Statement of the United States Trustee
Regarding Zachry's Proposed Plan of Reorganization

January 23, 2025

To Holders of Claims in all Classes:

The United States Trustee Program (the "U.S. Trustee Program") is a litigating component of the Department of Justice whose mission is to promote the integrity and efficiency of the bankruptcy system for the benefit of all stakeholders — debtors, creditors and the public. Often described as the "watchdog of the bankruptcy system," the U.S. Trustee Program acts to prevent fraud, dishonesty, and overreaching in the bankruptcy system.

Kevin M. Epstein, the United States Trustee for the Southern District of Texas (the "U.S. Trustee"), makes this *Statement* in connection with the Debtors' proposed *Modified 1st Amended Joint Chapter 11 Plan of Reorganization of Zachry Holdings, Inc. and its Debtor Affiliates* [ECF No. 1978] (the "Plan").

The U.S. Supreme Court recently ruled that the Bankruptcy Code does not permit non-consensual third-party releases. *See Harrington v. Purdue Pharma*, *L. P.*, 144 S. Ct. 2071, 2082–88 (2024). In the Plan, the Debtors require you to timely submit an "opt out" form to avoid being bound by the third-party releases. The U.S Trustee objected to this procedure because, if you do not act, you will be considered to consent to those releases.

The objection filed raising this issue, among other Plan objections, can be obtained free of charge from the Claims and Noticing Agent's website at https://veritaglobal.net/ZHI.

Please be advised that the U.S. Trustee *cannot* make recommendations on how you should vote in this case, or otherwise provide legal advice. **This Statement *does not* constitute and should not be construed as legal advice.**

Respectfully,

KEVIN M. EPSTEIN,
UNITED STATES TRUSTEE