

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION  
[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

In re:

TAMARAC 10200, LLC and  
UNIPHARMA, LLC,

Case No. 20-bk-23346-PDR  
Case No. 20-bk-23348-PDR

Debtors.<sup>1</sup>

Chapter 11 Cases  
(Jointly Administered)

---

**DEBTORS' (A) EXPEDITED AGREED MOTION<sup>2</sup> TO REDUCE THE SOLICITATION PERIOD FROM 40 DAYS TO 35 DAYS (OR SUCH SHORTER PERIOD AS THE COURT DETERMINES IN ITS DISCRETION) AS WELL AS THE RELATED DEADLINE FOR THE DEBTORS TO FILE OBJECTIONS TO CLAIMS UNDER THE LOCAL FORM ORDER; AND (B) FILING THE PROPOSED ORDER (I) APPROVING THE DISCLOSURE STATEMENT; (II) SETTING HEARING ON CONFIRMATION OF PLAN; (III) SETTING HEARING ON FEE APPLICATIONS; (IV) SETTING VARIOUS DEADLINES; AND (V) DESCRIBING PLAN PROPONENT'S OBLIGATIONS**  
(The Debtors respectfully request an expedited telephonic hearing on Thursday, January 21, 2021 at 12:00 p.m. (Noon) which is the date and time that the Court has already scheduled a hearing in these bankruptcy cases)

Tamarac 10200, LLC ("Tamarac") and Unipharma, LLC ("Unipharma," and together with Tamarac, collectively, the "Debtors"), by and through undersigned counsel, hereby: (a) file this expedited agreed motion (the "Motion") to reduce the solicitation period from 40 days to 35 days (or such shorter period as the Court determines in its discretion), and the related deadline for the Debtors to file objections to claims, as set forth in the Local Form Order (defined herein); and (b) file the proposed *Order (I) Approving Disclosure Statement; (II) Setting Hearing on Confirmation of Plan; (III) Setting Hearing on Fee Applications; (IV) Setting Various Deadlines;*

---

<sup>1</sup> The last four digits of each Debtor's federal tax identification number are Tamarac 10200, LLC (2050) and Unipharma, LLC (8962). The address of the Debtors is 10200 N.W. 67th Street, Tamarac, FL 33321.

<sup>2</sup> Counsel for the Committee and the DIP Lender have agreed to the relief requested in this Motion.



and (V) Describing Plan Proponent's Obligations (the proposed "Disclosure Statement Order").

In support of this Motion, the Debtors respectfully represent as follows:

**BACKGROUND**

1. On December 7, 2020 (the "Petition Date"), each of the Debtors commenced their bankruptcy cases by filing a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code").

2. On December 31, 2020, the Court entered its *Order (I) Setting Hearing to Consider Approval of Disclosure Statement; (II) Setting Deadline for Filing Objections to Disclosure Statement; and (III) Directing Plan Proponent to Serve Notice* [ECF No. 160] (the "Disclosure Statement Hearing Order") scheduling a hearing to begin on January 21, 2021 at 12:00 noon (ET) to consider the adequacy of the *Disclosure Statement for Debtors' Amended Joint Plan of Liquidation* [ECF No. 193] (as may be amended, the "Disclosure Statement") which was filed on January 7, 2021. The hearing may be continued to January 22, 2021.

3. On January 7, 2021, the Debtors filed the *Debtors' Amended Joint Plan of Liquidation* [ECF No. 194] (the "Plan").

4. The Local Form order of this Court approving a disclosure statement and setting the date of the confirmation hearing with respect to a proposed chapter 11 plan [LF-32B] (the "Local Form Order") sets forth a 40-day plan solicitation period. *See* LF-32B (<https://www.flsb.uscourts.gov/forms/local-forms>) at p. 1.

5. The Local Form Order also requires the Debtors to file objections to claims at least 40 days prior to the date of the scheduled confirmation hearing. *See id.*

6. With respect to the Debtors' debtor-in-possession financing, the Debtors must comply with certain "bankruptcy milestones" (i.e., deadlines) [ECF No. 155, ECF pages 111-112 out of 136 pages, §5.01(s) (collectively, the "Bankruptcy Milestones")].

7. One of the Bankruptcy Milestones is the requirement that the Debtors obtain an order of the Court confirming the Debtors' proposed Plan on or before a date that is 85 days after the Petition Date. *See* ECF no. 155, §5.01(s)(xii).

8. The date that falls 85 days from the Petition Date is March 2, 2021.

9. If the Court approves the Disclosure Statement at this week's hearing and is inclined to schedule the confirmation hearing with respect to the proposed Plan on March 2, 2021, and if both the 40-day period under the Local Form Order to solicit the Plan and the related deadline for the Debtors to file objections to claims are not reduced, the Debtors' would be required to mail the solicitation packages and to file any objections to claims not later than tomorrow, Thursday, January 21, 2021 (i.e., the date that falls 40 days prior to March 2, 2021) in order to comply with the above-referenced Bankruptcy Milestone.

### **JURISDICTION**

10. This Court has jurisdiction to consider this Motion pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue of the Debtors' bankruptcy cases and this Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2), and the Court may enter a final order consistent with Article III of the United States Constitution.

11. The legal predicates for the relief requested herein are (i) section 105 of the Bankruptcy Code, (ii) Rules 3018(a) and 9006(c) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and (iii) the Disclosure Statement Hearing Order.

**THE REQUESTED RELIEF SHOULD BE GRANTED**

12. If the Court approves the Disclosure Statement at this week's hearing, and additionally, if the Court is inclined to schedule the hearing to consider confirmation of the proposed Plan on March 2, 2021, the Debtors respectfully request the Court to reduce, from 40 days to 35 days (or such shorter period as determined by the Court in its discretion), the solicitation period with respect to the Plan as well as the related deadline to filing objections to claims as set forth in the Local Form Order, so that the Debtors are provided until Tuesday, January 26, 2021 (or an alternative date as determined by the Court in its discretion) (i) to prepare and to mail the solicitation packages to the holders of claims entitled to vote with respect to the confirmation of the Plan and (ii) to file any objections to claims.

13. The Debtors submit that no party will be prejudiced by the relief requested in this Motion. Given the conflict between the 40-day solicitation period under the Local Form Order and the requirement imposed on the Debtors by the Bankruptcy Milestones to have a confirmation order entered by the Court not later than March 2, 2021, the Debtors submit that the short reduction of the solicitation period, by just a few days, will avoid the Debtors from unnecessarily violating the Bankruptcy Milestones. Moreover, the requested relief will permit the Debtors a reasonable time to undertake an orderly process to prepare and to file both the solicitation packages and any objections to claims by January 26, 2021. Furthermore, the requested reduction in the proposed solicitation period from 40 days to 35 days (or such shorter period as determined by the Court in its discretion), will still provide parties in interest more than sufficient time to receive and examine the solicitation materials and to mail their ballots with respect to the Plan. Accordingly, the Debtors believe that, under the circumstances, cause exists to grant this Motion.

14. Additionally, and subject to the Court's determination with respect to the Disclosure Statement and availability, the Debtors attach hereto as **Exhibit "B"** the proposed Disclosure Statement Order.

**WHEREFORE**, the Debtors respectfully request the entry of an Order, in the form attached hereto as **Exhibit "A"**, (i) granting this Motion, (ii) reducing, from 40 days to 35 days (or such shorter period as determined by the Court in its discretion), the solicitation period with respect to the Plan as well as the related deadline for the Debtors to file objections to claims as set forth in the Local Form Order, and (iii) granting such other and further relief as the Court deems just and proper.

Dated: January 20, 2021

Respectfully submitted,

BERGER SINGERMAN LLP  
*Counsel for the Debtors and  
the Debtors-in-Possession*  
1450 Brickell Avenue, Ste. 1900  
Miami, FL 33131  
Telephone: (305) 755-9500  
Facsimile: (305) 714-4340

By: /s/ Christopher Andrew Jarvinen  
Christopher Andrew Jarvinen  
Florida Bar No. 021745  
[cjarvinen@bergersingerman.com](mailto:cjarvinen@bergersingerman.com)  
Paul Steven Singerman  
Florida Bar No. 0378860  
[singerman@bergersingerman.com](mailto:singerman@bergersingerman.com)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served electronically through the Court's CM/ECF System upon all parties registered to receive electronic notice in this case as reflected on the attached Electronic Mail Notice List on this 20th day of January, 2021.

*/s/ Christopher Andrew Jarvinen* \_\_\_\_\_  
Christopher Andrew Jarvinen

## Electronic Mail Notice List

The following is the list of **parties** who are currently on the list to receive email notice/service for this case.

- Scott Andron sandron@broward.org, swulfekuhle@broward.org
- Eric N Assouline ena@assoulineberlowe.com, ah@assoulineberlowe.com
- Paul A Avron pavron@bergersingerman.com, efile@bergersingerman.com; efile@ecf.inforuptcy.com; mmorgan@bergersingerman.com
- Jeffrey P. Bast jbast@bastamron.com, jdepina@bastamron.com; kjones@bastamron.com; jmiranda@bastamron.com; mdesvergunat@bastamron.com
- Chase A Berger bknotifications@ghidottiberger.com, gbadmin@ecf.courtdrive.com; rbecker@ghidottiberger.com
- Lissette M Carreras LCARRERAS@BASTAMRON.COM, jmiranda@bastamron.com
- Adisley M Cortez Rodriguez Adisley.M.Cortez-Rodriguez@usdoj.gov
- Melbalynn Fisher mfisher@ghidottiberger.com
- Gavin Gaukroger ggaukroger@bergersingerman.com
- Alan C Hochheiser ahochheiser@mauricewutscher.com, 8371350420@filings.docketbird.com
- Christopher A Jarvinen cjarvinen@bergersingerman.com, mdiaz@bergersingerman.com; efile@bergersingerman.com; efile@ecf.inforuptcy.com
- Jaime Burton Leggett jleggett@bastamron.com, jmiranda@bastamron.com, mdesvergunat@bastamron.com
- Office of the US Trustee USTPRegion21.MM.ECF@usdoj.gov
- Heather L. Ries hries@foxrothschild.com, ralbert@foxrothschild.com
- Paul Steven Singerman singerman@bergersingerman.com, mdiaz@bergersingerman.com; efile@bergersingerman.com; efile@ecf.inforuptcy.com
- Edward Soto edward.soto@weil.com, ann.merlin@weil.com; edward-soto-1991@ecf.pacerpro.com
- Andrew D. Zaron azaron@leocosgrove.com, jfelipe@leocosgrove.com

**EXHIBIT "A"**

**Proposed Order**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION  
[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

In re:

TAMARAC 10200, LLC and  
UNIPHARMA, LLC,

Case No. 20-bk-23346  
Case No. 20-bk-23348

Debtors<sup>1</sup>.

Chapter 11 Cases  
(Joint Administration Pending)

---

**ORDER GRANTING**

**DEBTORS' (A) EXPEDITED AGREED MOTION TO REDUCE THE SOLICITATION PERIOD FROM 40 DAYS TO 35 DAYS (OR SUCH SHORTER PERIOD AS THE COURT DETERMINES IN ITS DISCRETION) AS WELL AS THE RELATED DEADLINE FOR THE DEBTORS TO FILE OBJECTIONS TO CLAIMS UNDER THE LOCAL FORM ORDER; AND (B) FILING THE PROPOSED ORDER (I) APPROVING THE DISCLOSURE STATEMENT; (II) SETTING HEARING ON CONFIRMATION OF PLAN; (III) SETTING HEARING ON FEE APPLICATIONS; (IV) SETTING VARIOUS DEADLINES; AND (V) DESCRIBING PLAN PROPONENT'S OBLIGATIONS**

**THIS MATTER** came before the Court for hearing on January \_\_, 2021 at \_\_\_\_ a.m./p.m. in Fort Lauderdale, Florida upon the *Debtors' (A) Expedited Agreed Motion to Reduce the Solicitation Period from 40 Days to 35 Days (or Such Shorter Period as the Court*

---

<sup>1</sup> The last four digits of each Debtor's federal tax identification number are Tamarac 10200, LLC (2050) and Unipharma, LLC (8962). The address of the Debtors is 10200 N.W. 67<sup>th</sup> Street, Tamarac, FL 33321.

*Determines in its Discretion) as Well as the Related Deadline for the Debtors to Object to Claims Under the Local Form Order With Respect to the Confirmation of the Debtors' Proposed Plan; and (B) Filing the Proposed Order (I) Approving the Disclosure Statement; (II) Setting Hearing on Confirmation of Plan; (III) Setting Hearing on Fee Applications; (IV) Setting Various Deadlines; and (V) Describing Plan Proponent's Obligations [ECF No. \_\_\_\_] (the "Motion")<sup>2</sup> filed by the above-captioned debtors and debtors in possession (collectively, the "Debtors").* The Motion seeks the entry of an order reducing, from 40 days to 35 days (or such shorter period as determined by the Court in its discretion), the solicitation period with respect to the Plan as well as the related deadline for the Debtors to file objections to claims as set forth in the Local Form Order. The Court finds that (i) it has jurisdiction over the matters raised in the Motion pursuant to 28 U.S.C. §§ 157 and 1334; (ii) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A), and that this Court may enter a final order consistent with Article III of the Constitution; (iii) venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; (iv) the relief requested in the Motion is in the best interests of the Debtors, their estates, their creditors and other parties in interest; (v) notice of the Motion and the hearing were appropriate under the circumstances and no other notice need be provided; (vi) upon review of the record before the Court, including the legal and factual bases set forth in the Motion, and (vii) argument of counsel, all of which is incorporated herein by reference, good and sufficient cause exists to grant the relief requested. Accordingly, it is

**ORDERED** as follows:

1. The Motion is **GRANTED**.
2. The deadlines set forth in the Local Form Order with respect to the Debtors serving the solicitation packages and related notices with respect to the Plan, and the related

---

<sup>2</sup> Any capitalized term not defined herein shall have the same meaning ascribed to it in the Motion.

deadline for the Debtors to file objections to claims, are each reduced from 40 days to 35 days prior to the confirmation hearing.

3. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

# # #

Submitted by:

Christopher Andrew Jarvinen, Esq.  
[cjarvinen@bergersingerman.com](mailto:cjarvinen@bergersingerman.com)  
BERGER SINGERMAN LLP  
1450 Brickell Avenue, Ste. 1900  
Miami, FL 33131  
Telephone: (305) 755-9500  
Facsimile: (305) 714-4340

*(Christopher Andrew Jarvinen, Esq. is directed to serve a copy of this order on interested parties and file with the Court a certificate of service.)*  
10292364-2

**EXHIBIT "B"**

**Proposed Disclosure Statement Order**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION  
[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

In re:

TAMARAC 10200, LLC and  
UNIPHARMA, LLC,

Debtors<sup>1</sup>.

Case No. 20-bk-23346-PDR  
Case No. 20-bk-23348-PDR

Chapter 11 Cases  
(Jointly Administered)

---

**ORDER (I) APPROVING DISCLOSURE STATEMENT; (II) SETTING  
HEARING ON CONFIRMATION OF PLAN; (III) SETTING HEARING  
ON FEE APPLICATIONS; (IV) SETTING VARIOUS DEADLINES;  
AND (V) DESCRIBING PLAN PROPONENT'S OBLIGATIONS**

CONFIRMATION HEARING AND HEARING ON FEE APPLICATIONS:  
DATE AND TIME

**March 2, 2021 at 10:00 a.m.**

**LOCATION:**

The Confirmation Hearing will be held **by VIDEO CONFERENCE.**

**\*\*IMPORTANT\*\*** The hearing scheduled by this Order will take place only by video conference. **DO NOT GO TO THE COURTHOUSE.** Attorneys must advise their clients not to appear at the Courthouse. To participate in the hearing by video conference please refer to the instructions under the name of the presiding Judge on the Court's web site, [www.flsb.usCourts.gov](http://www.flsb.usCourts.gov).

To register for the video conference, manually enter the following registration link in a browser:

[INSERT ZOOM LINK]

**PLEASE NOTE:** No person may record the proceedings from any location by any means. The audio recording maintained by the Court will be the sole basis for creation of a transcript that constitutes the official record of the hearing. Although conducted using video conferencing technology, the hearing is a Court proceeding. The formalities of the Courtroom must be observed. All participants must dress appropriately, exercise civility, and otherwise conduct themselves in a manner consistent with the dignity of the Court.

PLAN PROPONENT'S DEADLINE FOR SERVING THIS ORDER,  
DISCLOSURE STATEMENT, PLAN, BALLOTS  
AND THE COMMITTEE'S RECOMMENDATION LETTER:

**January 26, 2021**

(35 days before Confirmation Hearing)

DEADLINE FOR OBJECTIONS TO CLAIMS:

**January 26, 2021**

(35 days before Confirmation Hearing)

DEADLINE FOR FEE APPLICATIONS:

**February 9, 2021**

(21 days before Confirmation Hearing)

---

<sup>1</sup> The last four digits of each Debtor's federal tax identification number are Tamarac 10200, LLC (2050) and Unipharma, LLC (8962). The address of the Debtors is 10200 N.W. 67<sup>th</sup> Street, Tamarac, FL 33321.

PLAN PROPONENT'S DEADLINE FOR SERVING NOTICE OF FEE APPLICATIONS:

**February 16, 2021**

(14 days before Confirmation Hearing)

DEADLINE FOR OBJECTIONS TO CONFIRMATION:

**February 16, 2021**

(14 days before Confirmation Hearing)

DEADLINE FOR FILING BALLOTS ACCEPTING OR REJECTING PLAN:

**February 16, 2021**

(14 days before Confirmation Hearing)

PLAN PROPONENT'S DEADLINE FOR FILING  
PLAN PROPONENT'S REPORT AND CONFIRMATION AFFIDAVIT:

**February 25, 2021**

(three business days before Confirmation Hearing)

The Court conducted a hearing on January 21, 2021 at 12:00 p.m. to consider approval of the *Disclosure Statement for Debtors' Amended Joint Plan of Liquidation* [ECF No. 193] (as may be amended, the "**Disclosure Statement**") filed by the Debtors (collectively, the "**Plan Proponent**") in connection with the *Debtors' Amended Joint Plan of Liquidation* [ECF No. 194] (as may be amended, the "**Plan**"). The Court finds that the Disclosure Statement (as amended, if amendments were announced by the Plan Proponent or required by the Court at the hearing) contains "adequate information" regarding the Plan in accordance with 11 U.S.C. § 1125(a). Therefore, pursuant to 11 U.S.C. § 1125(b) and Bankruptcy Rule 3017(b), the Disclosure Statement is approved.

The Court finds that the Solicitation Package (defined herein) provides the holders of Claims entitled to vote on the Plan, including but not limited to whether to opt in to the "Releases by Holders of Claims and Interests (i.e., Third-Party Release)" set forth in the Plan at Art. XII.H, with adequate information to make informed decisions with respect to voting on the Plan in accordance with Bankruptcy Rules 2002(b) and 3017(d), the Bankruptcy Code, and the Local Rules of this Court.

**PRESERVED CLAIMS ARE PRESERVED AND RESERVED FOR LATER PROSECUTION AND ADJUDICATION.**<sup>2</sup> All Preserved Claims (as defined in the revised Exhibit “3” to the Disclosure Statement filed with the Court at ECF No. [ ] and attached to this Order as Composite Exhibit “A”) are preserved and reserved for later prosecution and adjudication in accordance with the Plan, and therefore no preclusion doctrine, claim preclusion, estoppels (judicial, equitable or otherwise) or laches will apply to those Preserved Claims on or after the Effective Date of the Plan. The failure to specifically list or otherwise sufficiently identify a Claim or Cause of Action in the Plan or Disclosure Statement, including Exhibit “3” to the Disclosure Statement, is not intended to and shall not be deemed to: (i) effect a release or waiver of such Preserved Claims; and (ii) impair the Liquidating Trustee’s right to pursue such Preserved Claims on or after the Effective Date of the Plan. The preceding findings and conclusions apply equally to the Avoidance Actions being purchased by NHTV (AIV) ULM BIDCO LLC pursuant to the Stalking Horse Bid Agreement (as that term appears in ECF No. 158).

The Committee’s Recommendation Letter filed with the Court at ECF No. 232 was approved by Order of this Court at ECF No. [ ] and is attached to this Order as Composite Exhibit “A”. The Plan Proponent is authorized to include the Committee’s Recommendation Letter in the Solicitation Packages mailed to the holders of claims entitled to submit Ballots (defined herein) with respect to the Plan.

The proposed form of ballots (collectively, the “Ballots”) filed with the Court at ECF No. [ ] and attached to this Order as Composite Exhibit “A” are hereby **APPROVED**.

---

<sup>2</sup> Capitalized terms not defined in this paragraph of the Order shall have the meanings ascribed to them, as applicable, in the Plan or the Disclosure Statement.

This Order sets a hearing to consider confirmation of the Plan (the “**Confirmation Hearing**”), a hearing on fee applications, and sets forth the deadlines and requirements relating to confirmation provided in the Bankruptcy Code, the Bankruptcy Rules, and the Local Rules of this Court.

**1. HEARING TO CONSIDER CONFIRMATION OF PLAN**

The Court has set a hearing to consider confirmation of the Plan for the date and time indicated above as the “CONFIRMATION HEARING AND HEARING ON FEE APPLICATIONS”. The Confirmation Hearing may be continued to a future date by notice given in open Court at the Confirmation Hearing.

**2. DEADLINE FOR FILING AND HEARING ON FEE APPLICATIONS**

The last day for filing and serving fee applications is indicated above as “DEADLINE FOR FEE APPLICATIONS”. Except as governed by separate order of the Court, all prospective applicants for compensation, including attorneys, accountants and other professionals, shall file applications which include actual time and costs, plus an estimate of additional time and costs to be incurred through the Confirmation Date. At or prior to the Confirmation Hearing, applicants must file a supplement with documentation supporting the estimated time and costs. Fee applications shall be timely filed with the Court and served (with all exhibits, including documentation of estimated time) on: (i) the Debtors; (ii) the Official Committee of Unsecured Creditors (the “**Committee**”); (iii) NHTV ULM Holdings LLC, the Debtors’ prepetition senior secured lender and DIP Lender (collectively, the “**Lender**”); and (iv) United States Trustee.

Fee applications will be set for hearing together with the Confirmation Hearing. The Plan Proponent shall serve notice of all fee applications pursuant to paragraph 6 below. The Plan Proponent shall file a certificate of service as required under Local Rule 2002-1(F).

**3. DEADLINE FOR OBJECTIONS TO CONFIRMATION**

The last day for filing and serving objections to confirmation of the Plan is indicated above as “DEADLINE FOR OBJECTIONS TO CONFIRMATION”. Objections to confirmation shall be filed with the Court and served on: (i) the Debtors; (ii) the Committee; (iii) the Lender; and (iv) the United States Trustee.

**4. DEADLINE FOR FILING BALLOTS ACCEPTING OR REJECTING PLAN**

The last day for filing a ballot accepting or rejecting the Plan is indicated above as “DEADLINE FOR FILING BALLOTS ACCEPTING OR REJECTING PLAN” (the “**Voting Deadline**”). All parties entitled to vote should receive a ballot from the Plan Proponent by U.S. Mail pursuant to paragraph 6(A) of this Order. If you receive a ballot but your entire claim has been objected to, you will not have the right to vote until the objection is resolved, unless you request and obtain an order under Bankruptcy Rule 3018(a) temporarily allowing your claim for voting purposes.

**5. DEADLINE FOR OBJECTIONS TO CLAIMS**

The last day for filing and serving objections to claims is indicated above as “DEADLINE FOR OBJECTIONS TO CLAIMS”. All objections to claims must be filed before this date unless the deadline is extended by further order of this Court.

**6. PLAN PROPONENT’S OBLIGATIONS**

(A) On or before the date indicated above as “PLAN PROPONENT’S DEADLINE FOR SERVING THIS ORDER, DISCLOSURE STATEMENT, PLAN, BALLOTS AND THE COMMITTEE’S RECOMMENDATION LETTER” (the “**Solicitation Deadline**”), the Plan Proponent shall serve:

- (i) a copy of this Order, the approved Disclosure Statement (with all

amendments, if amendments were announced by the Plan Proponent or required by the Court at the Disclosure Hearing), the Plan, an approved Ballot, and the Committee's Recommendation Letter (each, a "**Solicitation Package**", and collectively, the "**Solicitation Packages**") to those holders of claims in each of the voting classes entitled to vote on the Plan as of **January 21, 2021** (the "**Voting Record Date**"); and

(ii) a copy of this Order, the approved Disclosure Statement (with all amendments, if amendments were announced by the Plan Proponent or required by the Court at the Disclosure Hearing) and the Plan on all creditors, all equity security holders, and all other parties in interest, as required by the Bankruptcy Rules (including those entities as described in Bankruptcy Rule 3017(f) and the Local Rules, including those listed on a "Master Service List" required to be filed pursuant to Local Rules 2002-1(H).

(iii) The Plan Proponent shall file a certificate of service as required under Local Rule 2002-1(F).

(iv) Kurtzman Carson Consultants LLC, the Debtors' claims, notice and balloting agent (the "**Balloting Agent**") is authorized to assist the Debtors in: (i) distributing the Solicitation Packages; (ii) receiving, tabulating, and reporting on Ballots cast to accept or reject the Plan by holders of claims entitled to vote on the Plan; (iii) responding to inquiries from holders of claims entitled to vote on the Plan; (iv) soliciting votes on the Plan; and (iv) if necessary, contacting holders of claims entitled to vote on the Plan regarding the Plan.

(v) The Debtors are authorized, but not directed or required, to serve the Solicitation packages (excluding Ballots) in electronic format (e.g., email) to the holders of claims entitled to vote on the Plan.

(B) On or before the date indicated above as “PLAN PROPONENT’S DEADLINE FOR SERVING NOTICE OF FEE APPLICATIONS”, the Plan Proponent shall serve a notice of hearing of all fee applications, identifying each applicant and the amounts requested. The notice shall be served on all creditors, all equity security holders, and all other parties in interest as required by the Bankruptcy and Local Rules, including those listed on a “Master Service List” required to be filed pursuant to Local Rules 2002-1(H). The Plan Proponent shall file a certificate of service as required under Local Rule 2002-1(F).

(C) On or before 5:00 p.m. on the date indicated above as “PLAN PROPONENT’S DEADLINE FOR FILING PROPONENT’S REPORT AND CONFIRMATION AFFIDAVIT”, the Plan Proponent shall file with the Court the Local Form “Certificate of Proponent of Plan on Acceptance of Plan, Report on Amount to be Deposited, Certificate of Amount Deposited and Payment of Fees,” and the Local Form “Confirmation Affidavit”. The “Confirmation Affidavit” shall set forth the facts upon which the Plan Proponent relies to establish that each of the requirements of 11 U.S.C. §1129 are satisfied. The “Confirmation Affidavit” should be prepared so that by reading it, the Court can easily understand the significant terms of the plan and other material facts relating to confirmation of the Plan. The individual executing the “Confirmation Affidavit” shall be present at the Confirmation Hearing.

(D) In the event that any objection to confirmation is filed, the Plan Proponent, or any other party interest, may file a reply in support of confirmation of the Plan not later than **February 25, 2021 at 4:00 p.m.** (i.e., three business days before the Confirmation Hearing).

If the Plan Proponent does not timely comply with any of the requirements of this Order, the Court may impose sanctions at the Confirmation Hearing without further notice including dismissal, conversion of the Debtors’ cases to chapter 7, or the striking of the Plan. The Court

will also consider dismissal or conversion at the Confirmation Hearing at the request of any party or on the Court's own motion.

# # #

Submitted by:

Christopher Andrew Jarvinen, Esq.  
[cjarvinen@bergersingerman.com](mailto:cjarvinen@bergersingerman.com)  
BERGER SINGERMANN LLP  
1450 Brickell Avenue, Ste. 1900  
Miami, FL 33131  
Telephone: (305) 755-9500  
Facsimile: (305) 714-4340

*(Christopher Andrew Jarvinen, Esq. is directed to serve a copy of this order on interested parties and file with the Court a certificate of service.)*

10264506-7