

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

In re:

EBH TOPCO, LLC, *et al.*,¹

Debtors.

Chapter 11

Case No. 18-11212 (BLS)

(Jointly Administered)

**NOTICE OF NON-VOTING STATUS AND ORDER (I) APPROVING THE ADEQUACY
OF THE DISCLOSURES IN THE COMBINED PLAN AND DISCLOSURE
STATEMENT ON AN INTERIM BASIS, (II) SCHEDULING THE CONFIRMATION
HEARING AND DEADLINE FOR FILING OBJECTIONS, (III) ESTABLISHING
PROCEDURES FOR THE SOLICITATION AND TABULATION OF VOTES TO
ACCEPT OR REJECT THE COMBINED PLAN AND DISCLOSURE STATEMENT,
(IV) APPROVING THE FORM OF BALLOT AND SOLICITATION PACKAGE,
AND (V) APPROVING THE NOTICE PROVISIONS**

**YOU ARE ADVISED TO CAREFULLY REVIEW AND CONSIDER THE COMBINED
PLAN AND DISCLOSURE STATEMENT, INCLUDING THE TERMS OF THE
RELEASE, EXCULPATION, AND INJUNCTION, AS YOUR RIGHTS MAY BE
AFFECTED**

**BY ORDER OF THE COURT, TO ALL PARTIES IN INTEREST, PLEASE TAKE
NOTICE THAT:**

1. Confirmation Hearing Notice. Together with this Notice, you will receive the *Notice of Order (i) Approving the Adequacy of the Disclosures in the Combined Plan and Disclosure Statement on an Interim Basis, (ii) Scheduling the Confirmation Hearing and Deadline for Filing Objections, (iii) Establishing Procedures for the Solicitation and Tabulation of Votes to Accept or Reject the Combined Plan and Disclosure Statement, (iv) Approving the Form of Ballot and Solicitation Package, and (v) Approving the Notice Provisions* (the “**Confirmation Hearing Notice**”). Please read the Confirmation Hearing Notice for additional information concerning the *Combined Disclosure Statement and Chapter 11 Plan*

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are EBH Topco, LLC (6103), Elements Behavioral Health, Inc. (7176), EBH Holding Company, Inc. (0370), EBH Big Rock, Inc. (1880), SoCal Rehab and Recovery, Inc. (3741), The Sexual Recovery Institute, Inc. (1279), Westside Sober Living Centers, Inc. (5717), Ehrman Subsidiary Corp. (3958), PROMAL2, Inc. (1377), PROMAL4, Inc. (2453), SBAR2, Inc. (9844), Promises Residential Treatment Center VI, Inc. (1112), Assurance Toxicology Services, LLC (9612), Elements Screening Services, Inc. (0055), TRS Behavioral Care, Inc. (6343), Spirit Lodge, LLC (1375), San Cristobal Treatment Center, LLC (1419), EBH Acquisition Subsidiary, Inc. (6132), EBH Services of Florida, Inc. (6802), Outpatient Services FL, Inc. (9596), EBH Northeast Services, Inc. (3551), Intensive Outpatient Services PA, Inc. (5581), Wrightsville Services, LLC (9535), NE Sober Living, Inc. (1955), Northeast Behavioral Services, Inc. (8881), The Ranch on Piney River, Inc. (0195), Outpatient Services TN, Inc. (5584), EBH Southwest Services, Inc. (5202), Elements Medical Group of Utah, Inc. (9820), Southeast Behavioral Health Services, Inc. (1267), Elements Medical Group of Mississippi, Inc. (4545), and Elements Medical Group of Arizona, Inc. (8468). The Debtors’ mailing address is 5000 Airport Plaza Dr., Suite 100, Long Beach, California 90815.

of Liquidation of EBH Topco, et al. [Docket No. 589] (as amended, modified, or supplemented from time to time, the “**Combined Plan and Disclosure Statement**”).²

2. Notice of Non-Voting Status. Pursuant to the Combined Plan and Disclosure Statement, Holders of Claims in Class 8 (Intercompany Claims) or Equity Interests in Class 9 (Equity Interests) are impaired. You are the Holder of a Claim in Class 8 or an Equity Interest in Class 9, are deemed to reject the Combined Plan and Disclosure Statement and are not entitled to vote.
3. Obtaining Plan Documents. To obtain copies of the Combined Plan and Disclosure Statement and the Interim Approval and Procedures Order (the “**Plan Documents**”), you may: (a) download electronic copies at no charge through the Case Website, <https://www.donlinrecano.com/Clients/ebh>, maintained by Claims and Balloting Agent; (b) at no charge by writing to the Claims and Balloting Agent at ebhinfo@donlinrecano.com; (c) by calling the Claims and Balloting Agent at (866) 416-0554; or (d) for a fee on the Court’s website (<http://www.deb.uscourts.gov>).³
4. Releases. Article XI.D of the Combined Plan and Disclosure Statement includes a release from the Debtors’ creditors and interest holders in favor of certain specified parties (the “**Released Parties**”) that will be granted to the fullest extent permitted by applicable law (such release, as set forth in Article XI.D, the “**Third Party Release**”). As a creditor of the Debtors, you should read Article XI.D carefully as it affects your rights by releasing claims that you may hold against the Released Parties. The Debtors believe that the Third Party Release, in the context of the Chapter 11 Cases and the Combined Plan and Disclosure Statement, is permissible under applicable law even without the consent of the Releasing Parties. However, parties may object to the Third Party Release and the Court may find that such release may only be granted with consent of the Releasing Parties. Attached hereto is an opt out form (the “**Opt Out Form**”). Though you are not entitled to vote on the Combined Plan and Disclosure Statement, you may still opt out of the Third Party Release. To do so, you must submit the Opt Out Form to the Claims and Balloting Agent by January 14, 2018 (the “**Opt Out Deadline**”). If you do not submit the Opt Out Form by the Opt Out Deadline, you will be deemed to consent to the giving of the Third Party Release.
5. If you believe you are the Holder of a Claim in a Class eligible to vote but have not yet received a Ballot, please contact the Claims and Balloting Agent by email at ebhinfo@donlinrecano.com or by calling (866) 416-0554.
6. If you have any questions regarding this Notice, you should contact the Claims and Balloting Agent by email at ebhinfo@donlinrecano.com or by calling (866) 416-0554. Please note: the Claims and Balloting Agent is not permitted to provide legal advice.

Dated: December 5, 2018
Wilmington, Delaware

POLSINELLI PC

/s/ Christopher A. Ward
Christopher A. Ward (Del. Bar No. 3877)

² Capitalized terms used or not otherwise defined shall have the meanings ascribed to them in the Combined Plan and Disclosure Statement.

³ Note, a PACER account is required.

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