

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

In re:

FOOD52, INC.,<sup>1</sup>

Debtor.

Chapter 11

Case No. 25-12277 (LSS)

**AFFIDAVIT OF PUBLICATION OF THE NOTICE OF DEADLINE FOR FILING  
PROOFS OF CLAIM, INCLUDING FOR CLAIMS ASSERTED UNDER  
SECTION 503(b)(9) OF THE BANKRUPTCY CODE**

This Affidavit of Publication includes the sworn statement verifying that the *Notice of Deadline for Filing Proofs of Claim, Including for Claims Asserted Under Section 503(b)(9) of the Bankruptcy Code* was published, incorporated by reference herein, as follows:

1. In *The New York Times* on February 12, 2026, attached hereto as **Exhibit A**.

Dated: February 19, 2026

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<sup>1</sup> The Debtor in this chapter 11 case is Food52, Inc. and the last four digits of the Debtor's federal tax identification number are 2604. For the purpose of this chapter 11 case, the Debtor's service address is 1 Dock 72 Way, 13<sup>th</sup> Floor, Brooklyn, New York 11205.



251227726021900000000003

# **Exhibit A**



The New York Times Company

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

**PROOF OF PUBLICATION**

February 12, 2026

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.

2/12/2026, NY/NATL, pg B3

*Larnyce Tabron*



*Rowena Soriano*

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

In re: FOOD52, INC.,<sup>1</sup> Chapter 11 Debtor. Case No. 25-12277 (LSS)

**NOTICE OF DEADLINE FOR FILING OF PROOFS OF CLAIM, INCLUDING FOR CLAIMS ASSERTED UNDER SECTION 503(b)(9) OF THE BANKRUPTCY CODE THE GENERAL BAR DATE IS 5:00 P.M. (PREVAILING EASTERN TIME) ON MARCH 13, 2026**

**PLEASE TAKE NOTICE OF THE FOLLOWING:**

On December 29, 2025 (the "Petition Date"), Food52 Inc., the debtor (the "Debtor") in the above-captioned chapter 11 case, filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the District of Delaware (the "Court"). On February 9, 2026, the Court entered an order (Docket No. 199) (the "Bar Date Order")<sup>2</sup> establishing certain deadlines for the filing of proofs of claim in this chapter 11 case of the following Debtor:

Debtor	Case No.	EIN# (Last 4 Digits)
Food52, Inc.	25-12277 (LSS)	2738

Pursuant to the Bar Date Order, except as otherwise expressly provided therein, each person or entity (including, without limitation, each individual, partnership, joint venture, corporation, estate, and trust) that holds or seeks to assert a claim (as defined in section 101(5) of the Bankruptcy Code) against the Debtor that arose, or is deemed to have arisen, before the Petition Date (including, without limitation, claims entitled to administrative priority status under section 503(b)(9) of the Bankruptcy Code), no matter how remote or contingent such right to payment or equitable remedy may be, **MUST FILE A PROOF OF CLAIM** on or before 5:00 p.m. (prevailing Eastern Time), on March 13, 2026 (the "General Bar Date"), by sending an original proof of claim form to Kurtzman Carson Consultants, LLC dba Verita Global ("Verita"), or by completing the online proof of claim form available at <https://www.veritaglobal.net/food52>, so that it is **actually received** on or before the General Bar Date; provided that, solely with respect to governmental units (as defined in section 101(27) of the Bankruptcy Code), the deadline for such governmental units to file a proof of claim against the Debtor is June 29, 2026, at 5:00 p.m. (prevailing Eastern Time) (the "Governmental Bar Date").

All entities holding claims against the Debtor arising from the

rejection of executory contracts and unexpired leases of the Debtor are required to file proofs of claim by the later of (i) the General Bar Date or the Governmental Bar Date, as applicable, and (ii) 5:00 p.m., prevailing Eastern Time, on the date that is twenty-one (21) days following entry of an order approving the rejection of any executory contract or unexpired lease of the Debtor (the "Rejection Damages Bar Date").

All entities asserting claims against the Debtor that are affected by an amendment or supplement to the Schedules are required to file a proof of claim or amend any previously filed proof of claim in respect of the amended scheduled claim by the later of (i) the General Bar Date or the Governmental Bar Date, as applicable, and (ii) 5:00 p.m., prevailing Eastern Time, on the date that is twenty-one (21) days from the date on which the Debtor mails notice of the amendment to the Schedules (or another time period as may be fixed by the Court) (the "Amended Schedules Bar Date").

Proofs of claim must be sent by overnight mail, courier service, hand delivery, regular mail, or in person, or completed electronically through Verita's website. Proofs of claim sent by facsimile, teletype, or electronic mail will not be accepted and will not be considered properly or timely filed for any purpose in this chapter 11 case.

**ANY PERSON OR ENTITY THAT IS REQUIRED TO FILE A PROOF OF CLAIM IN THIS CHAPTER 11 CASE WITH RESPECT TO A PARTICULAR CLAIM AGAINST THE DEBTOR, BUT THAT FAILS TO DO SO PROPERLY BY THE APPLICABLE BAR DATE, WILL NOT BE TREATED AS A CREDITOR WITH RESPECT TO SUCH CLAIM FOR PURPOSES OF VOTING AND DISTRIBUTION.**

A copy of the Bar Date Order and proof of claim form may be obtained by contacting the Debtor's Claims Agent, in writing, at Food52 Claims Processing Center, c/o KCC dba Verita Global, 222 N. Pacific Coast Hwy., Ste. 300, El Segundo, California 90245 or online at <https://www.veritaglobal.net/food52>. The Bar Date Order can also be viewed on the Court's website at [www.deb.uscourts.gov](http://www.deb.uscourts.gov). If you have questions concerning the filing or processing of claims, you may contact the Debtor's claims agent, Verita, at 866-967-1780 (toll-free) or +1-310-751-2680 (international).

<sup>1</sup> The Debtor in this chapter 11 case is Food52, Inc. and the last four digits of the Debtor's federal tax identification number are 2738. For the purpose of this chapter 11 case, the Debtor's service address is 1 Dock 72 Way, 13th Floor, Brooklyn, New York 11205

<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Bar Date Order, unless otherwise noted.

## ECONOMY

# Executives Are Noting Economic Inequality

By KAILYN RHONE

The U.S. economy is growing, but not evenly.

What began as an uneven rebound from the Covid-19 pandemic has hardened into what many economists describe as a “K-shaped” economy, in which higher-income households pull ahead while lower-income households fall further behind. High interest rates, rising costs and the rapid growth of artificial intelligence could deepen those divides, economists warn.

“We are returning to a typical pattern of extremely high income inequality, and it now stands at a 60-year peak,” Beth Ann Bovino, chief economist at U.S. Bank, wrote in a recent report. “The worry is not just where we stand now, but also whether ongoing developments will worsen the situation.”

The net worth of the top 1 percent of households climbed to a record share of nearly 32 percent of the national total in the third quarter of 2025, according to data from the Federal Reserve, which started tracking household wealth in 1989. Spending patterns have also split: Households earning under \$75,000 a year are spending less on discretionary

## An uneven rebound has hardened into a ‘K-shaped’ economy.

categories like travel and experiences than they did in 2019, while those making more than \$150,000 are spending more, according to Bank of America Institute.

Retail sales softened in December, data released on Tuesday showed, weighed down by a slight drop in purchases of vehicles and food.

More executives are acknowledging the divide and its effects on their business. Delta Air Lines said in October that ticket sales for premium seats were expected to outpace those in the main cabin. The snack maker Mondelez said this month that consumers were “worried about overall affordability” and pulling back on snacking or shifting to value-store brands.

“They are fed up with the price increases — they don’t feel good about their personal economic outlook,” Dirk Van de Put, chief executive of Mondelez, said during an earnings call. “And as a consequence, snacking is being affected.”

Here is what some other companies have said about prices, spending and how the “K-shaped” economy is affecting their businesses:

■ **Chipotle:** The fast-food chain is aiming to increase foot traffic and revenue amid weak comparable sales by focusing on higher-income consumers — a segment the company recently identified as its core audience, with 60 percent of customers from households earning above \$100,000 on average.

■ **Clorox:** The cleaning brand is adjusting pricing and product sizes to respond to pressure on all consumers but especially lower-income customers, Linda Rendle, the company’s chief executive, said on an earnings call this month. Clorox said shoppers were trading down to smaller packages at dollar stores or buying in bulk at club stores.

■ **Yum Brands:** During its latest earnings call this month, Yum Brands, which owns Taco Bell and KFC, reported transaction growth across all income levels, with particularly notable gains among higher-income consumers in the last quarter.

■ **PayPal:** The online payment company announced that it would no longer commit to the specific 2027 outlook presented at last year’s investor day. Instead, it plans to provide forecasts one year at a time, citing the influence of “macro factors and a K-shaped economy,” Jamie Miller, the company’s interim chief executive, said in a conference call this month.

■ **McDonald’s:** The fast-food chain revived its “Extra Value Meal” combos as traffic from lower-income customers declined while visits from higher-income customers rose double digits. Chris Kempczinski, its chief executive, described the trend as a “two-tier economy.”

■ **Coca-Cola:** The beverage company said in October that sales growth had been driven by higher-income consumers buying premium brands, while middle- and lower-income shoppers remained under pressure and more focused on value.

# New Data Shows Far Weaker Job Growth Over 2 Years

FROM FIRST BUSINESS PAGE  
The largest since 2009 in percentage terms.

The new data makes even more pronounced the “low hire, low fire” stasis that has characterized the labor market for much of the past two years. The revisions didn’t affect the unemployment rate, which ticked down to 4.3 percent in January. But they suggest that job growth ground nearly to a halt last year, making it hard for anyone without a job to find one.

“We’ve been hearing from workers that the job market is not working for them for some time,” said Daniel Zhao, chief economist at the employment site Glassdoor. “The anecdotes are starting to align with the data.”

The revisions also underscore how dependent the job market has become on hiring in the health care sector. Before the revisions, health care accounted for about 405,000 of the 584,000 jobs added in 2025, or nearly 70 percent of the gains. According to the latest data, health care companies added 391,000 jobs, while employment in other sectors fell by a combined 210,000 jobs.

“That really puts into sharp re-

lief how poorly other industries are doing even as health care continues to grow,” Mr. Zhao said.

The consecutive large revisions have led some economists to question the reliability of the survey-based monthly estimates. In December, Jerome H. Powell, the Federal Reserve chair, said economists at the central bank estimated that the B.L.S. had been overstating employment gains by about 60,000 jobs per month — a figure that, if accurate, would suggest that employers were cutting payrolls for much of last year.

The revisions have become a political issue. President Trump pointed to the previous big adjustment when he fired Erika McEntarfer, the head of the statistical agency, last summer, saying it showed she was incompetent and biased against him.

Experts across the ideological spectrum rejected those accusations, noting that there was no consistent political pattern in the revisions. Rather, they said, the large revisions highlighted the challenge of accurately measuring the economy during a period of falling survey response rates and changing employment pat-

terns. Those challenges have been exacerbated by budget cuts and staff turnover, problems that predated Mr. Trump but have grown worse since he returned to office.

“I think we need to be more skeptical” about the monthly employment estimates, said Guy Berger, a labor economist who follows the numbers closely. He said he remained confident that the estimates were free from political bias. But the large revisions suggest the B.L.S. is struggling to get an accurate read on the state of the labor market.

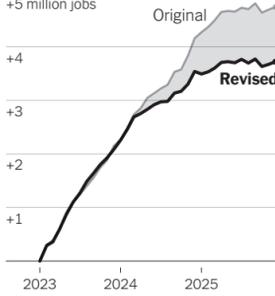
“You can trust that folks are trying to measure this accurately,” he said. But, he added, “I don’t think you can put a lot of weight on the specific monthly numbers.”

But Jed Kolko, an economist who oversaw economic data at the Commerce Department during the Biden administration, said the statistical agencies had faced a particularly challenging period in recent years.

“Revisions tend to be bigger when the economy is changing rapidly,” he wrote in an email. “Job growth has been unusually vola-

## Revisions to Change in Jobs

Change in nonfarm employment since Jan. 2023



Source: Bureau of Labor Statistics.

Note: Data is seasonally adjusted.

BEN CASSELLMAN AND KEITH COLLINS/  
THE NEW YORK TIMES

tile for several years, first from the pandemic and then from the immigration surge, so revisions in recent years have been bigger.”

One possible — though partial — explanation for the recent downward revisions relates to the way government statistics account for jobs created by newly

# Lower Unemployment Numbers Support Another Fed Pause on Rate Cuts

By COLBY SMITH

Strong monthly jobs growth and easing unemployment have pushed back expectations about when the Federal Reserve will lower interest rates again, suggesting the central bank is poised for an extended pause.

Data released on Wednesday by the Bureau of Labor Statistics showed monthly jobs growth of 130,000 positions, almost double what economists had forecast, and the unemployment rate ticking down to 4.3 percent. That is down from a recent peak of 4.5 percent in January and slightly lower than December’s level.

The unemployment rate has become a focal point for the Fed as it assesses the health of the labor market in the wake of immigration restrictions imposed by President Trump. The crackdown, which has led to a sharp slowdown of migration into the country, has decreased the supply of new workers available for hire. The number of new jobs the economy needs to keep the unemployment rate stable has dropped as a result, with research suggesting it could turn negative by this year. In 2024, the so-called monthly break-even rate was estimated to be well above 100,000 positions.

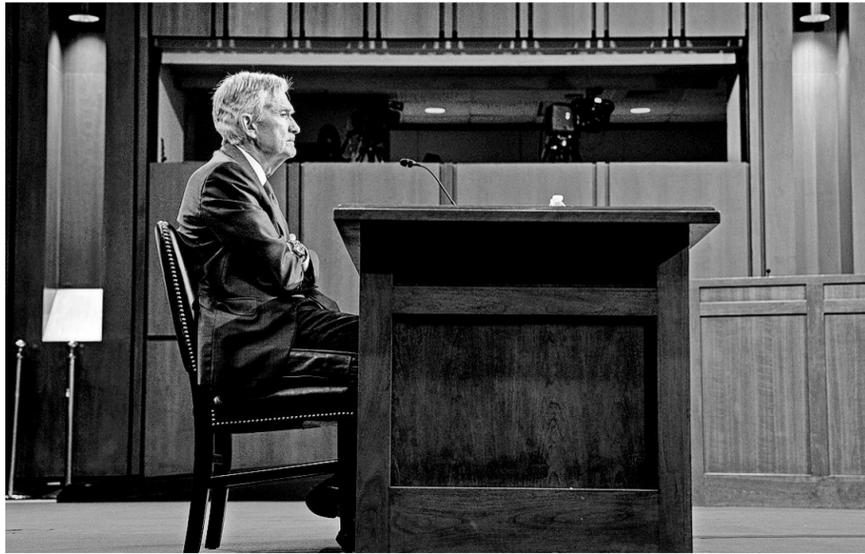
Financial markets shifted sharply on Wednesday after the jobs report was released, with traders pushing back the timing of the next cut to July from June.

“The window to see a material weakening in the labor market is probably closing,” said Stephen Juneau, an economist at Bank of America. “It seems like we have more momentum building in the economy rather than the reverse of that.”

The Fed is trying to safeguard the labor market while also ensuring that rates are high enough for inflation to fall back to the central bank’s target of 2 percent. Price pressures have mounted as Mr. Trump’s tariffs have taken effect, although the overall impact has been more muted than initially expected. Officials at the Fed broadly expect the peak impact from those levies to hit in the first quarter of this year before inflation begins to decelerate again.

January’s Consumer Price Index report, set to be released on Friday, will give policymakers insight into whether that forecast is bearing out. Economists expect annual inflation to tick down to 2.5 percent after a 0.3 percent increase in monthly prices. “Core” inflation, which strips out volatile food and energy items, is expected to stay sticky at 2.5 percent, only slightly lower than the previous 2.6 percent annual pace.

But in a sign that labor-related price pressures remain muted, the employment cost index, a quarterly measure from the Labor



Jerome H. Powell, chair of the Federal Reserve, described the labor market as “stabilizing” at January’s Fed meeting.

Department that tracks changes in wages and benefits, unexpectedly slowed in the final three months of 2025.

Economists at Evercore ISI said that data, which came out on Tuesday, confirmed their view that the “economy is cooling under the hood, even though we face up to another six months of elevated tariff pass-through.”

Beyond the impact of tariffs, the Fed is also contending with the prospects of stronger growth in the coming quarters as Americans receive larger refunds as a result of Mr. Trump’s new tax cuts. The ongoing boom in artificial intelligence investments is also expected to fuel economic growth. Bank of America’s Mr. Juneau described the tax refunds as a “jolt for consumption over the next few months.” He said that, coupled with a likely easing of trade uncertainty ahead of the midterms, could imbue companies with the confidence to hire and invest more in the economy.

At the Fed’s meeting just last month, Jerome H. Powell, the chair, struck a more upbeat tone about the economic outlook. He described the labor market as “stabilizing” after a period of weakness last year and noted that consumer spending and business fixed investment remained strong, even as Americans had grown less confident about the economy.

“The economy has once again surprised us with its strength, not for the first time,” Mr. Powell said.

That shift helped to justify the central bank’s decision at that meeting to pause rate cuts after a series of reductions last year. Between September and December, the Fed lowered rates by an ag-

gregate three-quarters of a percentage point to a range of 3.5 percent to 3.75 percent.

By the December meeting, the Fed’s policy decisions had become increasingly fraught, reflecting a fissure between policymakers over how to weigh concerns about the labor market versus inflation. Those divisions have lessened, but even January’s vote to hold rates steady was not unanimous.

Stephen I. Miran, who has dissented at every meeting since he joined the Fed in September, voted in favor of a quarter-point cut. He was joined by Christopher J. Waller, a governor who was a finalist to replace Mr. Powell as chair when his term is up in May. A few days after that meeting, Mr. Trump tapped Kevin M. Warsh, a former Fed governor, for the job.

In explaining his dissent, Mr.

started companies and destroyed by ones that go out of business. Such employers aren’t included in the monthly jobs survey, so the B.L.S. estimates their impact based on historical patterns, using a statistical method known as the “birth-death model.”

That approach can’t always keep up with changes in the economy, however. During the coronavirus pandemic, Americans started new businesses in record numbers. More recently, job gains at new businesses have slowed. But it can take time for such shifts to show up in economic models.

The B.L.S. said last year that it would change the birth-death model to be more responsive to shifts in the labor market. That should lead to smaller revisions in the future. But it could also make the initial monthly estimates more volatile and harder to interpret.

The birth-death model accounted for only a fraction of the big revisions in 2024 and 2025, however. That suggests the updated method won’t fully resolve the recent issues with the monthly estimates.

Waller said that revisions to the jobs data would likely show no growth in employment last year.

“This does not remotely look like a healthy labor market,” Mr. Waller said in a statement.

Further cuts appear to hinge on the labor market breaking out of its current “low hire, low fire” state and layoffs beginning to pick up in a more broad-based way, or inflation significantly slowing. Mr. Powell last month stopped short of signaling any timeline for future moves, reiterating that the central bank is “well positioned” for the moment and to address any economic challenges. He did, however, downplay the possibility of a rate increase this year.

“We don’t take things off the table, but it isn’t anybody’s base case right now,” Mr. Powell said.

Traders still expect rates to fall toward 3 percent by year-end, but to get there more slowly than before. Many officials believe that 3 percent rates would shift policy to a “neutral” setting that neither stimulates nor restricts growth. Mr. Trump, who said his support of Mr. Warsh was contingent on his pushing for lower borrowing costs, has argued for rates to be closer to 1 percent.

“If you’re somewhat in the neutral camp and inflation is above target, then it’s harder for them to make the case to cut,” Priya Misra, a portfolio manager at J.P. Morgan Asset Management, said of the Fed.

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

In re: F00D52, INC., Chapter 11  
Debtor. Case No. 25-12277 (LSS)

**NOTICE OF DEADLINE FOR FILING OF PROOFS OF CLAIM, INCLUDING FOR CLAIMS ASSERTED UNDER SECTION 503(b)(9) OF THE BANKRUPTCY CODE**

**THE GENERAL BAR DATE IS 5:00 P.M. (PREVAILING EASTERN TIME) ON MARCH 13, 2026**

**PLEASE TAKE NOTICE OF THE FOLLOWING:**

On December 29, 2025 (the “**Petition Date**”), F00D52, Inc., the Debtor (“**Debtor**”) in the above-captioned chapter 11 case, filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the District of Delaware (the “**Court**”). On February 9, 2026, the Court entered an order (Docket No. 199) (the “**Bar Date Order**”) establishing certain deadlines for the filing of proofs of claim in this chapter 11 case of the following Order:

Debtor	Case No.	EM# (Last 4 Digits)
F00D52, Inc.	25-12277 (LSS)	2738

Pursuant to the Bar Date Order, except as otherwise expressly provided therein, each person or entity (including, without limitation, each individual, partnership, joint venture, corporation, estate, and trust) that holds or seeks to assert a claim (as defined in section 101(15) of the Bankruptcy Code) against the Debtor that arose, or is deemed to have arisen, before the Petition Date (including, without limitation, claims entitled to administrative priority status under section 503(b)(9) of the Bankruptcy Code), no matter how remote or contingent such right to payment or equitable remedy may be, **MUST FILE A PROOF OF CLAIM** on or before 5:00 p.m. (prevailing Eastern Time), on March 13, 2026 (the “**General Bar Date**”), by sending an original proof of claim form to Kurtzman Carson Consultants LLC dba Verita Global (“**Verita**”), or by completing the online proof of claim form available at <https://www.veritaglobal.net/f00d52>, so that it is **actually received** on or before the General Bar Date, provided that, solely with respect to governmental units (as defined in section 101(127) of the Bankruptcy Code), the deadline for such governmental units to file a proof of claim against the Debtor is June 29, 2026, at 5:00 p.m. (prevailing Eastern Time) (the “**Governmental Bar Date**”).

All entities holding claims against the Debtor arising from the

rejection of executory contracts and unexpired leases of the Debtor are required to file proofs of claim by the later of (i) the General Bar Date or the Governmental Bar Date, as applicable, and (ii) 5:00 p.m., prevailing Eastern Time, on the date that is twenty-one (21) days following entry of an order approving the rejection of such executory contract or unexpired lease of the Debtor (the “**Rejection Damages Bar Date**”).

All entities asserting claims against the Debtor that are affected by an amendment or supplement to the Schedules are required to file a proof of claim or amend any previously filed proof of claim in respect of the Debtor’s federal tax identification number are 2738. For the purpose of this Chapter 11 case, the Debtor’s federal tax identification number is 2738. For the purpose of this Chapter 11 case, the Debtor’s service address is 1 Dock 72 Way, 13th Floor, Brooklyn, New York 11205.

A copy of the Bar Date Order and proof of claim form may be obtained by contacting the Debtor’s Claims Agent, in writing, at F00D52, Inc., 300 S. Beale Street, Suite 200, San Francisco, CA 94105, or by email at [claims@veritaglobal.net](mailto:claims@veritaglobal.net) or [claims@f00d52.com](mailto:claims@f00d52.com).

The Debtor in this chapter 11 case is F00D52, Inc. and the last four digits of the Debtor’s federal tax identification number are 2738. For the purpose of this Chapter 11 case, the Debtor’s service address is 1 Dock 72 Way, 13th Floor, Brooklyn, New York 11205.

Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Bar Date Order unless otherwise noted.

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

Case No. 25-90810 (ARP)  
ZYNEX, INC., et al., (Jointly Administrated)  
Debtors. § 9 Re: Docket No. 263

**PLEASE BE ADVISED THAT ARTICLE IX OF THE PLAN CONTAINS CERTAIN RELEASE, EXCULPATION, AND INJUNCTION PROVISIONS, INCLUDING THOSE SET FORTH BELOW. YOU ARE ADVISED AND ENCOURAGED TO CAREFULLY REVIEW AND CONSIDER THE PLAN, INCLUDING THE RELEASE, EXCULPATION, AND INJUNCTION PROVISIONS SET FORTH IN ARTICLE IX OF THE PLAN, AS YOUR RIGHTS MIGHT BE AFFECTED.**

**NOTICE OF (I) HEARING TO CONSIDER (A) ADEQUACY OF THE DISCLOSURE STATEMENT AND (B) CONFIRMATION OF THE PLAN, (II) PROCEDURES FOR ASSUMPTION AND REJECTION OF EXECUTORY CONTRACTS AND UNEXPIRED LEASES, AND (III) OBJECTION DEADLINES - AND SUMMARY OF THE PLAN NOTICE IS HEREBY GIVEN as follows:**

1. On December 15, 2025 (the “**Petition Date**”), Zynex, Inc. (“**Zynex**”) and its debtor affiliates, as debtors and debtors in possession in the above-captioned cases (collectively, the “**Debtors**”) each commenced a case under chapter 11 (collectively, the “**Chapter 11 Cases**”) of title 11 of the United States Code, 11 U.S.C. §§ 101–1532 (the “**Bankruptcy Code**”) in the United States Bankruptcy Court for the Southern District of Texas (the “**Court**”).

2. On February 7, 2026, the Debtors filed the *Third Amended Combined Disclosure Statement and Joint Chapter 11 Plan of Reorganization of Zynex, Inc. and its Affiliated Debtors Pursuant to Chapter 11 of the Bankruptcy Code* (Docket No. 263) (as may be amended, supplemented, or otherwise modified from time to time, the “**Plan and Disclosure Statement**”), the “**Plan**” or the “**Disclosure Statement**,” as applicable; pursuant to sections 1125 and 1126 of the Bankruptcy Code.

3. On February 2, 2026, the Court entered an order conditionally approving the Disclosure Statement for purposes of solicitation (Docket No. 239) (the “**Solicitation Order**”).

**PLEASE TAKE FURTHER NOTICE OF THE FOLLOWING:**

**I. HEARING TO CONSIDER ADEQUACY OF THE DISCLOSURE STATEMENT, CONFIRMATION OF THE PLAN, AND ASSUMPTION OF EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

1. **Confirmation Hearing.** A hearing to consider confirmation of the Plan and final approval of the Disclosure Statement (the “**Confirmation Hearing**”) will be held on **March 19, 2026 at 9:00 a.m. (prevailing Central Time)** before the Honorable Alfredo R. Perez, United States Bankruptcy Judge. The Confirmation Hearing may be adjourned or continued from time to time by the Court or the Debtors without further notice other than by a Court announcement providing for such adjournment or continuation on its agenda. The Plan may be modified, if necessary, prior to, during, or as a result of the Confirmation Hearing.

2. **Voting Record Date.** Holders of Claims in Class 2 (Convertible Notes Claims) and Class 3 (General Unsecured Claims) who are otherwise eligible to vote shall be entitled to vote to accept or reject the Plan as of January 27, 2026 (the “**Voting Record Date**”).

3. **Voting Deadline.** If you received a Solicitation Package, including a Ballot, and intend to vote on the Plan, you must: (i) follow the instructions carefully; (ii) complete all of the required information on the Ballot; and (iii) execute and return your completed Ballot according to and as set forth in detail in the voting instructions on your Ballot so that it is **actually received** by the Debtor’s solicitation and noticing agent, Epig, Corporate Restructuring, LLC (“**Epig**”) or the “**Solicitation Agent**,” on or before **March 12, 2026 at 4:00 p.m. (prevailing Central Time)** (the “**Voting Deadline**”). **ANY FAILURE TO FOLLOW THE VOTING INSTRUCTIONS INCLUDED WITH YOUR BALLOT MAY DISQUALIFY YOUR BALLOT AND YOUR VOTE.**

4. **Parties in Interest Not Entitled to Vote.** Holders of Claims or Interests in Class 1 (Other Priority Claims), Class 4 (Intercompany Claims), Class 5 (Interparty Interests), and Class 6 (Existing Interests) are not entitled to vote on the Plan and shall not receive a Ballot. Pursuant to the Solicitation Procedures, if any creditor seeks to challenge the Allowed amount of its Claim for voting purposes, such creditor must file with the Court a motion for an order pursuant to Bankruptcy Rule 3018(a) temporarily allowing such Claim to vote purposes in a different amount, unless temporarily Allowed in a different amount by an order of the Court (the “**Not to Vote Motion**”). Any Rule 3018(a) Motion must be filed with the Court not later than **March 2, 2026 at 5:00 p.m. (prevailing Central Time)**. Upon the filing of any such Rule 3018(a) Motion, such creditor’s Ballot shall be counted in accordance with the guidelines provided in the Solicitation Procedures attached as **Exhibit 2** to the Solicitation Order, unless temporarily Allowed in a different amount by an order of the Court entered prior to and concurrent with entry of an order confirming the Plan.

5. **Objections to Confirmation.** The deadline to object or respond to confirmation of the Plan or final approval of the Disclosure Statement and the Local Rules of the United States Bankruptcy Court for the Southern District of Texas (the “**Bankruptcy Local Rules**”) and any order of the Court (iii) set forth the name of the objecting party and the nature and amount of Claims or Interests held or asserted by the objecting party against the Debtors’ estates or property; (iv) provide the basis for the objection; and (v) state the specific grounds therefor; and, if practicable, a proposed modification to the Plan that would resolve such objection; and (vi) be filed with the Court (with proof of service) via ECF or by mailing to the Court at the United States Bankruptcy Court Clerk’s Office, United States Courthouse, 515 Ruak Avenue, Courtroom 400, 4th Floor, Houston, Texas 77002, so as to be actually received no later than the Confirmation Hearing. In addition to being filed with the Court, any responses or objections must be served on the following parties (collectively, the “**Notice Parties**”) as so to be received by each addressee in the following table: (a) Simon Thacher & Barrett LLP, 425 Lexington Avenue, New York, New York 10017; Attn: Eksha D. Graft, Esq. ([egrift@stblaw.com](mailto:egrift@stblaw.com)); Moshe A. Fink, Esq. ([moshe.fink@stblaw.com](mailto:moshe.fink@stblaw.com)); Rachael L. Foust, Esq. ([rfoust@stblaw.com](mailto:rfoust@stblaw.com)); and Zachary J. Weiner, Esq. ([zachary.weiner@stblaw.com](mailto:zachary.weiner@stblaw.com)); (b) Reed Smith, LLP, 2850 N. Harwood Street, Suite 1500 Dallas, Texas 75201; Attn: Omar Alaniz, Esq. ([omalaniz@reedsmith.com](mailto:omalaniz@reedsmith.com)); Dylan Ross, Esq. ([dylan.ross@reedsmith.com](mailto:dylan.ross@reedsmith.com)); (c) the Office of the United States Trustee for the Southern District of Texas, 515 Ruak Street, Suite 3516, Houston, TX 77002; (d) counsel to the Ad Hoc Group, Brown Rudnick LLP, Times Square, New York, NY 10036; Attn: Robert Stark, Esq. ([rstark@brownrudnick.com](mailto:rstark@brownrudnick.com)); Andrew M. Cartry, Esq. ([acartry@brownrudnick.com](mailto:acartry@brownrudnick.com)); (e) counsel to the official committee of unsecured creditors, (a) Vardabenian Hester & Hynes, 1900 Post Oak Blvd., Suite 2400, Houston, TX 77056; Attn: Jeff Prosser, Esq. ([jprosser@vhhlaw.com](mailto:jprosser@vhhlaw.com)); Martin Sosand, Esq. ([martin.sosand@vhhlaw.com](mailto:martin.sosand@vhhlaw.com)); and Candice Carson, Esq. ([candice.carson@vhhlaw.com](mailto:candice.carson@vhhlaw.com)); and (e) any other party entitled to notice under Bankruptcy Rule 2002.

6. **IF AN OBJECTION TO CONFIRMATION OF THE PLAN OR FINAL APPROVAL OF THE DISCLOSURE STATEMENT IS NOT FILED AND SERVED STRICTLY AS DESCRIBED HEREIN, THEN THE OBJECTING PARTY MAY BE BARRED FROM OBJECTING TO CONFIRMATION OF THE PLAN OR FINAL APPROVAL OF THE DISCLOSURE STATEMENT OR THE ADEQUACY THEREOF AND MAY NOT BE HEARD AT THE CONFIRMATION HEARING.**

7. **Additional Information.** The materials in the Solicitation Package are intended to be used by the Debtor and its affiliates, and you are not strictly as prescribed herein, then the objecting party may be barred from objecting to confirmation of the Plan or final approval of the Disclosure Statement or the Adequacy Thereof and may not be heard at the Confirmation Hearing.

8. **YOU ARE ADVISED TO CAREFULLY REVIEW AND CONSIDER THE PLAN, INCLUDING THE RELEASE, EXCULPATION, DISCHARGE, AND INJUNCTION PROVISIONS IN ARTICLE IX OF THE PLAN, AS YOUR RIGHTS MIGHT BE AFFECTED.**

9. **YOU ARE ADVISED TO CAREFULLY REVIEW AND CONSIDER THE PLAN, INCLUDING THE RELEASE, EXCULPATION, DISCHARGE, AND INJUNCTION PROVISIONS IN ARTICLE IX OF THE PLAN, AS YOUR RIGHTS MIGHT BE AFFECTED.**

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