TO OPT OUT OF THE RELEASE, IF YOU (A) VOTE TO ACCEPT THE PLAN, OR (B) FAIL TO SUBMIT A BALLOT BY THE VOTING DEADLINE, (B) SUBMIT THE BALLOT BUT AVOID FROM VOTING TO ACCEPT OR REJECT THE PLAN OR (B) VOTE TO REJECT OR ARE DEEMED TO REJECT THE PLAN AND, IN EACH CASE OF (B) (I)-(III), FAIL TO CHECK THE BOX TO "OPT OUT" FROM THE THIRD-PARTY RELEASE ON THE APPLICABLE BALLOT OR OPT OUT FORM, YOU WILL BE DEEMED TO CONSENT TO THE RELEASES SET FORTH IN ARTICLE VIII OF THE PLAN. IF YOU VOTE TO ACCEPT THE PLAN, YOU WILL BE DEEMED TO GRANT THE THIRD-PARTY RELEASE IN ARTICLE VIII OF THE PLAN.

**Obtaining Solicitation Materials.** The materials in the Solicitation Package are intended to be self-explanatory. If you should have any questions or if you would like to obtain additional solicitation materials or paper copies of solicitation materials if you received the materials in electronic format, please feel free to contact the Debtors' Claims and Noticing Agent, by: (a) visiting the Debtors' restructuring website at: <http://www.cytetna.com>; (b) writing to Cytena Ballot Processing Center, c/o PCC, 222 N. Pacific Coast Highway, Suite 300, El Segundo, CA 90245; (c) contacting the Claims and Noticing Agent at [claims@cytena.com](mailto:claims@cytena.com); (d) calling the Claims and Noticing Agent at (310) 726-5710 (USA or Canada) or (424) 236-7250 (International). You may also obtain copies of any pleadings filed with the Bankruptcy Court for free by visiting the Debtors' restructuring website: <http://www.cytetna.com/courtcase> or the Bankruptcy Court's website at <https://www.njd.uscourts.gov> in accordance with the procedures and fees set forth therein. Please be advised that the Claims and Noticing Agent is authorized to answer questions about, and provide additional copies of, solicitation materials, but may not advise you as to whether you should vote to accept or reject the Plan.

**Filing the Plan Supplement.** The Debtors will file the Plan Supplement (as defined in the Plan) no later than three (3) days prior to the Voting Deadline and will serve notice on all Holders of Claims entitled to vote on the Plan, which will (a) inform parties that the Debtors filed the Plan Supplement; (b) list the information contained in the Plan Supplement; and (c) explain how parties may obtain copies of the Plan Supplement.

**IRREVOCABLE NATURE OF THE PLAN.** IF CONFIRMED, THE PLAN SHALL BIND ALL HOLDERS OF CLAIMS AND INTERESTS TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW, WHETHER OR NOT SUCH HOLDER WILL RECEIVE OR RETAIN ANY PROPERTY OR INTEREST IN PROPERTY UNDER THE PLAN, AND TO THE SUPPORT OF CLAIMS IN THESE

addresses in these Chi 900, Con/Cal/Fla  
Capital Debtor: Cytena Technologies, Inc., 2133 Pineside Lane, Bridgewater, NJ 08807; (ii) Lender: Citibank, N.A., 601 Lexington Avenue, New York, New York 10022; Attention:

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REGULATION

Wall Street’s Fiercest Overseer Faces a Fundamental Threat

FROM FIRST BUSINESS PAGE

concluded that all actions taken by the bureau in its 12-year existence should be “rewound.”

If the Supreme Court agrees that the bureau’s funding is improper, it could, at minimum, force the agency to rely on congressional appropriations. Or the court could follow the Fifth Circuit’s suggestion and obliterate everything the agency has done.

Mr. Chopra — who, at 41, is one of Washington’s youngest regulatory chiefs — claimed to be sanguine about the assault on his agency’s power. “I think this is what one should expect when you’re doing your job,” he said.

His detractors are scathing. In an opinion essay, Rob Nichols, the chief executive of the American Bankers Association, criticized the agency’s “politicized enforcement binge” and called it “a regulator gone rogue.” The U.S. Chamber of Commerce, a pro-business lobbying group, started a six-figure online ad campaign to denounce Mr. Chopra’s “radical agenda and reckless actions.”

In a speech last year at the Exchequer Club, a Washington-based group focused on economics and finance, Richard Hunt, a former chief executive of the Consumer Bankers Association, said he suspected that Mr. Chopra “hates banks.”

“He has a predisposed opinion of banks, and that’s just not healthy,” Mr. Hunt said.

Mr. Chopra maintained that he held no such biases. “The C.F.P.B. does not group firms into good and bad,” he said. “We look at law-abiding versus non-law-abiding, and seek a market that is what the law says — fair, transparent, competitive.”

He is uniquely motivated to move fast, personally and professionally. A continuing battle with cancer is a reminder to him of two things: the stakes of his work and the urgency of seeing it through.

Mr. Chopra was born in New Jersey and raised, by first-generation immigrants from India, in a suburb just over the border from Philadelphia. His mother, a doctor, teaches geriatric medicine, and his father worked various engineering and construction jobs.

He graduated from Harvard before attending the Wharton School at the University of Pennsylvania. In 2009, as he was finishing his M.B.A. degree, he studied the housing crisis as it unfolded and was captivated by the professors who accurately predicted the dynamics of the crash. That experience shattered, for him, any belief that the country’s regulatory norms were worth upholding.

“The fact that there were so many warning signs that went unheeded — it’s still, I can’t, I still can’t fully comprehend that,” Mr. Chopra said. “There’s just no question that the way in which financial firms have long been overseen was a failure.”

The consumer bureau was created through the Dodd-Frank Act, the 2010 law enacted in response to the 2007 financial crisis that prompted the Great Recession. When Elizabeth Warren — who had just succeeded in her quest to convince Congress that Washington needed a new financial regulator — began recruiting for the fledgling consumer bureau, Mr. Chopra sent in his résumé.

Ms. Warren eagerly hired him in 2010. They had crossed paths before at Harvard; Mr. Chopra was one of the rare undergraduates to register on the star law professor’s radar.

“The president of Harvard pointed him out to me,” Ms. Warren recalled. “We were talking about students who early on know



HAILEY SADLER FOR THE NEW YORK TIMES

Some have accused Rohit Chopra, the director of the Consumer Financial Protection Bureau, of bias against banks, which Mr. Chopra denied. “We look at law-abiding versus non-law-abiding,” he said.

the kind of battles they want to fight. She told me about Rohit, and I met him and I was just knocked down.”

Colleagues from those early days — including some who later became close allies — remember Mr. Chopra as intense and, at times, off-puttingly brash.

“I thought he was a careerist, fast-talking, hard-charging person who I wouldn’t like,” said Deepak Gupta, an appellate lawyer who spent a year at the bureau. “I quickly realized that first impression was totally wrong — he cares deeply about this work.”

The consumer bureau initially focused on creating new guardrails for the mortgage industry that had just imploded. Mr. Chopra gravitated to a different area: student loans. It was a market few in Washington paid any attention to, even as borrowers’ debt burdens skyrocketed.

The Dodd-Frank Act required the consumer bureau to appoint an ombudsman to address borrowers’ complaints about their educational loans. Mr. Chopra was the obvious choice for the job, said Wally Adeyemo, who was the consumer bureau’s first chief of staff and now serves as the deputy Treasury secretary.

He was “right out of central casting — he was both a very smart young person who cared deeply about these issues, and he could articulate why not only protecting individual students made sense, but why this made sense for the economy,” Mr. Adeyemo said.

Once he landed the gig, Mr. Chopra executed a signature move: He pushed the position’s statutory bounds and refashioned the role into a far broader one. The law that Congress wrote directed the bureau’s ombudsman to police private education loans — a roughly 10 percent sliver of a market dominated by federal loans. Mr. Chopra instead focused on



HAIYUN JIANG/THE NEW YORK TIMES

Senator Elizabeth Warren hired Mr. Chopra in 2010. They had crossed paths at Harvard, where Mr. Chopra registered on Professor Warren’s radar.

government-supported loans, and he quickly became a thorn in the side of the Education Department, which he liked to describe as “a K-12 policy shop with a trillion-dollar bank strapped on.”

Mr. Chopra cajoled and publicly shamed the department into intensifying its enforcement against groups that had long taken advantage of lax federal oversight.

A crackdown he helped set in motion toppled Corinthian Colleges and ITT Technical Institute, two giants in the for-profit education field that faced accusations of illegal recruiting tactics. A series of scathing oversight reports about student loan servicers’ failings — paired with a still-active lawsuit that the consumer bureau filed against Navient, then one of the largest federal servicers — led to legislative changes and stricter oversight that have checked some of the worst abuses.

Industry leaders were incensed about being pursued by an overseer with fangs. Shortly before ITT collapsed, its chief executive sent an email to his corporate lawyers describing Mr. Chopra as an

“economic terrorist” who should be “sent to Guantánamo Bay for about a decade of R&R; which should include an aggressive regimen of ‘water sports!’”

“Part of me wishes Rohit could run pretty much every federal agency,” said David Halperin, a Washington lawyer and longtime advocate of higher-education funding reforms. “Wherever he’s gone, he has not hesitated to find the full extent of the powers available to him, and to actually use them, which is rare.”

Mr. Chopra left the consumer bureau in 2015 for a brief stint at the Education Department, then joined Hillary Clinton’s transition team, anticipating a role in her administration. But Donald J. Trump’s election as president scuttled those plans — and within days, Mr. Chopra’s personal life also fractured.

At a doctor’s visit, his physician found what she guessed was a cyst. Swamped in the planning for Mrs. Clinton’s presidency, Mr. Chopra scheduled an ultrasound for the day after Election Day, figuring he would then race off to

work. Instead, he found himself in an unexpected career wilderness, unemployed for the first time in his adult life and diagnosed with advanced thyroid cancer.

“People can really get hit with a ton of bricks at the same time,” he said. Major surgery and radiation followed. Mr. Chopra rarely speaks of his health struggles, but they remain a part of his life.

“You still work through it,” he said. “I mean, I’m not in remission. But you just soldier on. I’ll be OK.”

Late last year, the New Orleans-based U.S. Court of Appeals for the Fifth Circuit issued a ruling that sizzled through Washington like a lightning bolt.

Trade groups representing payday lenders had challenged a bureau rule that would have curbed some of their activities, such as repeatedly trying to withdraw money from borrowers’ empty bank accounts. They threw a laundry list of objections into their briefs, including an argument that the consumer bureau’s funding structure was unconstitutional. A three-judge panel from the Fifth Circuit agreed, and decided that the payday rule was therefore invalid and should be overturned.

In attacking a weak rule affecting a large but narrow industry, the payday lenders had found a court willing to jackhammer the foundation of every regulation and enforcement action the bureau had ever imposed. Many legal scholars were stunned. The decision is “playing with matches,” said Dalé Jiménez, a law professor at the University of

California, Irvine.

Since the Fifth Circuit ruling, more than a dozen companies, including MoneyGram, have sought to have lawsuits or penalties against them thrown out. The Supreme Court will hear arguments this week on the consumer bureau’s appeal of the Fifth Circuit ruling.

The bureau has survived other existential legal threats. Most notably, a 2020 Supreme Court ruling that gave the president the power to fire the agency’s director without cause, but it upheld the agency’s actions and operations. (The decision cleared the way for Mr. Chopra’s appointment. Without it, Mr. Trump’s chosen chief, Kathleen Kranning, could have remained in the role until her five-year term expired at the end of this year.)

But even Mr. Chopra’s backers worry that his aggressive tactics could backfire. Lawmakers have options for clipping the agency’s wings — including switching its funding stream to appropriations, which would let Republicans gut the bureau’s funding when they control Congress.

“The political pendulum does not stop swinging,” Representative Patrick McHenry, the North Carolina Republican who leads the House Financial Services Committee, warned Mr. Chopra at an oversight hearing. “I know you’ll wish you tried harder to play by the rules.”

Mr. Chopra insists that he always follows the rules. His view is that he’s simply more expansive than others in determining what those rules are.



AL DRAGO FOR THE NEW YORK TIMES

The Supreme Court will hear arguments in a case questioning the consumer bureau’s funding that could upend the agency and the market it regulates.

UNITED STATES BANKRUPTCY COURT, DISTRICT OF NEW JERSEY

In re: CYXTERA TECHNOLOGIES, INC., et al., Debtors.<sup>1</sup> Chapter 11 Case No. 23-14853 (JKS) (Jointly Administered)

**NOTICE OF HEARING TO CONSIDER CONFIRMATION OF THE CHAPTER 11 PLAN FILED BY THE DEBTORS AND RELATED VOTING AND OBJECTION DEADLINES TO: ALL HOLDERS OF CLAIMS, HOLDERS OF INTERESTS, AND PARTIES INTERESTED IN THE ABOVE-CAPTIONED CHAPTER 11 CASES**

**PLEASE TAKE NOTICE** THAT on September 26, 2023, the United States Bankruptcy Court for the District of New Jersey (the “Bankruptcy Court”) entered an order (Docket No. 663) (the “Disclosure Statement Order”): (a) authorizing Cyxtera Technologies, Inc. and its affiliated debtors and debtors in possession (collectively, the “Debtors”), to solicit acceptances for the Second Amended Joint Plan of Reorganization of Cyxtera Technologies, Inc. and its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code (Docket No. 551) (as modified, amended, or supplemented from time to time, the “Plan”); (b) approving the Disclosure Statement Relating to the Second Amended Joint Plan of Reorganization of Cyxtera Technologies, Inc. and its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code (Docket No. 552) (as modified, amended, or supplemented from time to time, the “Disclosure Statement”) as containing “adequate information” pursuant to section 1125 of the Bankruptcy Code; (c) approving the solicitation materials and documents to be included in the solicitation packages (the “Solicitation Packages”); and (d) approving procedures for soliciting, noticing, receiving, and tabulating votes on the Plan and for filing objections to the Plan.

**PLEASE TAKE FURTHER NOTICE** THAT the hearing at which the Bankruptcy Court will consider Confirmation of the Plan will commence on **November 6, 2023, at 10:00 a.m. (prevailing Eastern Time)**, or as soon thereafter as counsel may be heard (the “Confirmation Hearing”) before the Honorable John K. Sherrwood, United States Bankruptcy Judge, Martin Luther King, Jr. Federal Building, 50 Walnut Street, Third Floor, Courtroom 3D, Newark, NJ 07102.

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**CRITICAL INFORMATION REGARDING VOTING ON THE PLAN**

**Voting Record Date:** The voting record date is **September 14, 2023** (the “Voting Record Date”), which is the date for determining which certain Holders of Claims are entitled to vote on the Plan.

**Voting Deadline:** The deadline for voting on the Plan is **October 26, 2023 at 4:00 p.m. (prevailing Eastern Time)** (the “Voting Deadline”). If you received a Solicitation Package, including a Ballot and intend to vote on the Plan you **must**: (a) follow the instructions carefully; (b) complete **all** of the required information on the ballot; and (c) execute and return your completed Ballot according to and as set forth in detail in the voting instructions so that it is **actually received** by the Debtors’ claims and noticing agent Kurtzman Carson Consultants LLC, (the “Claims and Noticing Agent”) on or before the Voting Deadline. **A failure to follow such instructions may disqualify your vote.**

**CRITICAL INFORMATION REGARDING OBJECTION TO THE PLAN**

**Objection Deadline:** The deadline for filing objections to the Plan is **October 26, 2023 at 4:00 p.m. (prevailing Eastern Time)** (the “Confirmation/Objection Deadline”). Any objection to the relief sought at the Confirmation Hearing **must**: (a) be in writing; (b) state with particularity the basis of the objection; and (c) be filed with the Clerk of the Bankruptcy Court electronically by attorneys who regularly practice before the Bankruptcy Court in accordance with the General Order Regarding Electronic Means for Filing, Signing, and Verification of Documents dated March 27, 2002 (the “General Order”) and the Commentary Supplementing Administrative Procedures dated as of March 2004 (the “Supplemental Commentary”) (the General Order, the Supplemental Commentary and the User’s Manual for the Electronic Case Filing System can be found at [www.njd.uscourts.gov](http://www.njd.uscourts.gov), the official website for the Bankruptcy Court) and, by all other parties in interest, on CD-ROM in Portable Document Format (PDF), and shall be served in accordance with the General Order and the Supplemental Commentary upon the following parties as to be **actually received** on or before the Confirmation/Objection Deadline: (i) **Debtors:** Cyxtera Technologies, Inc., 2333 Ponce de Leon Boulevard, Ste. 900, Coral Gables, Florida 33134; (ii) **Counsel for the Debtors:** Kirkland & Ellis LLP, 601 Lexington Avenue, New York, New York 10022; Attention:

Edward Sassower, P.C.; Christopher Marcus, P.C.; Derek I. Hunter; (iii) **Counsel for the Debtors:** Cole Schatz P.C., Court Plaza, 25 Main Street, Hackensack, New Jersey 10112; Attention: Michael D. Simo; Warren A. Uslatine; Felipe R. Yudin; (iv) **Counsel for the Committee:** Pachulski Stang Ziehl & Jones LLP, 780 Third Avenue, 34th Floor, New York, New York 10017; Attention: Bradford J. Sandler; Robert J. Feinstein; Paul Labov; Ca Macle; (v) **United States Trustee:** Office of the United States Trustee, United States Trustee, Region 3, One Newark Center, Suite 2100, Newark, New Jersey 07102; Attention: David Gerardi; Peter J. D’Amico; and (vi) **Counsel to the Ad Hoc Group:** Gibson, Dunn & Crutcher LLP, 200 Park Avenue, New York, New York 10166; Attention: Scott T. Greenberg; Steven A. Domonowski & Stephen D. Silverman.

**ARTICLE VIII OF THE PLAN CONTAINS RELEASE, EXCULPATION, AND INJUNCTION PROVISIONS, AND ARTICLE VIII CONTAINS A THIRD-PARTY RELEASE. THUS, YOU ARE ADVISED TO REVIEW AND CONSIDER THE PLAN CAREFULLY BECAUSE YOUR RIGHTS MIGHT BE AFFECTED THEREUNDER.**

**YOU MAY ELECT NOT TO GRANT THE THIRD-PARTY RELEASE CONTAINED IN ARTICLE VIII OF THE PLAN ONLY IF YOU (A) DO NOT VOTE TO ACCEPT THE PLAN OR ARE DEEMED TO ACCEPT THE PLAN AND (B) RETURN A BALLOT OR OPT OUT FORM, AS APPLICABLE, CHECKING THE BOX TO “OPT OUT” FROM THE THIRD-PARTY RELEASE. SUBJECT TO ANY FINAL ORDER OF THE BANKRUPTCY COURT TO THE CONTRARY, REGARDLESS OF WHETHER THE BANKRUPTCY COURT DETERMINES THAT YOU HAVE A RIGHT TO OPT OUT OF THE RELEASE, IF YOU (A) VOTE TO ACCEPT THE PLAN, OR (B) (I) FAIL TO SUBMIT A BALLOT BY THE VOTING DEADLINE, (II) SUBMIT THE BALLOT BUT ABSTAIN FROM VOTING TO ACCEPT OR REJECT THE PLAN OR (III) VOTE TO REJECT OR ARE DEEMED TO REJECT THE PLAN AND, IN EACH CASE OF (B)(I)-(III), FAIL TO CHECK THE BOX TO “OPT OUT” FROM THE THIRD-PARTY RELEASE ON THE APPLICABLE BALLOT OR OPT OUT FORM, YOU WILL BE DEEMED TO CONSENT TO THE RELEASE SET FORTH IN ARTICLE VIII.D OF THE PLAN. IF YOU VOTE TO ACCEPT THE PLAN, YOU WILL BE DEEMED TO GRANT THE THIRD-PARTY RELEASE IN ARTICLE VIII.D OF THE PLAN.**

**ADDITIONAL INFORMATION**

**Obtaining Solicitation Materials:** The materials in the Solicitation Package are intended to be self-explanatory. If you should have any questions or if you would like to obtain additional solicitation materials (or paper copies of solicitation materials if you received the materials in electronic format), please feel free to contact the Debtors’ Claims and Noticing Agent, by: (a) visiting the Debtors’ restructuring website at: <http://www.kcccl.net/cyxtera>; (b) writing to Cyxtera Ballot Processing Center, c/o KCC, 222 N. Pacific Coast Highway, Suite 300, El Segundo, CA 90245; (c) contacting the Claims and Noticing Agent at <http://www.kcccl.net/cyxtera>; inquiry; or (d) calling the Claims and Noticing Agent at (877) 726-6510 (USA or Canada) or (424) 236-7250 (International). You may also obtain copies of any pleadings filed with the Bankruptcy Court for free by visiting the Debtors’ restructuring website, <http://www.kcccl.net/cyxtera>, or the Bankruptcy Court’s website at <https://www.njd.uscourts.gov> in accordance with the procedures and fees set forth therein. Please be advised that the Claims and Noticing Agent is authorized to answer questions about, and provide additional copies of, solicitation materials, but may not advise you as to whether you should vote to accept or reject the Plan.

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<sup>1</sup> A complete list of each of the Debtors in these Chapter 11 Cases may be obtained on the website of the Debtors’ claims and noticing agent at <https://www.kcccl.net/cyxtera>. The location of Debtor Cyxtera Technologies, Inc.’s principal place of business and the Debtors’ service address in these Chapter 11 Cases is: 2333 Ponce de Leon Boulevard, Ste. 900, Coral Gables, Florida 33134.

<sup>2</sup> Capitalized terms not otherwise defined herein shall have the same meanings ascribed to them in the Plan or Disclosure Statement, as applicable.