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7 PEEK, AREN'T YOU CURIOUS, INC.

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9 **UNITED STATES BANKRUPTCY COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12 In re:
13 PEEK, AREN'T YOU CURIOUS, INC.,
14 Debtor.

Case No.: 16-30146 HLB

Chapter 11

**NOTICE OF HEARING ON
CONFIRMATION OF FIRST
AMENDED CHAPTER 11 PLAN OF
LIQUIDATION (October 6, 2016)**

Date: November 17, 2016
Time: 10:00 a.m.
Place: 450 Golden Gate Avenue
Courtroom 19
San Francisco, CA 94102
Judge: Hon. Hannah L. Blumenstiel

20 **TO: THE DEBTOR, ALL CREDITORS, ALL EQUITY SECURITY HOLDERS, THE**
21 **UNITED STATES TRUSTEE, THE SECURITIES AND EXCHANGE COMMISSION**
22 **AND PARTIES REQUESTING SPECIAL NOTICE:**

23 **PLEASE TAKE NOTICE** that on **October 11, 2016** the Court entered its order
24 (“Order”) determining the adequacy of and authorizing the dissemination of the *Second Amended*
25 *Disclosure Statement For Peek, Aren’t You Curious, Inc.’s First Amended Chapter 11 Plan Of*
26 *Liquidation (October 6, 2016)* (the “Disclosure Statement”), and establishing various deadlines
and procedures relating to the solicitation of ballots, and confirmation of the *Peek, Aren’t You*
Curious, Inc.’s First Amended Chapter 11 Plan Of Liquidation (October 6, 2016) (the “Plan”).

27 In accordance with the Order, **PLEASE TAKE FURTHER NOTICE OF THE**
28 **FOLLOWING:**

DISTRIBUTION OF SOLICITATION MATERIALS

The Court has approved the Disclosure Statement as containing “adequate information” within the meaning of Bankruptcy Code section 1125(a) and has authorized transmittal of the Disclosure Statement and the Plan in the manner set forth in the Order.

If you have received this Notice without the Plan and Disclosure Statement, the Debtor believes that you are entitled to receive the Notice, but that you do not hold a claim against the Debtor or its estate. You nevertheless may obtain a copy of the Plan and Disclosure Statement from (i) the Ballot Tabulator (Donlin, Recano & Company, Inc.), through their web address at www.donlinrecano.com/peekkids or phone at (212) 771-1128; (ii) the Office of the Clerk of the Court, through the Court’s website at www.canb.uscourts.gov using the CM/ECF service (a fee may apply); or (iii) by sending a written request to counsel for the Debtor, Nuti Hart LLP at the address set forth above.

VOTING PROCEDURES AND DEADLINES

Holders of Class 2 and 3 Claims (the “Voting Parties”) are the only creditors entitled to vote on the Plan. The Voting Parties are the only parties, therefore, that have been provided with ballots for accepting or rejecting the Plan (“Ballots”).

Subject to the exception described below, all Ballots must be returned to Donlin, Recano & Company, Inc (the “Ballot Tabulator”), at the address below, so as to be actually received by no later than **November 4, 2016, at 4:00 p.m. Pacific Time** (the “Voting Deadline”).

| <u>If by First Class Mail:</u> | <u>If by Hand Delivery or Overnight Mail:</u> |
|---|--|
| Donlin, Recano & Company, Inc. Re: Peek Kids Ballot Processing Attn: Voting Department PO Box 192016 Blythebourne Station Brooklyn, NY 11219 | Donlin, Recano & Company, Inc. Re: Peek Kids Ballot Processing Attn: Voting Department 6201 15 th Ave Brooklyn, NY 11219 |

Ballots may be transmitted by first class mail, overnight delivery, or hand delivery. Only ballots with original signatures will be counted. Ballots sent via facsimile or email will not be counted. Any ballots received after the Voting Deadline may not be counted. If your ballot is not properly completed, signed and returned as described, it will not be counted. If your ballot is damaged or lost, you may request a replacement by sending a written request to the foregoing address.

A creditor may cast only one ballot for each claim held. Superseding or duplicate ballots will not be counted absent stipulation of the Plan Proponent or authorization by the Court.

A ballot must clearly state whether the creditor is voting to accept or reject the Plan. Blank ballots will not be counted. Ballots that both accept and reject the Plan will not be counted.

1 Ballots returned with no claim amount indicated or which amount is otherwise
2 undeterminable or unascertainable will be included in the tally of acceptance or rejections;
3 however, the dollar amount of the claim will be treated at \$1.00.

4 If you have received this Notice, along with the Plan and Disclosure Statement, but you
5 have not received a Ballot, the Debtor believes that you are: (i) a creditor whose claim is
6 unimpaired by the Plan and that you, therefore, are not entitled to vote on the Plan, (ii) a holder
7 of an equity interest that will not retain or receive value under the Plan and that you, therefore,
8 are deemed to reject the Plan, or (iii) otherwise not the holder of claim that is entitled to vote to
9 accept or reject the Plan. If you nevertheless believe that you are entitled to vote on the Plan,
10 you must file and serve a motion with the Court requesting a determination that you are entitled
11 to vote on the Plan and arrange for such motion to be heard by the Court at or prior to the Voting
12 Deadline. (Before doing so, you should first confirm that the absence of a ballot was intentional
13 by contacting the Ballot Tabulator.)

14 If the Debtor objects to your claim, or if you have not filed a proof of claim and your
15 claim is identified in the Debtor's Schedules of Assets and Liabilities as a disputed, contingent or
16 unliquidated claim, then your vote will not be counted unless you first obtain an order from the
17 Court temporarily allowing your claim for voting purposes by filing and serving a motion
18 requesting such relief and arranging for the motion to be heard by the Court at or prior to the
19 Voting Deadline.

20 Pursuant to the Plan, the deadline for objecting to claims is after the hearing on the
21 confirmation of the Plan (the "Confirmation Hearing"). Accordingly, creditors may not rely on
22 the absence of an objection to their proofs of claim in determining whether to vote or accept or
23 reject the Plan or as any indication that the Debtor ultimately will not object to the amount,
24 priority, security, or allow ability of such claims.

25 **PLAN CONFIRMATION HEARING AND DEADLINES FOR OBJECTIONS**

26 The Confirmation Hearing will be held on **November 17, 2016 at 10:00 a.m. Pacific**
27 **Time** before the Honorable Hannah L. Blumenstiel, United States Bankruptcy Judge, 450
28 Golden Gate Avenue, Courtroom 19, San Francisco, CA 94102. The Confirmation Hearing may
be continued by announcement in open court without further notice to parties in interest.

The deadline by which any party objecting to confirmation of the Plan must file and serve
its objection to confirmation is **November 10, 2016, at 11:59 p.m. Pacific Time** (the "Plan
Objection Deadline"). Any objection to confirmation of the Plan must be in writing, specify the
name and address of the party objecting, set forth the amount of the objecting party's claims and
any other grounds giving the objector standing to object, set forth the grounds for the objection
and describe the evidence in support thereof. Such objection (and any supporting materials)
shall be served on the following parties:

Counsel for the Debtor
Nutti Hart LLP
Gregory C. Nutti, Esq.
Kevin W. Coleman, Esq.
411 30th Street, Suite 408
Oakland, CA 94609

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2 **Office of the United States Trustee**

3 Office of the United States Trustee

4 Attn: Donna S. Tamanaha, Esq.

5 Phillip J. Burton Federal Building

6 450 Golden Gate Avenue 5th Flr., #05-0153

7 San Francisco, CA 94102

8 The failure to file and serve an objection by the deadlines set forth herein will be deemed
9 by the Court to be consent to Plan confirmation.

10 The deadline by which the Debtor, or any other party-in-interest may file and serve its
11 response, if any, to any objection to confirmation of the Plan shall be three (3) days prior to the
12 Confirmation hearing, i.e., **November 14, 2016**. Such response shall be served on any party
13 objecting to the confirmation of the Plan, the Office of the United States Trustee, the 20 largest
14 unsecured creditors, all landlords, and all parties requesting special notice.

15 The deadline by which the Debtor must file and serve the Plan Ballot Summary, Proof of
16 Service of the Solicitation Packages and any other Proof of Service of other notices required by
17 the Order shall be **November 14, 2016**. The Plan Ballot Summary shall contain all information
18 required by Local Rule 3020-1(a) and served on the parties as set forth therein.

19 Dated: October 11, 2016

NUTI HART LLP

20
21 /s/ Gregory C. Nuti

22 Gregory C. Nuti

23 Kevin W. Coleman

24 Attorneys for the Debtor
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