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Sworn to me this 17th day of February, 2023

Ellen Herb

Notary Public

Ellen 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.

2/17/2023, NYT & NATL, pg B5



Larnyce Tabron



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B5

INTERNATIONAL



A construction site in Lviv, left, and churches boarded against shelling, right. Long-term reconstruction aid will depend on how much money the European Union, the United States and other Ukrainian allies are willing to allocate.

Even as War Goes On, a Battle Looms to Rebuild Ukraine

FROM FIRST BUSINESS PAGE program that provided aid to Western Europe after World War II. Early cost estimates of rebuilding the physical infrastructure range from \$138 billion to \$750 billion.

The prospect of that trove is inspiring altruistic impulses and entrepreneurial vision, savvy business strategizing and rank opportunism for what the Ukrainian chamber of commerce is trumpeting as "the world's largest construction site!"

Mr. Zelensky and his allies want to use the rebuilding to stitch Ukraine's infrastructure seamlessly into the rest of Europe

Yet whether all the gold in the much-anticipated gold rush will materialize is far from certain. Ukraine, whose economy shrank 30 percent last year, desperately needs funds just to keep going and to make emergency repairs. Long-term reconstruction aid will depend not only on the outcome of the war, but on how much money the European Union, the United States and other allies put up.

And though private investors are being courted, few are willing to risk committing money now, as the conflict is entrenched.

Ukraine and several European nations are pushing hard to confiscate frozen Russian assets held abroad, but several skeptics, including officials in the Biden administration, have questioned the legality of such a move.

Nonetheless, "a lot of companies are starting to position themselves to be ready and have some track record for this time when the



Ukraine since 1997. When the war started last February, Russian shelling destroyed its Kyiv warehouse. Danfoss has since focused on

elping with immediate needs in

Maire, the finance minister, said contracts worth a total of 100 million euros, or \$107 million, had been awarded to three French companies for projects in Ukraine: Matière will build 30

and Lidea are providing seeds for farmers.

Private equity firms, too, have an eye on business opportunities. Mr. Zelensky sealed a deal late last year with Laurence D. Fink, the chief executive of BlackRock. to "coordinate investment efforts to rebuild the war-torn nation." BlackRock, the world's largest asset manager, will advise Kyiv on "how to structure the country's reconstruction funds." The work will be done on a pro bono basis, but promises to give BlackRock insights into investors' interests.

Mr. Fink was brought into the effort by Andrew Forrest, a gregarious Australian mining magnate who is the chief executive of Fortescue Metals Group. Mr. Forrest announced a \$500 million initial investment in November, from his own private equity fund, into a new pot of money created for rebuilding projects in Ukraine. The fund would be run with BlackRock and aims to raise at least \$25 billion from sovereign wealth funds controlled by national governments and private investors from around the world for clean energy investments in war-torn areas.

Mr. Forrest has courted Mr. Zelensky, wearing a Ukrainian flag pin in his lapel and presenting the Ukrainian president with an Australian bullwhip during a visit to Kyiv last year. But in a sign of how cautious investors remain, Mr. Forrest said capital would be made available "the instant that the Russian forces have been removed from the homelands of

reconstruction funding will be coming in," said Tymofiy Mylovanov, a former economy minister who is president of the Kyiv School of Economics. "There will be a lot of funding from all over the world," he said, and businesses are saying that "we want to be a part of it."

More than 300 companies from 22 countries signed up for a Rebuild Ukraine trade exhibition and conference this week in Warsaw. The gathering is just the latest in a dizzying series of in-person and virtual meetings. Last month, at the World Economic Forum in Davos, Switzerland, a standing-room-only crowd packed Ukraine House to discuss investment opportunities.

More than 700 French companies swarmed to a conference organized in December by President Emmanuel Macron. And on Wednesday, the Finnish Confederation of Industries sponsored an all-day webinar with Ukrainian officials so companies could show off their wastewater treatment plants, transformers, threshers and prefabricated housing.

Sergiy Tsivkach, the executive director of UkraineInvest, the government office dedicated to attracting foreign investment, is glad for the interest. He was in Lviv last week to meet with inter-



O IBARRA SANCHEZ FOR THE NEW YORK TIMES

Andriy Berestyan, above, the managing director of Danfoss in Ukraine. Top, a memorial to people who were killed during the 2014 Ukrainian revolution.

national investors. But he emphasized a crucial point.

"They all say, 'We want to help in rebuilding Ukraine,'" Mr. Tsivkach said. "But do you want to invest your own money, or do you want to sell services or goods? These are two different things."

Most are interested in selling something, he said.

That was clearly evident at the Warsaw conference.

What Ukrainian and foreign companies wanted to know was: Who will decide on the contracts, and how do they apply?

"Hundreds of companies have been asking me this," said Tomas Kopecny, the Czech government's envoy for Ukraine.

For businesses, a crucial issue

is who will control the money. This is a question that Europe, the United States and global institutions like the World Bank — the biggest donors and lenders — are vigorously debating.

"Who will pay for what?" Domenico Campogrande, director general of the European Construction Industry Federation, said from the stage.

Ukraine has made clear there will be rewards for early investors when it comes to postwar reconstruction. But that opportunity carries risk.

Danfoss, a Danish industrial company that sells heat-efficiency devices and hydraulic power units for apartment and other buildings, has been doing business in



MACIEK NABRDALIK FOR THE NEW YORK TIMES

Generators outside a cafe in Lviv. Ukraine will reward early investors when it comes to postwar reconstruction.

war-torn regions and in western Ukraine, where millions of people displaced from their homes have been forced to settle in temporary shelters.

"For now, all efforts are going toward maintaining a survival mode," said Andriy Berestyan, the company's managing director in Ukraine. "Right now, nobody is really looking for major reconstruction.'

Things had been going better for the company since last summer as Ukraine pushed back Russian advances. By October, new orders for Danfoss's products were rolling in, and Mr. Berestyan restored Danfoss's distribution center in Kyiv. Then Russia started dropping bombs en masse. Power and water were widely cut off, forcing Ukraine and businesses - to swing back to dealing with emergencies.

Even so, he said, Danfoss is keeping its eye on the long term. "Definitely there will be rebuilding opportunities," he said, "and we see a huge, huge opportunity for ourselves and for similar companies."

That groundwork is being laid in places like Mykolaiv, one of the hardest-hit regions, where numerous Danish companies have been working. Drones operated by Danish companies have mapped every bombed-out structure, with an eye toward using the data to help decide what reconstruction contracts should be issued.

The information would help companies like Danfoss evaluate the potential for business, and eventually bid on contracts.

Other governments that are expected to contribute to Ukraine's reconstruction are also offering financial support for domestic firms.

Germany announced the creation of a fund to guarantee investments. The plan will be overseen by the global auditing giant PwC and would compensate investors for potential financial losses if businesses were expropriated or projects were disrupted.

France will also offer state guarantees to companies doing future work in Ukraine. Bruno Le

Patricia Cohen reported from Lviv. and Liz Alderman from Paris. Eshe Nelson contributed reporting from London.

floating bridges, and Mas Seeds

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE SOUTHERN DISTRICT OF TEXAS, HOUSTON DIVISION Chapter 11 Case No. 23-90088 (DRJ) (Jointly Administered) NOTICE OF COMMENCEMENT OF PREPACKAGED CHAPTER 11 BANKRUPTCY CASES AND HEARING ON THE DISCLOSURE STATEMENT AND CONFIRMATION OF THE

JOINT PREPACKAGED CHAPTER 11 PLAN

DISCLOSURE STATEMENT AND CONFIRMATION OF THE JOINT PREPACKAGED (HAPTER 11 PLAN) TO: ALL HOLDERS OF CLAIMS, HOLDERS OF INTERESTS, AND PARTIESIN INTERESTIN THE ABOVE-CAPTIONED (HAPTER 11 CASES PLASE TAKE NOTICE THAT on February 14, 2023 (the "<u>Pettion</u> Date"), the above-captioned debtors and debtors in possession (collectively, the "Debtors") field with the United States Bankruptcy Court for the Southern District of Texas (the "<u>Bankruptcy Court</u>") the Joint Prepackaged Plan of Reorganization of Away Inc. and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code [Docket No. 50] (as amended, supplemented, or otherwise modified from time to time, the "<u>Disdosure Statement</u>") pursuant to sections 1125 and 1126(b) of the 11 of the United States Code (the "<u>Bankruptcy Code</u>"). Cojees of the Plan and the Disdosure Statement may be obtained upon request of the Debtors' proposed coursel at the address specified below and are on file with the Clerk of the Court, 515 Rusk Street, Houston, Texas 77002, where they are available for review between the hours of 8:00 a.m. to 5:00 pm., prevailing Central Time. The Plan and the Disdosure Statement also are available for inspection, for a fea at <u>https://paace.gov</u> (account required) or, net available for specific pursuant to the sold on the 5:00 pm., prevailing Central Time. The Plan and the Disdosure Statement also are available for inspection, for a fea at <u>https://paace.gov</u> (account required) or, net available for inspection, for a fea at <u>http://www.kclk. net/awaya</u>.

PLEASE TAKE FURTHER NOTICE THAT a hearing (the "<u>Combined</u>

The of hardle, of the behavior's estructuring website at <u>integr/www.kccic</u>, <u>refravaus</u>². **PLEASE TAKE FURTHER NOTICE THAT** a hearing (the "<u>Combined</u> <u>Hearing</u>") will be held before David R. Jones. United States Bankruptcy Judge, in Courtroom 400, 4th. Hoor of the United States Bankruptcy Court, 515 Rusk Street Houston, Texas 77002, on March 22, 2023, at 10:00 a.m., prevailing Central Time, to consider the adequacy of the Disclosure Statement, any objections to the Disclosure Statement, confirmation of the Ban, any objections thereto, and any other matter that may properly come before the Bankruptcy Court. Please be advised that the Combined Hearing may be continued from time to time by the Bankruptcy (Court on the Debtors without further notice of ther than by such adjournment being announced in open court or by a notice of adjournment field with the Bankruptcy Court and served on other parties entitled to notice. **PLEASE TAKE FURTHER NOTICE THAT** objections (each, an "Withoug") to coal Rules for the Southern District of Feas; (a) be in "writing; (b) comply with the Federal Rules of Bankruptcy Procedure and the of the Bankrupt ty coal Rules for the Southern District of Feas; (a) be in "writing; (b) comply with the Federal Rules of Bankruptcy Procedure and the of the Bankrupt (c) coal Rules for the Southern District of Feas; (b) eate the name and address of the objecting party and the amount and nature of the Claim or Interest beneficially owned by such entity or individua; (d) state than <u>March 17.2023, at 43:00 p.m., prevailing Central Time</u>, by those parties who have a filed a notice of appearance in the Debtors: **Avapa Hobigstons**, 350 Mt. Kemble Avenue, Monston, Nt. Josed, Attr.: Staffiel Shah, Chief Administrative Officer and Vito Carnevale, General **Lounset**; (in Propsed Counsel to **Lo Debtors**: **Avapa Houston Lourse**, Administrative Officer and Vito Carnevale. General **Lounset**; (in Propsed Counsel to **Lo** Debtors: **Avapa Hobigstons**, 350 Mt. Kenteret Stattes Tortu

ANKRUPTCY COURT

CRITICAL INFORMATION REGARDING OBJECTING TO THE PLAN CHITCAELINFORMATION RESERVING OBJECTION OF THE PLAN <u>ARTICLE VIII</u> OF THE PLAN CONTAINS RELEASE, EXCULPATION, AND INUUNCTION PROVISIONS, <u>ARTICLE VIII.D CONTAINS A THIRD-</u> <u>PARTY RELASE</u>, AND ARTICLE VIII.E CONTAINS A SETTLEMENT <u>GROUP RELEASE</u>. THUS, YOU ARE ADVISED TO REVIEW AND CONSIDER THE PLAN CAREFULLY BECAUSE YOUR RIGHTS MIGHT BE AFFECTED TURDENUNCE. THEREUNDER

THEREUNDER. ALL HOLDERS OF CLAIMS OR INTERESTS THAT DO NOT (X) ELECT TO OPT OUT OF THE RELEASES CONTAINED IN ARTICLES VIIL. D OR VIIL. OF THE PLAN. OR (Y) TIMELY FILE WITH THE BANKRUPTCY COURT ON THE DOCKT OF THE CHAPTER 11 CASES AN OBJECTION TO THE RELEASES CONTAINED IN ARTICLES VIIL. D OR VIIL. OF THE PLAN THAT IS NOT RESOLVED BEFORE CONFIRMATION WILL BE DEEMED TO HAVE EXPRESSLY, UNCONDITIONALLY, GENERALLY, INDIVIDUALLY, AND COLLECTIVELY CONSENTED TO THE RELEASE AND DISCHARGE OF RELLASED PARTIES OR THE SETTLEMENT GROUP RELEASED PARTIES, ASAPPLICABLE. ASAPPLICABLE. YOU ARE ADVISED TO CAREFULLY REVIEW AND CONSIDER THE

TOU AND ADDITED TO SAME TO CARE RELEASE, EXCULPATION, AND INJUNCTION PROVISIONS IN ARTICLE VIII OF THE PLAN, AS YOUR RIGHTS MIGHT BEAFFECTED.

RIGHTS MIGHT BE AFFECTED. ¹ A complete list of each of the Debtors in these chapter 11 cases may be obtained on the website of the Debtors' proposed claims and noticing agent at <u>http://www.kkcllc.net/awaya</u>. The location of Debtor Awaya Inc5. principal place of business and the Debtors' service address in these chapter 11 case is 350 Mount Kemble Avenue, Morristown, New Jersey 07960. ² Capitalized terms used but not defined herein have the meanings given to them in the Plan or the Disclosure Statement, as applicable. The statements contained herein are summaries of the provisions contained in the Plan and the Disclosure Statement, as applicable. The statements referred threrin. To the extent there is a discrepancy between the terms herein and the Plan or the Disclosure Statement, the Plan or the Disclosure Statement, as applicable, shall govern and control. For a more detailed description of the Plan, please refer to the Disclosure Statement.

Ukraine" — but not before.

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

Chapter 11 Case No. 23-90088 (DRJ) (Jointly Administered) In re: AVAYA INC.*, et al.*,¹ NOTICE OF ORDER APPROVING NOTIFICATION AND HEARING PROCEDURES FOR CERTAIN TRANSFERS OF AND DECLARATIONS OF WORTHLESSNESS WITH RESPECT TO COMMON STOCK AND PREFERRED STOCK TO: ALL ENTITES (AS DEFINED BY SECTION 101(15) OF THE BANKRUPTCY CODE) THAT MAY HOLD BENEFICIAL OWNERSHIP OF THE EXISTING CLASS (OR SERIES) OF COMMON STOCK (THE <u>"COMMON STOCK</u>") OR ANY EXISTING CLASS (OR SERIES) OF PREFERRED STOCK (THE <u>"PREFERRED STOCK</u>") OF AVAYA HOLDINGSCORP.:

HOLDINGS CORP: PLEASE TAKE NOTICE that on February 14, 2023 (the "Petition <u>Date</u>"), the above-captioned debtors and debtors in possession (collec-tively, the "Debtors"), filed petitions with the United States Bankruptery Court for the Southern District of Texas (the "<u>Court</u>") under chapter 11 of tile 11 of the United States Code (the "<u>Bankruptery Code</u>"). Subject to certain exceptions, section 36.2 of the Bankruptery Code operates as a stay of any act to obtain possession of property of or from the Debtors' estates or to exercise control over property of or from the Debtors' estates. PLEASE TAKE FURTHER NOTICE that on the Petition Date, the Debtors filed the Debtors'. Filedmanner.

PLEASE TAKE FURTHER NOTICE that on the Petition Date, the Debtors filed the Debtors' Emergency Motion for Entry of an Order Approving Notification and Hearing Procedures for Certain Transfers of and Declarations of Worthlessness with Respect to Common Stock and Prefered Stock [Docket No. 10] (the" Motion"). PLEASE TAKE FURTHER NOTICE that on February 15, 2023, the Court entered the Order Approving Notification and Hearing Procedures for Certain Transfers of and Declarations of Worthlessness with Respect to Common Stock and Preferred Stock [Docket No. 82] (the "Order") approving procedures for certain transfers of and declarations of worthlessness with respect to Common Stock and Preferred Stock set forth in Exhibit 1 attached to the Order (the"<u>Procedures</u>").² PLEASE TAKE FURTHER NOTICE that, pursuant to the Order, a Substantial Shareholder may not consummate any purchase, sale,

Substantial Shareholder may not consummate any purchase, sale, or other transfer of Common Stock or Preferred Stock or Beneficial Womership of Common Stock or Preferred Stock in violation of the Procedures, and any such transaction in violation of the Procedures shall be under the determined of the stock of the stoc

enull and void *ab initio.* PLEASE TAKE FURTHER NOTICE that, pursuant to the Order, the

PLEASE TAKE FURTHER NOTICE that, pursuant to the Order, the Procedures shall apply to the holding and transfers of Common Stock or Preferred Stock or any Beneficial Ownership therein by a Substantial Shareholder or someone who may become a Substantial Shareholder. PLEASE TAKE FURTHER NOTICE that pursuant to the Order, a 50-Percent Shareholder may not claim a worthless stock deduction with respect to Common Stock or Preferred Stock, or Beneficial Ownership of Common Stock or Preferred Stock, in violation of the Procedures, and any such deduction in violation of the Procedures, shall be null and void ob initio, and the 50-Percent Shareholder shall be required to file an amended tax returm revoking such proposed deduction. PLEASE TAKE FURTHER NOTICE that, pursuant to the Order, upon the request of any entity, the proposed notice, damis, and solicitation

PLEASE TAKE FURTHER NOTICE that, pursuant to the Order, upon the request of any entity, the proposed notice, daims, and solicitation agent for the Debtors, Nutzman 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. Such declarations are also available via PACER on the Court's website at <u>https://pacer. yacourts.gov/</u> for a fee, or free of charge by accessing the Debtors' restructuring website ant<u>http://www.kcdlc.net/avaya.</u> **PLEASE TAKE FURTHER NOTICE** that, pursuant to the Order failure tofollow 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 other than to the extent that The Order expressly conditions or testricit straining in Common Stock or Preferred Stock, nothing in the Order or in the Motion shall, or shall be deemed to, prejudice, impair, or otherwise alter or affect the rights of any holders of Common Stock or Preferred Stock, including in connection with the treatment of any such stock under any chapter 11 plan or any paticable backmutric our draft.

plicable bankruptcy court order. **PLEASE TAKE FURTHER NOTICE** that any prohibited purchase, sale, other transfer of, or declaration of worthlessness with respect to Common Stock or Preferred Stock, beneficial ownership thereof, or option with respect thereto in violation of the Order is prohibited and shall be null and void *ab initio* and may be subject to additional sanctions

s this 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 therewith.

ton, Texas, Dated: February 15, 2023, /s/ Matthew D. Cavenauah Houston, lexas, Dated: Hebruary 15, 2023, <u>51</u> Matthew D, Cavenaugh, JACKSON WALKER LLP, Mathew D, Cavenaugh (TK Bar No. 24062656), Rebecca Blake Chaikin (TX Bar No. 24133055), Genevieve M, Graham (TX Bar No. 24085340), Emily Meraia (TX Bar No. 24129307), 1401 McKinney Street, Suite 1900, Houston, TX 77010, Telephone: (713) 752-4202, Facisimie: (713) 752-4221, fmail: mcavenaugh@jw.com, chaikin@ jw.com, ggraham@jw.com, emeraia@jw.com, proposed fo-Courset to the Dottorg and Ophone in Brecering and WIPM AND & ELIEF LD ession -and- KIRKLAND & ELLIS LLP the bebtors and bebtors in Possession and KIRKLAND & ELLIS LIC (KIRKLAND & ELLIS INTERNATIONAL LLP, Joshua A. Sussberg, P.C. (pro hac vice pending), Apama Yenamandra, P.C. (pro hac vice pending), Rachael M. Bentley (pro hac vice pending), Andrew Townsell (pro hac vice pending), 601 Leixington Avenue, New York, New York (Nov York 1002, Telephone: (212) 446-4800, Facsimile: (212) 446-4900, Email: joshua.sussberg@ kirkland.com, aparna-yenamiker (krsh) 47-966, Funkarshould (krsh) kirkland.com, aprana-yenamatan@kirkland.com, rachaelbentley@ kirkland.com, andrew.townsell@kirkland.com - and - Patrick J. Nash, tz, P.C. (par bacv rize pending), 300 North LaSall@ Strete, (fri.cag. Illinois 06554, Telephone: (312) 862-2000, Facsimile: (312) 862-2200, Email: patrick.nash@kirkland.com, Proposed Co-Counsel to the Debtors and Debtors in Possession

Debuts minosession 1 A complete list of each of the Debtors in these chapter 11 cases may be obtained on the website of the Debtors' proposed daims and noticing agent at <u>http://www.kcdl.net/avaya</u>. The location of Debtor Avaya Inc.'s principal place of Dusiness and the Debtor's service address in these chap-ter 11 cases is 350 Mount Kemble Avenue, Morristown, New Jersey 07960. Capitalized terms used but not otherwise defined herein have the eanings given to them in the Order or the Motion, as applicable.