

Hearing Date and Time: December 14, 2023 at 11:00 a.m. (prevailing Eastern Time)
Objection Deadline: December 12, 2023 at 4:00 p.m. (prevailing Eastern Time)

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re

BENITAGO INC., et al.,

Debtors.¹

Chapter 11

Case No. 23-11394 (SHL)

(Jointly Administered)

NOTICE OF DISCLOSURE STATEMENT HEARING

TO ALL PARTIES IN INTEREST:

PLEASE TAKE NOTICE THAT on November 27, 2023, the above-captioned debtors and debtors in possession (collectively, the "Debtors") filed (a) the *Joint Chapter 11 Plan of Reorganization for Benitago Inc. and its Affiliates* [Docket No. 222] (as it may be amended, modified, and/or supplemented from time to time, the "Plan") and (b) the related disclosure statement [Docket No. 223] (as it may be amended, modified, and/or supplemented from time to time, the "Disclosure Statement").²

PLEASE TAKE FURTHER NOTICE THAT on November 27, 2023, the Debtors filed the *Debtors' Motion for Entry of an Order (I) Approving Certain Key Dates Relating to Confirmation of the Debtors' Plan, Including Scheduling a Hearing to Consider*

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's tax identification number, are: Benitago, Inc. (4084); Acrux LLC (9391); Aludra Limited (4147); Algedi LLC (3835); Biham LLC (4095); Canopus LLC (8124); Denebola LLC (5430); Errai LLC (7652); Felis LLC (4176); Ginan LLC (2439); Hamal LLC (1775); Izar LLC (6010); Jabbah LLC (0658); Kamuy LLC (8461); Lich LLC (2892); Maasym LLC (9332); Nusakan LLC (1861); Okab LLC (6499); Phact LLC (3663); Chechia LLC (N/A); Dalim LLC (4741); Segin LLC (8849); Taiyi LLC (N/A); Veritate LLC (6416); Wazn LLC (7193); Yildun LLC (3017); Bharani LLC (1732); Alhena LLC (7613); and Revati LLC (0170). The location of the Debtors' service address for purposes of these chapter 11 cases is: 1 Liberty Street, Ste. 320, New York, New York 10006.

² Capitalized terms used but not otherwise defined herein have the meanings ascribed to such terms in the Plan or Disclosure Statement, as applicable.

Approval of Debtors' Plan; (II) Approving the Form and Manner of the Confirmation Hearing Notice; (III) Approving Debtors' Disclosure Statement and Notice Thereof; (IV) Approving (A) Procedures for Solicitation; (B) Forms of Ballots; (C) Procedures for Tabulation of Votes; and (D) Procedures for Objections; (V) Establishing Notice and Objection Procedures for the Confirmation of the Plan; and (VI) Establishing the Interim Bar Date for Filing Administrative Claims Arising from the Petition Date Through and Including November 30, 2023 [Docket No. 226] (as it may be amended, modified, and/or supplemented from time to time, the "Disclosure Statement Motion").

PLEASE TAKE FURTHER NOTICE THAT on November 27, 2023, the Debtors filed the *Debtors' Ex Parte Motion to Shorten Notice to Consider Debtors' Motion for Entry of an Order (I) Approving Certain Key Dates Relating to Confirmation of the Debtors' Plan, Including Scheduling a Hearing to Consider Approval of the Debtors' Plan; (II) Approving the Form and Manner of the Confirmation Hearing Notice; (III) Approving Debtors' Disclosure Statement and Notice Thereof; (IV) Approving (A) Procedures for Solicitation, (B) Forms of Ballots, (C) Procedures for Tabulation of Votes, and (D) Procedures for Objections; (V) Establishing Notice and Objection Procedures for the Confirmation of the Plan; and (VI) Establishing the Interim Bar Date for Filing Administrative Claims Arising from the Petition Date Through and Including November 30, 2023 [Docket No. 227] (the "Motion to Shorten").*

PLEASE TAKE FURTHER NOTICE THAT on November 30, 2023, the Court entered an order approving the Motion to Shorten and scheduling the Hearing and Objection Deadline (each as defined below) [Docket No. 268] (the "Order Shortening Notice").

PLEASE TAKE FURTHER NOTICE THAT pursuant to the Order Shortening Notice, a hearing (the "Hearing") will be held before the Honorable Sean H. Lane, United States Bankruptcy Judge in the United States Bankruptcy Court for the Southern District of New York, 300 Quarropas Street, White Plains, NY 10601-4140 (the "Court") **on December 14, 2023, at 11:00 a.m. (prevailing Eastern Time)** to consider entry of an order determining, among other things, that the Disclosure Statement contains "adequate information" within the meaning ascribed to such term in section 1125 of the Bankruptcy Code and approving the Disclosure Statement and the procedures, dates, and deadlines related to confirmation of the Plan.

PLEASE TAKE FURTHER NOTICE THAT The Hearing will take place virtually via Zoom. Those wishing to participate in the Hearing in person may appear before the Court. For those wishing to participate remotely, in accordance with General Order M-543 dated March 20, 2020, the Hearing will be conducted remotely using Zoom for Government. Parties wishing to appear at the Confirmation Hearing, whether making a "live" or "listen only" appearance before the Court, need to make an electronic appearance (an "eCourtAppearance") through the Court's website at <https://ecf.nysb.uscourts.gov/cgibin/nysbAppearances.pl>. Electronic appearances (eCourtAppearances) need to be made by **4:00 p.m. (prevailing Eastern Time) the business day before the Hearing (i.e., on December 13, 2023)**.

PLEASE TAKE FURTHER NOTICE THAT in accordance with the Order Shortening Notice, objections, if any, to the Disclosure Statement Motion must be made

in writing and filed with the Court and served so as to be actually received by the following parties no later than **December 12, 2023, at 4:00 p.m. (prevailing Eastern Time) (the "Objection Deadline")** by the following parties (collectively, the "Notice Parties"):

- (a) counsel to the Debtors, Togut, Segal & Segal LLP, One Penn Plaza, Suite 3335, New York, New York 10119, Attn: Kyle J. Ortiz, Esq. (kortiz@teamtogut.com) and Bryan M. Kotliar, Esq. (bkotliar@teamtogut.com);
- (b) counsel to the Acrux Debtors, Klestadt Winters Jureller Southard & Stevens, 200 West 41st Street, 17th Floor, New York, New York 10036, Attn: Fred Stevens, Esq. (FStevens@klestadt.com) and Sean Southard, Esq. (SSouthard@Klestadt.com);
- (c) the U.S. Trustee, Office of the United States Trustee, Alexander Hamilton Custom House, One Bowling Green, New York, NY 10004, Attn.: Richard Morrissey, Esq. (Richard.Morrissey@usdoj.gov) and Annie Wells, Esq. (Annie.Wells@usdoj.com);
- (d) counsel to the Committee, Dechert LLP, 1095 Avenue of Americas, New York, NY 10036, Attn: Douglas Mannal, Esq. (douglas.mannal@dechert.com) and Stephen M. Wolpert, Esq. (stephen.wolpert@dechert.com);
- (e) counsel to SellersFunding, Maurice Wutscher LLP 5 Walter Foran Blvd. Suite 2007 Flemington, NJ 08822, Attn: Thomas R. Dominczyk, Esq. (tdominczyk@MauriceWutscher.com) and 23611 Chagrin Blvd. Suite 207, Beachwood, OH 44122, Attn: Alan C. Hochheiser, Esq. (ahochhesier@mauricewutscher.com);
- (f) counsel to CoVenture, Greenberg Traurig, LLP, One Vanderbilt Avenue, New York, NY 10017, Attn: Oscar N. Pinkas, Esq. (pinkasO@gtlaw.com) and 77 Wacker Drive, Suite 3100, Chicago, IL 60601, Attn: Nancy A. Peterman, Esq. (petermanN@gtlaw.com);
and
- (g) any parties required to be served under any applicable Bankruptcy Rule or Local Rule.

PLEASE TAKE FURTHER NOTICE THAT IF AN OBJECTION TO THE DISCLOSURE STATEMENT IS NOT FILED AND SERVED STRICTLY AS PRESCRIBED HEREIN, THE OBJECTING PARTY MAY BE BARRED FROM OBJECTING TO THE DISCLOSURE STATEMENT MOTION AND MAY NOT BE HEARD AT THE HEARING.

PLEASE TAKE FURTHER NOTICE THAT the Hearing may be adjourned from time to time without further notice to parties in interest other than by

an announcement in the Bankruptcy Court of such adjournment or as indicated in any notice of agenda of matters scheduled for the Hearing filed by the Debtors with the Court.

PLEASE TAKE FURTHER NOTICE THAT an electronic copy of the Disclosure Statement and the Plan (and all of the exhibits thereto) may be obtained free of charge by visiting the Debtors' case website <https://cases.stretto.com/benitago>. In addition, copies of the Disclosure Statement and Plan are on file with the Office of the Clerk of the Court (300 Quarropas Street, White Plains, NY 10601-4140) for review during normal business hours. Parties may also obtain copies of any pleadings filed in these Chapter 11 Cases for a fee via PACER at: <http://www.nysb.uscourts.gov>. Note that a PACER password and login are needed to access documents on the Bankruptcy Court's website. A PACER password can be obtained at: www.pacer.psc.uscourts.gov.

PLEASE TAKE FURTHER NOTICE THAT any party in interest wishing to obtain a paper copy of the Disclosure Statement and the Plan should contact Stretto, Inc, the Voting Agent, (a) in writing at Benitago Ballot Processing Center c/o Stretto, Inc., 410 Exchange, Suite 100, Irvine, CA 92602, (b) by calling (888) 914-9227 (U.S./Canada) or (949) 377-1684 (International), or (c) via email at TeamBenitago@stretto.com.

Dated: November 30, 2023
New York, New York

BENITAGO INC., *et al*
Debtors and Debtors in Possession
By their Proposed Counsel
TOGUT, SEGAL & SEGAL LLP
By:

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