Case 23-11120-BLS Doc 164 Filed 09/05/23 Page 1 of A Docket #0164 Date Filed: 09/05/2023

## IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

In re:	Chapter 11
PROTERRA INC., et al., <sup>1</sup>	Case No. 23-11120 (BLS)
Debtors.	(Joint Administration Requested)

AFFIDAVIT OF PUBLICATION OF THE NOTICE OF (I) DISCLOSURE PROCEDURES
APPLICABLE TO CERTAIN HOLDERS OF COMMON STOCK OR OPTIONS, (II)
DISCLOSURE PROCEDURES FOR CERTAIN TRANSFERS OF AND DECLARATIONS OF
WORTHLESSNESS WITH RESPECT TO COMMON STOCK, AND (III) FINAL HEARING
ON THE APPLICATION THEREOF IN THE NEW YORK TIMES

This Affidavit of Publication includes the sworn statements verifying that the *Notice of* (I) Disclosure Procedures Applicable to Certain Holders of Common Stock or Options, (II) Disclosure Procedures for Certain Transfers of and Declarations of Worthlessness with Respect to Common Stock, and (III) Final Hearing on the Application Thereof was published and incorporated by reference herein as follows:

1. In *The New York Times* – National Edition on August 14, 2023, attached hereto as **Exhibit A**.

The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are as follows: Proterra Inc (1379); and Proterra Operating Company, Inc. (8459). The location of the Debtors' service address is: 1815 Rollins Road, Burlingame, California 94010.



# Exhibit A



620 8th Avenue New York, NY 10018 nytimes.com

#### PROOF OF PUBLICATION

August 14, 2023

Sworn to me this 14th day of August, 2023

Ellen Herb Notary Public

Filen Herb Notary Public, State of New York No. 01HE6163785 Qualified in New York County Commission Expires April 2, 2023 I, Larnyce Tabron, 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.

8/14/2023, NY & NATL, pg B3

Larnyce Tabron

#### IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

Chapter 11 Case No. 23-11120 (BLS) In re: PROTERRA INC, *et al.*, Debtors. ) (Jointly Administered)

NOTICE OF (I) DISCLOSURE PROCEDURES APPLICABLE TO CERTAIN HOLDERS OF COMMON STOCK OR OPTIONS, (II) DISCLOSURE PROCEDURES FOR CERTAIN TRANSFERS OF AND DECLARATIONS OF WORTHLESSNESS WITH RESPECT TO COMMON STOCK, AND (III) FINAL HEARING ON THE APPLICATION THEREOF

TO: ALL ENTITIES (AS DEFINED BY SECTION 101(15) OF THE BANKRUPTCY CODE) THAT MAY HOLD BENEFICIAL OWNERSHIP OF COMMON STOCK OF PROTERRA INC (THE "COMMON STOCK"):

The above captioned debtors and debtors in possession (collectively, the "Debtors") filed petitions with the United States Bankruptory Court for "Debtors") filed petitions with the United States Bankruptory Court for "Debtors" filed petitions with the United States Bankruptory Court for "Debtors" filed petitions with the United States Countries exercises, section 362 of the Bankruptory Gode operates as a say of any act to obtain possession of property of or from the Debtors' estates or to exercise control er property of or from the Debtors' estates.

PLEASE TAKE FURTHER NOTICE that on the Petition Date, the Debtors filed the Debtors' Motion for Entry of Interim and Fixed Oxfees (i) Establishing Notification and Hearing Procedures for Certain Transfers of and Declarations of Worthlessness with Respect to Common Stock of Proteira Inc.

Decorations of informations easiers with respect to common stocks of retieral net and Claims Apainst Debtors and (III) Granting Related Releief [Docket No.5] (the "Matjan").

PLEASE TAKE FURTHER NOTICE that on August 10, 2023, the Court entered the Interim Order (I) Establishing Medification and Hearing Procedures for Certain Transfers of and Declarations of Worthlessness with

Procedures for Certain Transfers of and Declarations of WorthEssness with Respect to Common Stock of Postera in can dill Grantiang Robert Relief [Docket No.68] (the "<u>Docket"</u>) approving procedures for certain transfers of, and declarations of worthlessness with respect to, Common Stock, set forth Technical Tatached to the Order (the "<u>Procedures"</u>).

PLEASE TAKE FURTHER NOTICE that, pursuant to the Order, a Substantial Shareholder or person that may become a Substantial Shareholder may not consummate any purchase, sale, or other transfer of Common Stock or Beneficial Damership of Common Stock in violation of the Procedures, any such transscrion in violation of the Procedures, any such transscrion in violation of the Procedures shall be null and void *ab intio*, and certain remedial actions may be required to restore the status one ante.

restore the status quo ante.

PLEAST TARE FURTHER NOTICE that, pursuant to the Order, a 50 %
Shareholder may not claim a worthless stock deduction in respect of the
Common Stock or Beneficial Dwineship of Common Stock in violation of
the Procedures, any such deduction in violation of the Procedures is null
and void ab witho, and the 50% Shareholder shall be required to file an
immediated have interpreparation cut he processed disturbers approximately.

mended taxetum revoking such proposed deduction.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Order, the Procedures shall apply to the holding and transfers of Common Stock meanings ascribed to them in the Motion or the Order, as applicable.

or any Beneficial Ownership therein by a Substantial Shareholder or someone who may become a Substantial Shareholder. **PLEASE TAKE FURTHER NOTICE** that upon the request of any entity,

PLEAS LAKE PURITHER NOTICE that upon the request of any entity, the proposed motice, solicitation, and claims agent for the Debtors, Kurtzman Carson Consultants LLC, will provide a copy of the Order and a form of each of the declarations required to be filed by the Procedures in a reasonable period of time. The Order and such declarations are also available via PACER on the Court's website at https://ecf.delb.uscourts. gov/ for a fee, or at no charge by accessing the Debtors' restructuring

PLEASE TAKE FURTHER NOTICE that the final hearing (the Final Hearing") on the Motion shall be held on September 7, 2023, at 11.00 a.m., prevailing Eastem Time. Any objections or responses to entry of a final order on the Motion must be filed with the Court on or before 4:00 or m, prevailing fastern Time, on August 31, 2023. If no objections to entry of a final order on the Motion are timely received, the Court may enter such inal order without need for the final hearing.

PLEASE TAKE FURTHER MOTICE THAT FAILURE TO FOLLOW THE

PROCEDURES SET FORTH IN THE ORDER SHALL CONSTITUTE A VIOLATION OF AMONG OTHER THINGS, THE AUTOMATIC STAY PROVISIONS OF SECTION 362
OF THE BANKRUPTCY CODE.

PLEASE TAKE FURTHER NOTICE THAT ANY PROHIBITED PURCHASE,

SALE, OTHER TRANSFER OF, OR DECLARATION OF WORTHLESSNESS WITH RESPECT TO COMMON STOCK OR BENEFICIAL OWNERSHIP THEREIN IN VIOLATION OF THE ORDER IS PROHIBITED AND SHALL BE WILL AND VOID

ABANTIO AND MAY BE SUBJECT TO ADDITIONAL SANCTIONS ASTHIS COURT
MAY DETERMINE.

PLEASE TAKE FURTHER NOTICE that the requirements set forth in

he Order are in addition to the requirements of applicable law and do not excuse compliance ther

Dated: August 11, 2023, Wilmington, Delaware

Dated: August 11, 2023, Willmington, Delaware
Respectfully submitted, YOUNG CONAWAY STARGATT & TAYLOR,
LLP\_AC/Shelks Brownsondows — Pauline K. Morgan (No. 3650), Andrew L.
Magaziner (No. 5426), Shella Borovinskaya (No. 6758), Rodney Selter,
1000 North King Street, Willmington, Delaware 19801, Telephone:
1302) 571–6500, Facismile: (302) 571–123, Email: pemorganieryst.com,
amagaziner@yst.com, shoomiskaya@yst.com, and- PAUL, WELSS,
RIFKIND, WHARTON & GARRISON LLP, Paul M. Basta Cadmitted profor view? Robert A. Britton (Antifixed profor view? Robert A. Britton (Antifixed profor view? Robert A. Britton (Antifixed profor view). hac vice), Robert A. Britton (admitted pro hac vice), Michael J. Colarossi (admitted pro hac vice), 1285 Avenue of the Americas, New York, New York 10019, Tel: (212) 373-3000, Fax: (212) 757-3990, Email: pbastal@ paulweiss.com, rbritton@paulweiss.com, mcolarossi@paulweiss.com. Proposed Counsel to the Debtors and Debtors in Possession

The Debtors in these chapter 11 cases, along with the last four digits of each Debror's federal tax identification number, are as follows: Proterra Inc (9565); and Proterra Operating Company, Inc. (8459). The location of the Debtors' service address is: 1815 Rollins Road, Burlingame, California 94010.

**B3** 

## Police Raid on Paper In Kansas Gives Rise To Free Press Worries

FROM FIRST BUSINESS PAGE

process. The editor of the newspaper said the raids may have had more to do with tensions between the paper and officials in Marion, a town of about 2,000 north of

Wichita, over prior coverage. The raid is one of several recent cases of local authorities taking aggressive actions against news organizations - some of which are part of a dwindling cohort left in their area to hold governments to account. And it fits a pattern of pressure being applied to local newsrooms. One recent example is the 2019 police raid of the home of Bryan Carmody, a freelance journalist in San Francisco, who was reporting on the death of Jeff Adachi, a longtime public defend-

"There's a lot of healthy tension between the government and newspapers, but this?" Emily Bradbury, the executive director of the Kansas Press Association, said in an interview about the raid in Marion. She warned that the raid was a dangerous attack on press freedom in the country.

"This is not right, this is wrong, this cannot be allowed to stand," she said.

The newspaper's owner and editor, Eric Meyer, said in an interview that the newspaper had done nothing wrong. The newspaper did not publish an article about the government record, though Mr. Meyers said that it had received a copy from a confidential source and that one of its reporters had verified its authenticity using the state's records available online.

In an email, Marion's chief of police, Gideon Cody, defended the raid, which was earlier reported online by The Marion County Record and by Kansas Reflector, a nonprofit news organization.

"I believe when the rest of the story is available to the public, the judicial system that is being questioned will be vindicated," Mr. Cody said. He declined to discuss the investigation in detail.

On Sunday, more than 30 news organizations and press freedom advocates, including The New York Times, The Washington Post and Dow Jones, the publisher of The Wall Street Journal, signed a letter from the Reporters Committee for Freedom of the Press to Mr. Cody condemning the raid.

The Marion County Record is uncommonly aggressive for its size. Mr. Meyer said that the newspaper, which has seven employees, has stoked the ire of some local leaders for its vigorous reporting on Marion County officials, including asking questions about Mr. Cody's employment his-

The paper is overseen by Mr. Meyer, who is 69 and has had a

'If we don't fight back and we don't win in fighting back, it's going to silence everybody.'

Eric Meyer, owner and editor of The Marion County Record.

long career in journalism, working as a reporter for the Milwaukee Journal and a professor at the University of Illinois. He also has a family connection to The Marion County Record: His father, Bill, worked there for half a century beginning in 1948, rising to be its top

In 1998, his family bought the newspaper and two others nearby the Hillsboro Star-Journal and Peabody Gazette-Bulletin — from the previous publisher, the Hoch family, who had owned them for

The dispute over the government record that led to the raid might not have become an issue if not for a tip that came after a meet-and-greet held on Aug. 2 for the local congressman, Jake LaTurner, at Kari's Kitchen, an establishment owned by Kari Newell, a local restaurateur.

Ms. Newell asked the police chief to remove Mr. Meyer and a reporter, Phyllis Zorn, from the event, saying that she did not want them to attend.

After the newspaper published an article about the episode, Ms. Zorn received a private message on Facebook, Mr. Meyer said, from someone who shared a letter to Ms. Newell from the Kansas Department of Revenue. The letter detailed the steps she needed to take to restore her driver's license, which had been suspended after a drunken driving citation in 2008, according to the newspaper.

Last Monday, Ms. Newell appeared at a City Council meeting seeking approval to operate a liquor-serving establishment. She accused the newspaper at the meeting of illegally obtaining the letter and giving it to a councilwoman, Ruth Herbel. Ms. Herbel, whose home was also searched on Friday, did not respond to a request for comment.

Mr. Meyer said that the newspaper had not shared the document with Ms. Herbel. He added that Ms. Newell had later told the newspaper that the release of the information might have been related to her ongoing divorce proceedings

A search warrant for the raid, issued by a judge roughly an hour before the search on Friday morning, mentions Ms. Newell and cited potential violations of laws involving identity theft and the il-



PHOTOGRAPHS BY CHASE CASTOR FOR THE NEW YORK TIMES

legal use of a computer. The latter, among other things, forbids using a computer "with the intent to defraud or to obtain money, property, services or any other thing of value by means of false or fraudulent pretense or representation."

A spokesperson for the Kansas Bureau of Investigation, which aids criminal justice agencies statewide, said on Saturday that the Marion police approached the bureau to help with an investigation into "illegal access and dissemination of confidential criminal justice information." In a statement on Sunday, the bureau noted the importance of a free press, but added, "No one is above the law, whether a public official or a representative of the media."

Although news organizations

are sometimes the targets of legal actions by government officials, including subpoenas seeking interview notes and other records, the search and seizure of the tools to produce journalism are rare.

Seth Stern, advocacy director at Freedom of the Press Foundation, a nonprofit that advocates for the rights of journalists and whistleblowers, said federal law allowed the police to search journalists when the authorities have probable cause to believe the journalists had committed a crime unrelated to their journalism. That exception does not apply, however, in a case where the alleged crime is gathering the news, he said. When journalists are suspected of committing crimes as part of news gathering, the government's option is to serve a subpoena, which can be challenged in court before it is enforced.

'You can't say, 'I'm allowed to raid the newsroom because I'm investigating a crime,' if the crime you're investigating is journalism," he added.

The police chief, Mr. Cody, who started in the job this spring, and Ms. Newell argued that journalists are subject to search if they themselves are suspects in the offense being investigated. Ms. Newell said that someone had unlawfully used her identity to obtain private information about her

In a phone interview, Ms. Newell framed the dispute as a straightforward violation of her privacy by the newspaper rather The Marion County Record's office in Marion, Kan., above. The town's police raided the office on Friday morning. Eric Meyer, left, is the owner and editor of The Marion County Record, which is published weekly on Wednesdays.

than a First Amendment battle.

"There's a huge difference between vindictive and vindication," Ms. Newell said. "I firmly believe that this was a vindictive move, full of malice. And I hope in the end, I receive vindication."

The newspaper, which publishes weekly on Wednesdays, is scrambling to put out the next edition without most of its computers and servers, which contained articles as well as ads and public no-

Mr. Meyer said he had never experienced government pressure

"If we don't fight back and we don't win in fighting back, it's going to silence everybody," he said. He had returned full time to

Marion during the Covid-19 pandemic and stayed on, retiring from his university post and spending more time writing and editing for the newspaper, and living with his 98-year-old mother. He said he does not receive a salary, though he receives an annual bonus if the company turns a profit at the end of the year.

On Saturday, his mother died. In an article published online on Sat urday evening, the newspaper connected Joan Meyer's death to the search, writing that it had made her "stressed beyond her limits." The headline: "Illegal raids contribute to death of newspaper co-owner."

Jack Begg contributed research.

## Zuckerberg Plans to 'Move On' From 'Cage Fight' With Musk

By ROB COPELAND

will-they-or-won't-they drama between Elon Musk and Mark Zuckerberg over a potential "cage fight" appeared on Sunday to end with a whimper, as Mr. Zuckerberg said that Mr. Musk's delays and excuses had rendered the discussion moot.

In a post to his nascent socialnetworking platform, Threads, Mr. Zuckerberg, the chief executive of Meta, wrote, "I think we can all agree Elon isn't serious



Mark Zuckerberg, left, said of his cage fight with Elon Musk, "I think we can all agree Elon isn't



Mr. Musk had previously said the date of the fight was "in flux" because he needed an M.R.I. scan of his neck and back.

and it's time to move on." He included the hint of a taunt, "If Elon ever gets serious about a real date and official event, he knows how to reach me.'

Zuckerberg's message seemingly ended the suspense around a stranger-than-fiction summer of tension between the technology titans. Less than two months ago, Mr. Musk mused that he was "up for a cage match." That was just before Instagram, owned by Meta, introduced Threads as a competitor to Mr. Musk's Twitter (now renamed "X").

Whether or not he was serious at the time, intermediaries between the men began sketching out the contours of a match. Both executives continued to fan the flames; Mr. Zuckerberg posted photographs of himself shirtless in training, and Mr. Musk said in posts on X that the event could happen in Italy.

As is common with Mr. Musk who has a history of public pronouncements that don't come to fruition - momentum toward a match came in spurts. In posts, Mr. Musk said the date of the fight was "in flux" because he needed an M.R.I. scan of his neck and

On Friday, Mr. Musk posted that the fight would be managed by the two men's foundations, and that he had spoken to the Italian government about a location. He did not list a date, saying only that he needed "minor surgery" to address his shoulder and ribs that he said would involve a recovery of several months.

Before Mr. Zuckerberg's remarks on Sunday, Mr. Musk posted to X a screengrab that he said was a conversation between the two men, showing Mr. Zuckerberg pressing Mr. Musk to com-

Mr. Zuckerberg, in his Sunday post on Threads, nodded to the delays, writing, "Elon won't confirm a date, then says he needs surgery and now asks to do a practice round in my backyard instead."

He added, "I'm going to focus on competing with people who take the sport seriously.'

### CBS News President Steps Down After a 2-Year Stint By ROB COPELAND

The CBS News president Neeraj Khemlani stepped down on Sunday after a little more than two vears in his post, the latest executive reshuffling in a tumultuous period for television news.

Mr. Khemlani had been in charge of flagship programs such as "CBS Evening News," and "60 Minutes." He will remain at CBS in a different capacity, he told staff in an internal email. He has signed a multiyear deal to develop content for the conglomerate, including documentaries, series and books.

"It's an opportunity that will al-

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

RESPECT TO COMMON STOCK, AND (III) FINAL HEARING

ON THE APPLICATION THEREOF TO: ALL ENTITIES (AS DEFINED BY SECTION 101(15) OF THE BANKRUPTCY CODE) THAT MAY HOLD BENEFICIAL OWNERSHIP OF COMMON STOCK OF PROTERRA INC (THE "COMMON STOCK"):

PLEASE TAKE NOTICE that on August 7, 2023 (the "Petition Date"), the above-captioned debtors and debtors in possession (collective), the Debtors") filed petitions with the United States Bankrupty Court for the District of Delaware (the "Court") under chapter 11 of title 11 of the United States Code (the "Bankrupty Code"). Subject to certain exceptions, section 362 of the Bankrupty Code operates as a stay of any act to obtain possession of property of or from the Debtors' estates or to exercise control over romer by Conf. from the Debtors' estates.

PLEASE TAKE FURTHER NOTICE that on the Petition Date, the

Debtors filed the Debtors' Motion for Entry of Interim and Final Orders (I) Establishing Notification and Hearing Procedures for Certain Transfers of and

Declarations of Worthlessness with Respect to Common Stock of Proterra Inc and Claims Against Debtors and (II) Granting Related Relief [Docket No. 5]

PLEASE TAKE FURTHER NOTICE that on August 10, 2023, the

Court entered the Interim Order (I) Establishing Notification and Hearing Procedures for Certain Transfers of and Declarations of Worthlessness with

Respect to Common Stock of Proterra Inc and (II) Granting Related Relief [Docket No.68] (the "Order")? approving procedures for certain transfers of, and declarations of worthlessness with respect to, Common Stock, set forth

PLEASE TAKE FURTHER NOTICE that, pursuant to the Order,

PLEASE TAKE FURTHER NOTICE that, pursuant to the Order, a 50%

Shareholder may not claim a worthless stock deduction in respect of the Common Stock or Beneficial Ownership of Common Stock in violation of

PROTERRA INC, et al.,

The executive's successor was not immediately named.

low me to write, report and develop stories that I've long wanted to pursue," Mr. Khemlani said in

His replacement was not immediately named. He had been cohead of the news division with the local news veteran Wendy McMa-

hon, who will remain in her role.

or any Beneficial Ownership therein by a Substantial Shareholder or someone who may become a Substantial Shareholder.

PLEASE TAKE FURTHER NOTICE that upon the request of any entity, the proposed notice, solicitation, and daims agent for the Debtors, Kurtzman Carson Consultants LLC, will provide a copy of the Order and a form of each of the declarations required to be filed by the Procedures in a reasonable period of time. The Order and such declarations are also available via PACER on the Court's website at https://ecf.delb.uscourts.
gov/ for a fec, or at no charge by accessing the Debtor's restructuring website at kccll.cnet/proterra.

PLEASE TAKE FURTHER NOTICE that the final hearing (the Chapter 11 Case No. 23-11120 (BLS) (Jointly Administered) NOTICE OF (I) DISCLOSURE PROCEDURES APPLICABLE TO CERTAIN HOLDERS OF COMMON STOCK OR OPTIONS (II) DISCLOSURE PROCEDURES FOR CERTAIN TRANSFERS OF AND DECLARATIONS OF WORTHLESSNESS WITH

website at kcdic.net/proterra.

PLEASE TAKE FURTHER NOTICE that the final hearing (the "Final Hearing") on the Motion shall be held on September 7, 2023, at 11:00 a.m., prevailing Eastern Time. Any objections or responses to entry of a final order on the Motion must be filed with the Court on or before 4:00 mm, prevailing Satern Time, on August 31, 2023. If no objections to entry of a final order on the Motion are timely received, the Court may enter such final order with the medit for the final bearing. nalorder without need for the final hearing.

PLEASE TAKE FURTHER NOTICE THAT FAILURE TO FOLLOW THE

PROCEDURES SET FORTH IN THE ORDER SHALL CONSTITUTE A VIOLATION OF, AMONG OTHER THINGS, THE AUTOMATIC STAY PROVISIONS OF SECTION 362 FTHEBANKRUPTCY CODE.

PLEASE TAKE FURTHER NOTICE THAT ANY PROHIBITED PURCHASE,

SALE, OTHER TRANSFER OF, OR DECLARATION OF WORTHLESSNESS WITH RESPECT TO COMMON STOCK OR BEHEFICIAL OWNERSHIP THEREIN IN WOLATION OF THE ORDER IS PROHIBITED AND SHALL BE NULL AND VOID JAB INITIO AND MAY BE SUBJECT TO ADDITIONAL SANCTIONS AS THIS COURT

PLEASE TAKE FURTHER NOTICE that the requirements set forth in the Order are in addition to the requirements of applicable law and do not excuse compliance therewith. Dated: August 11, 2023, Wilmington, Delawar

Dated: August 11, 2023, Wilmington, Delaware
Respectfully submitted, YOUNG CONAWAY STARGATT & TAYLOR,
LIP, SS/Shella Borovinskaya, Pauline K. Morgan (No. 3650), Andrew L.
Magaziner (No. 5426), Shella Borovinskaya (No. 6758), Rodney Square,
1000 North King Street, Wilmington, Delaware 19801, Telephone:
(302) 571-6600, Facsimile: (302) 571-1253, Email: pmorgan@ycst.com,
amagaziner@ycst.com, sborovinskaya@ycst.com -and -PAUL, WEISS, PLEASE TAKE FURTHER NOTICE that, pursuant to the Order, a Substantial Shareholder or person that may become a Substantial Shareholder may not consummate any purchase, sale, or other transfer of Common Stock in Violation of the Procedures, any such transaction in violation of the Procedures, and such as the Procedures and Such as the Procedure an

The Debtors in these chapter 11 cases, along with the last four digits feach Debtor's federal tax identification number, are as follows: Proterra (9565); and Proterra Operating Company, Inc. (8459). The location of Shareholder may not daim a worthless stock deduction in respect of the Common Stock of Beneficial Dwnesship of Common Stock in violation of the Procedures, any such deduction in violation of the Procedures, any such deduction in violation of the Procedures is null and void *ab initio*, and the 50% Shareholder shall be required to file an amended taxerturn revoking such proposed deduction.

mended tax return revoking such proposed deduction.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Order, the 
2 Capitalized terms used but not otherwise defined herein hir 
wearings ascribed to them in the Motion or the Order, as applicable 
meanings ascribed to them in the Motion or the Order, as applicable Capitalized terms used but not otherwise defined herein have the

Mr. Khemlani's departure was earlier reported by The New York

In a note to the staff on Sunday. the CBS chief executive, George Cheeks, wrote that Mr. Khlemlani, a former executive at Hearst, should be credited with putting "new business plans in place to drive more revenue, which is essential in a challenging environment for all media companies." CBS has mostly eluded the spotlight shone on rivals in recent

months. Just this year, Chris Licht was fired as CNN's chief after 13 months on the job, while Fox News was roiled by a nearly \$800 million settlement in a defamation lawsuit over the station's promotion of misinformation after the 2020 election.

**UCC Public Sale Notice** 

UCC Public Sale Notice

PLEASE TAKE NOTICE that DOF II-Bloom Mezz LLC, a Delaware limited liability company (the "Secured Party") offers for sale at public auction on October 11, 2023 at 10:00 a.m., prevailing Eastern Time and conducted both via Zoom (or a similar online platform) and in-person in front of the New York Supreme Court, New York County Courthouse, located at 60 Centre Street, New York, County Courthouse, located at 60 Centre Street, New York, County Courthouse, located at 60 Centre Street, New York, New York 10007, in connection with a Uniform Commercial Code sale, all rights, title, and interest of Hudson 888 Holdoc LLC, having an address c/o XIN Development Group International, Inc., 150 East 52nd Street, Suite 6002, New York, New York 10022 (the "Debtor") in 10:0% of the limited liability company membership interests (the "Interests") in Hudson 888 Owner LLC, a Delaware limited liability company (the "Mortgage Borrower"), which is the sole owner of the property located at 502 West 45th Street a/k/a 615 Tenth Avenue, New York, New York 10018 (the "Premises") and certain rights and property related thereto pledged by the Debtor under that certain Pledge and Security Agreement, made by the Debtor in favor of C645 Funding LLC (the "Original Lender"), dated as or January 12, 2021 (the "Pledge Agreement"), as more fully set forth in the Pledge Agreement. Original Lender was granted a security interest in the Interests to secure alona to the Debtor (the "Mezzanine Loan"). Original Lender subsequently assigned all its right, title and interest in and to the Mezzanine Loan and its security interest in the Interests to secure alona to the Debtor (the "Mezzanine Loan"). Original Lender subsequently assigned all its right, title and interest in and to the Mezzanine Loan and its security interest in the Interests to secure alona to the Debtor (the "Mezzanine Loan"). Original Lender was granted a security interest in the Interests to the Secured Party copies of the Pledge Agreement and documents evidencing t

PLEASE TAKE FURTHER NOTICE that, without limitation to the foregoing, there are specific requirements for any potential successful bidder in connection with obtaining information and bidding on the Interests, including but not limited to: (i) that each bidder must comply with the restrictions applicable to the sale of the Interests under the Intercreditor Agreement dated as of January 12, 2021, by and among the Secured Party and the holder of the Mortgage Loan (the "Intercreditor Agreement"), including that such bidder is a "Qualified Transferee" (as defined in the Intercreditor Agreement), has obtained the consent of the holder of the Mortgage Loan or will repay the Mortgage Loan prior to the sale of the Interests and (ii) that each bidder must deliver such documents and pay such amounts as required by the Intercreditor Agreement and the applicable governing documents relating to the Interests. A copy of the Intercreditor Agreement is available for inspection as hereinatter described.

Security Agreement, made by the Debtor in favor of CG45 Funding LLC (the "Original Lender"), dated as of January 12,2021 (the "Pledge Agreement"), as more fully set forth in the Pledge Agreement. Original Lender was granted a security interest in the Interests to secure along to the Mezzanine Loan and its security interest in the Interests to secure along to the Mezzanine Loan and its security interest in the Interests to the Secured Party. Copies of the Pledge Agreement and documents evidencing the assignment of the Mezzanine Loan to Secured Party is original than the Interest of the Secured Party is original than the Interest of the Secured Party is original than the Interest of the Secured Party is original than the Interest of the Secured Party is original than the Interest of Intere