Case 17-36709 Document 807 Filed in TVCD on 04/11/100 B #0807 Date Filed: 04/11/2018

### IN THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

In re:	Chapter 11
COBALT INTERNATIONAL ENERGY, INC., et al., 1)	Case No. 17-36709 (MI)
Debtors.	Jointly Administered
Debtors. )	Jointly Administered

#### SUPPLEMENTAL CERTIFICATE OF SERVICE

- 1. I, Stephanie Delgado, depose and say that I am employed by Kurtzman Carson Consultants LLC ("KCC") the claims and noticing agent for the Debtors in the above-captioned case. I submit this Supplemental Affidavit in connection with the service of solicitation materials for the Fourth Amended Joint Chapter 11 Plan of Cobalt International Energy, Inc. and Its Debtor Affiliates [Docket No. 561] (the "Plan") and the Disclosure Statement for the Fourth Amended Joint Chapter 11 Plan of Cobalt International Energy, Inc. and Its Debtor Affiliates [Docket No. 562] (the "Disclosure Statement"). I am over the age of 18 and not a party to this action. Except as otherwise noted, I could and would testify to the following based upon my personal knowledge.
- 2. On January 11, 2018, the Court entered the *Order Authorizing the Debtors to Employ and Retain Kurtzman Carson Consultants LLC as Claims, Noticing, and Solicitation Agent to the Debtors, Effective Nunc Pro Tunc to the Petition Date* [Docket No. 203].
- 3. Consistent with its retention as claims, noticing, and solicitation agent, KCC is charged with, among other things, the duty of printing and distributing Solicitation Packages<sup>2</sup> to creditors and other interested parties pursuant to the solicitation and voting procedures attached as an exhibit to the *Order (I) Approving the Adequacy of the Disclosure Statement, (II) Approving the Solicitation and Notice Procedures with Respect to Confirmation of the Debtors' Proposed Joint Chapter 11 Plan, (III) Approving the Forms of Ballots and Notices in Connection Therewith, (IV) Scheduling Certain Dates with Respect Thereto, and (V) Granting Related Relief [Docket No. 563] (the "Disclosure Statement Order"), as entered by the Court on March 8, 2018.*

The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Cobalt International Energy, Inc. (1169); Cobalt International Energy GP, LLC (7374); Cobalt International Energy, L.P. (2411); Cobalt GOM LLC (7188); Cobalt GOM # 1 LLC (7262); and Cobalt GOM # 2 LLC (7316). The Debtors' service address is: 920 Memorial City Way, Suite 100, Houston, Texas 77024.

<sup>&</sup>lt;sup>2</sup> Terms not otherwise defined herein shall have the same meanings ascribed to them in the Disclosure Statement Order.

- 4. The Solicitation Package consists of the following documents:
  - a. USB Flash Drive (the "<u>USB</u>") containing the following documents:
    - The Disclosure Statement;
    - the Plan; and
    - the Disclosure Statement Order (without exhibits, except the Solicitation and Voting Procedures);
  - b. Debtor cover letter (the "<u>Debtor Cover Letter</u>") (substantially in the form attached as <u>Schedule 7</u> to the Disclosure Statement Order);
  - c. Notice of Hearing to Consider Confirmation of the Chapter 11 Plan Filed by the Debtors and Related Voting and Objection Procedures (the "Confirmation Hearing Notice") (substantially in the form attached as Schedule 8 to the Disclosure Statement Order);
  - d. Beneficial Holder Release Opt Out Form for Class 3 (the "Class 3 Beneficial Holder Opt Out Form") (substantially in the form attached as Schedule 4C to the Disclosure Statement Order);
  - e. Notice of Non-Voting Status to Holders of Unimpaired Claims Conclusively Presumed to Accept the Plan (the "Unimpaired Non-Voting Notice") (substantially in the form attached as Schedule 4A to the Disclosure Statement Order);
  - f. Class 4, Class 5, and Class 6 Ballot for Beneficial Holders of Second Lien Notes Claims (the "Classes 4, 5, & 6 Beneficial Ballot") (substantially in the form attached as Schedule 3B to the Disclosure Statement Order);
  - g. Class 6 Ballot for Beneficial Holders of Cobalt General Unsecured Claims (the "Class 6 Beneficial Ballot") (substantially in the form attached as Schedule 3F to the Disclosure Statement Order);
  - h. Beneficial Holder Release Opt Out Form for Class 10 (the "Class 10 Beneficial Holder Opt Out Form") (substantially in the form attached as Schedule 5C to the Disclosure Statement Order);
  - i. Notice of Non-Voting Status to Holders of Impaired Claims and Equity Interests Deemed to Reject the Plan (the "Impaired Non-Voting Notice") (substantially in the form attached as Schedule 5A to the Disclosure Statement Order);
  - j. Master Release Opt Out Form for Class 3 (the "Class 3 Master Opt Out Form") (substantially in the form attached as Schedule 4B to the Disclosure Statement Order);

- k. Master Ballot for Class 4, Class 5, and Class 6 Holders of Second Lien Notes Claims (the "Classes 4, 5, & 6 Master Ballot") (substantially in the form attached as Schedule 3A to the Disclosure Statement Order;
- Master Ballot for Class 6 Holders of Cobalt General Unsecured Claims
   (the "Class 6 Master Ballot") (substantially in the form attached as Schedule 3E to the Disclosure Statement Order);
- m. Master Release Opt Out Form for Class 10 (the "Class 10 Master Opt Out Form") (substantially in the form attached as Schedule 5B to the Disclosure Statement Order);
- n. Class 5 Ballot for Holders of Subsidiary General Unsecured Claims ("Class 5 General Unsecured Ballot") (substantially in the form attached as Schedule 3C to the Disclosure Statement Order);
- o. Class 6 Ballot for Holders of Cobalt General Unsecured Claims ("Class 6 Unsecured Non-Notes Ballot") (substantially in the form attached as Schedule 3D to the Disclosure Statement Order);
- p. Release Opt Out Form for Class 1 or 2 ("Class 1 or 2 Opt Out Form") (substantially in the form attached as Schedule 4D to the Disclosure Statement Order);
- q. Registered Holder Release Opt Out Form for Class 7 or 10 ("Class 7 or 10 Opt Out Form") (substantially in the form attached as Schedule 5D to the Disclosure Statement Order);
- r. Optional Release Opt Out Form for Executory Contract or Unexpired Lease Parties ("Contract Party Opt Out Form") (substantially in the form attached as Schedule 12 to the Disclosure Statement Order); and
- s. Creditors' Committee Letter, dated March 9, 2018, (the "Committee Letter"), attached hereto as Exhibit A (mailed separate and apart from the Solicitation Package listed above).

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5. On April 3, 2018, at my direction and under my supervision, employees of KCC caused the Confirmation Hearing Notice to be served per postal forwarding address via First Class Mail to the party on the service list attached hereto as **Exhibit B** 

Dated: April 6, 2018

/s/ Stephanie Delgado Stephanie Delgado KCC 2335 Alaska Ave El Segundo, CA 90245 Tel 310.823.9000

## Exhibit A

# OPEN LETTER TO GENERAL UNSECURED CREDITORS FROM THE OFFICIAL CREDITORS' COMMITTEE RECOMMENDING THAT THEY VOTE TO REJECT THE PLAN

Dear General Unsecured Creditors:

The Official Committee of Unsecured creditors (the "Official Creditors' Committee") of Cobalt International Energy, Inc. and its affiliated chapter 11 Debtors (the "Debtors") is the statutory fiduciary representative of general unsecured creditors of the Debtors appointed by the Office of the United States Trustee, a division of the United States Department of Justice, and for the reasons set forth below strongly urges general unsecured creditors in Classes 5 and 6 to vote to **REJECT** the Debtors' Plan enclosed with this letter. As described below, the Official Creditors' Committee believes that the Debtors' plan does **NOT** comply with the Bankruptcy Code and gratuitously releases potentially valuable claims that could provide a meaningful recovery to general unsecured creditors.

Because the Official Creditors' Committee believes the Plan fails to comply with the Bankruptcy Code, it intends to vigorously object to the Plan on the ground that valuable claims against present and former officers, directors and shareholders of the Debtors are being inappropriately released to the detriment of general unsecured creditors.

All of these releases are being given for <u>no consideration</u> to the general unsecured creditors, notwithstanding that there are potentially valuable colorable claims against certain of the proposed released parties. The fact that the Debtors are seeking to release these potentially valuable claims for no consideration is illegal, is wrong and makes the Plan unconfirmable.

The Official Creditors' Committee intends to vigorously oppose confirmation of the Plan, which is scheduled to be heard on April 3, 2018. In addition to objecting to confirmation of the Plan, the Official Creditors' Committee will take such other actions as are necessary and appropriate in this case to protect the interests of general unsecured creditors, including, without limitation, seeking to terminate the Debtors' exclusive right to file a plan so that the Official Creditors' Committee can file its own proposed plan. However, the Official Creditors' Committee needs your help by making sure that you vote to REJECT THE PLAN by the voting deadline of 4:00 p.m., prevailing Central Time, on March 28, 2018.

In summary, the Official Creditors' Committee urges general unsecured creditors in Class 5 (Subsidiary General Unsecured Claims) and Class 6 (Cobalt General Unsecured Claims) to vote to <u>REJECT THE PLAN</u> by the voting deadline of 4:00 p.m., prevailing Central Time, on March 28, 2018.

General unsecured creditors who wish to contact the Official Creditors' Committee or express their support for the positions articulated by the Official Creditors' Committee are

<sup>&</sup>lt;sup>1</sup> The members of the Official Creditors' Committee are: (a) Wells Fargo Bank, National Association; (b) Baker Hughes, a GE Company; and (c) Schlumberger Technology Corporation.

Letter to General Unsecured Creditors

Recommendation to Vote to Reject the Cobalt Plan

March 9, 2018

Page 2

invited to contact its counsel, Pachulski Stang Ziehl & Jones, LLP, Attn: Robert Feinstein at rfeinstein@pszjlaw.com.

Very truly yours,

THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF COBALT INTERNATIONAL ENERGY, INC. AND ITS AFFILIATED DEBTORS

BY: s/ Christopher J. Ryan

Christopher J. Ryan, on behalf of Baker Hughes, a GE Company as Chair of the Official Creditors' Committee

## Exhibit B

### Case 17-36709 Document 807 Filed in TXSB on 04/11/18 Page 9 of 9

Creditor Matrix Party Served via First Class Mail

CreditorName	Address	City	State	Zip
PreScouter Inc	1 N Franklin St Ste 1850	Chicago	IL	60606-3424

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