

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

_____)	
In re:)	
)	Chapter 11
NEW ENGLAND COMPOUNDING)	
PHARMACY, INC.,)	Case No. 12-19882-HJB
)	
Debtor.)	
_____)	

ORDER LIMITING SERVICE AND LIMITING FORM
AND DESIGNATING MANNER OF SERVICE OF NOTICE OF
THE DISCLOSURE STATEMENT MOTION¹

Upon the joint motion (the “Motion”) of Paul D. Moore, the Chapter 11 Trustee (the “Trustee”) for the bankruptcy estate of New England Compounding Pharmacy, Inc. d/b/a New England Compounding Center (“NECC” or the “Debtor”), and the Official Committee of Unsecured Creditors of NECC (the “Official Committee”, and together with the Trustee, the “Plan Proponents”), for entry of an order (i) designating the parties on whom the Plan Proponents must serve copies of the Disclosure Statement Motion, and (ii) designating the form, manner and scope of service of the notice of the hearing on the Disclosure Statement Motion in the above-captioned proceeding (the “Chapter 11 Case”); it is hereby ORDERED as follows:

1. The Motion is GRANTED.
2. A Hearing on Disclosure Statement Motion is set for **February 24, 2015**.
3. The deadline for filing objections to the Disclosure Statement Motion is set as

February 17, 2015.

¹ The “Disclosure Statement Motion” is the *Joint Motion of the Chapter 11 Plan Proponents and the Official Committee of Unsecured Creditors for Order (I) Approving the Plan Proponents’ Disclosure Statement, (II) Approving Solicitation and Notice Procedures With Respect to Confirmation of the Plan Proponents’ Joint Plan of Reorganization, (III) Approving the Form of Various Ballots and Notices in Connection Therewith, (IV) Scheduling Certain Dates With Respect Thereto, and (V) Granting Related Relief*. Capitalized terms used but not defined herein have the meaning ascribed to them in the Disclosure Statement Motion.

4. The form of the Hearing Notice, attached hereto as Exhibit A is shall be served upon all parties entitled to notice within 7 days from the date of this Order..

5. In addition to those parties who will receive service electronically through this Court's Case Management/Electronic Case Filing System, the Plan Proponents shall serve the following entities with the items and in the manner specified, which service shall constitute due, sufficient and proper notice, and no further notice of such items to such entities shall be required:

- a. full copies of the Disclosure Statement Motion and the Disclosure Statement, served by first class mail, postage prepaid, upon:
 - i. the Securities and Exchange Commission
 - ii. any party in interest who requests in writing a copy of the Disclosure Statement or Plan; and
 - iii. Mr. Darrel Cummings.
- b. the Hearing Notice, served by first class mail, postage prepaid, on the parties identified in paragraph 4a. above, and, in addition, upon:
 - i. those parties who have filed their appearances and requested service of all pleadings filed in this Chapter 11 Case; and
 - ii. those parties who have filed a proof of claim in this Chapter 11 Case.

6. In addition, the Plan Proponents shall file the Disclosure Statement Motion, the Disclosure Statement, and the Hearing Notice on the electronic docket maintained with respect to the MDL Proceeding; thereby affording notice to the numerous counsel for all plaintiffs and defendants currently involved in litigation against NECC and its various affiliates.

7. In addition, the Plan Proponents shall make the Disclosure Statement Motion, the Disclosure Statement, and the Hearing Notice available on the website maintained by Donlin, Recano & Company, Inc. ("DRC"), as well as that maintained by the Official Committee.

8. Service of the Disclosure Statement Motion, the Disclosure Statement, and the Hearing Notice in accordance with this Order constitutes due and proper service and notice, and satisfies any and all applicable service and notice requirements, including, but not limited to, those prescribed in Rules 1001, 2002 and 3017(a) of the Federal Rules of Bankruptcy Procedure and Massachusetts Local Bankruptcy Rules 1001-1, 9013-3(a) and (b) and 9029-1(a). No further or other service of the Disclosure Statement Motion or notice of any hearing to consider the Disclosure Statement Motion is necessary or required.

9. Paragraph 7 of this Court's June 2, 2014 "*Order Designating Manner Of Service Of 9019 Motions And Approving Form And Manner Of Service Of Notice Of Hearings On 9019 Motions*" [Docket No. 777] shall be and hereby is stricken. Service upon Mr. Darrel Cummings in this case pursuant to this Order and hereafter may be made upon Mr. Cummings by depositing the item(s) to be served with the United States Postal Service as first class mail, postage prepaid, for delivery to the address contained in the Notice of Change of Address [Docket No. 1051] filed by Mr. Cummings on December 2, 2014, or at such other address as Mr. Cummings specifies in any other Notice of Change of Address he files hereafter in this case.

Dated: December 4, 2014

BY THE COURT,

A handwritten signature in black ink, appearing to read "Henry J. Boroff", written in a cursive style.

Hon. Henry J. Boroff
United States Bankruptcy Judge

EXHIBIT A

Document Page 5 of 6
UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

In re:)
)
)

Chapter 11

NEW ENGLAND COMPOUNDING)
PHARMACY, INC.,)
)

Case No. 12-19882-HJB

Debtor.)
_____)

NOTICE OF NONEVIDENTIARY HEARING
ON MOTION TO APPROVE DISCLOSURE STATEMENT

PLEASE TAKE NOTICE that a **HEARING** will be held on **February 24, 2015 at 10:00 a.m.** before the Honorable Judge Henry J. Boroff United States Courthouse, 300 State Street, Berkshire Courtroom, Third Floor, Springfield, MA 01105-2924 to consider the following:

Joint Motion of the Chapter 11 Plan Proponents and the Official Committee of Unsecured Creditors for Order (I) Approving the Plan Proponents' Disclosure Statement, (II) Approving Solicitation and Notice Procedures With Respect to Confirmation of the Plan Proponents' Joint Plan of Reorganization, (III) Approving the Form of Various Ballots and Notices in Connection Therewith, (IV) Scheduling Certain Dates With Respect Thereto, and (V) Granting Related Relief. [the "Disclosure Statement Motion"]

OBJECTION/RESPONSE DEADLINE:

Any and all objections/responses must be filed by **February 17, 2015**.

NOTICE TO ALL PARTIES SERVED

1. Your rights may be affected. You should read this notice, the above referenced pleadings and any related documents carefully and discuss them with your attorney, if you have one. If you do not have an attorney, you may wish to consult with one. **COPIES OF THE DISCLOSURE STATEMENT MOTION AND THE DISCLOSURE STATEMENT ARE AVAILABLE WITHOUT CHARGE FOR DOWNLOAD AT <http://www.donrecano.com/necp> OR UPON WRITTEN REQUEST TO THE FOLLOWING:**

Kathleen A. Lally
Duane Morris LLP
100 High Street, Suite 2400
Boston, MA 02110-1724
Phone: 857-488-4281
Fax: 857-488-4201
Email: kalally@duanemorris.com

Carol S. Ennis
Brown Rudnick LLP
One Financial Center
Boston, MA 02111
Phone: 617-856-8552
Fax: 617-289-0472
Email: cennis@brownrudnick.com

Donlin, Recano & Company, Inc.
Re: New England Compounding Pharmacy, Inc.
Attn: Rommel Mapa
P.O. Box 2034
Murray Hill Station
New York, NY 10156
Phone: 212-771-1128
Fax: 212-481-1416
Email: rmapa@donlinrecano.com

PLEASE DO NOT CALL THE COURT OR THE TRUSTEE WITH QUESTIONS ABOUT THIS NOTICE OR FOR LEGAL ADVICE.

2. Any request for a continuance **MUST** be made by **WRITTEN MOTION** filed and served at least one (1) business day prior to the hearing date. See MLBR 5071 -1.
3. The above hearing shall be **nonevidentiary**. If, in the course of the nonevidentiary hearing, the court determines the existence of a disputed and material issue of fact, the court will schedule an evidentiary hearing

DATE: _____, 2014