

July 1, 2026

EDWARD J. EMMONS, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA



**BINDER MALTER HARRIS &
ROME-BANKS LLP**

Robert G. Harris #124678
Julie H. Rome-Banks #142364
Reno Fernandez #251934
Nathan Quach #366817
1625 The Alameda, Suite 101
San Jose, CA 95126
Tel: (408) 295-1700
Email: rob@bindermalter.com
Email: julie@bindermalter.com
Email: reno@bindermalter.com
Email: nathan@bindermalter.com

The following constitutes the order of the Court.
Signed: July 1, 2026

A handwritten signature in black ink, reading "William J. Lafferty, III", is written over a horizontal line.

William J. Lafferty, III
U.S. Bankruptcy Judge

*Attorneys for Debtor and Debtor in Possession,
Franciscan Friars California, Inc.*

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

In re:

FRANCISCAN FRIARS OF
CALIFORNIA, INC.,

Debtor.

Case No. 23-41723 WJL

Chapter 11

**AMENDED AND RESTATED ORDER
(I) APPROVING DISCLOSURE
STATEMENT AND (II) ESTABLISHING
PROCEDURES FOR PLAN
SOLICITATION, NOTICE, AND
BALLOTING**

Judge: Hon. William J. Lafferty

1 This matter coming before the Court on the motion of The Franciscan Friars of California,
2 Inc., the debtor and debtor in possession (the “**Debtor**”) in the above-captioned chapter 11
3 bankruptcy case (the “**Chapter 11 Case**”) and the Official Committee of Unsecured Creditors
4 (the “**Committee**,” and together with the Debtor, the “**Plan Proponents**”) for entry of an order,
5 under Sections 105, 1123(a), 1124, 1125, 1126 and 1128 of title 11 of the United States Code (the
6 “**Bankruptcy Code**”), Rules 2002, 3016, 3017, 3018 and 9006(c) of the Federal Rules of
7 Bankruptcy Procedure (the “**Bankruptcy Rules**”) and Rules 3017-1 and 3020-1 of the
8 Bankruptcy Local Rules for the Northern District of California (the “**Local Rules**”), approving:

- 9 (i) the adequacy of the *First Amended Disclosure Statement in Support of Second*
10 *Amended Joint Plan of Reorganization for the Franciscan Friars of California,*
11 *Inc. Dated June 22, 2026* [Docket No. 1732] (together with all schedules and
12 exhibits thereto, and as may be modified, amended, or supplemented from time to
13 time, the “**Disclosure Statement**”);
- 14 (ii) procedures (the “**Solicitation Procedures**”) for solicitation and tabulation of votes
15 to accept or reject the *Second Amended Joint Plan of Reorganization for the*
16 *Franciscan Friars of California, Inc. Dated June 22, 2026* [Dkt. No. 1731]
17 (together with all schedules and exhibits thereto, and as may be modified,
18 amended, or supplemented from time to time, the “**Plan**”), including:
- 19 a. the proposed record date for voting on the Plan (the “**Voting Record**
20 **Date**”);
- 21 b. the contents of solicitation packages to be transmitted to creditors;
- 22 c. the form of ballots for submitting votes to accept or reject the Plan (the
23 “**Ballots**”);
- 24 (iii) procedures for releases by Holders of Channeled Claims;
- 25 (iv) the procedure for tabulating votes;
- 26 (v) scheduling certain dates and deadlines in connection with the confirmation hearing
27 of the Plan (“**Confirmation Hearing**”) and the form and manner of notices related
28 to the Plan and the Confirmation Hearing (“**Confirmation Hearing Notice**”); and
- (vi) other related relief.

24 A hearing was held at the date and time set forth above to consider the relief requested in
25 the Motion (the “**Hearing**”); and upon all of the proceedings before the Court; and the Court
26 having determined that the legal and factual bases in the Motion establish just cause for the
27 granted relief; and it appearing that the relief requested in the Motion is in the best interests of
28

1 the Debtor, its estate and its creditors; and after due deliberation and sufficient cause appearing
2 therefor;

3 **IT IS HEREBY FOUND AND DETERMINED THAT:**

4 A. This Court has jurisdiction to consider the Motion and the relief requested therein
5 including approval of the Disclosure Statement, in accordance with 28 U.S.C. §§ 157, 1334. This
6 matter is a core proceeding under 28 U.S.C. § 157(b).

7 B. The Disclosure Statement contains adequate information about the Plan under
8 Section 1125 of the Bankruptcy Code.

9 C. The Disclosure Statement (including all applicable exhibits thereto) provides
10 sufficient notice of the injunction, exculpation, and release provisions contained in the Plan, in
11 accordance with Bankruptcy Rule 3016(c).

12 D. Due and proper notice of the Disclosure Statement, the Motion, the Hearing, and
13 the deadline for filing objections to the Disclosure Statement was provided and no further notice
14 is necessary.

15 E. The forms of Ballots approved herein are consistent with Official Form No. 314,
16 address the particular needs of this Chapter 11 Case, and are appropriate for the Holders of Class
17 2, Class 3, Class 4, Class 5, Class 6, and Class 8 Claims entitled to vote to accept or reject the
18 Plan. The voting instructions attached to the Ballots contain adequate information to instruct all
19 members of the Voting Classes how to submit their vote.

20 F. Holders of Claims in Class 1 (Priority Non-Tax Claims) are unimpaired and
21 conclusively presumed to accept the Plan, and Holders of Claims in Class 7 (Inbound
22 Contribution Claims) are impaired and deemed to reject the Plan (Class 1 and Class 7 Claims are
23 collectively, the **“Non-Voting Classes”**). Accordingly, members of the Non-Voting Classes are
24 not entitled to receive a Ballot or to vote to accept or reject the Plan.

25 G. The period, as set forth below, during which the Plan Proponents may solicit
26 acceptances to the Plan is a reasonable period of time for entities entitled to vote on the Plan to
27 make an informed decision whether to accept or reject the Plan.

28

H. The procedures for the solicitation and tabulation of votes to accept or reject the Plan set forth herein provide for a fair and equitable voting process and are consistent with Section 1126 of the Bankruptcy Code.

I. The procedures proposed in the Motion for confirming the consent of Holders of Class 5 and Class 6 Abuse Claims to the Plans Release of Channeled Claims¹ of third parties and related injunctions, including without limitation a channeling injunction that permanently channels all Channeled Claims to the extent set forth in the Plan to a Trust (as defined and further described in the Disclosure Statement and Plan) are fair and equitable, provided however that Aetnas objections to the channeling injunction and the Channeled Claims are fully preserved to be heard in connection with the confirmation hearing.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The Motion is GRANTED as set forth herein.

2. Any and all objections to the Motion, including without limitation any objections to the adequacy of the Disclosure Statement, not otherwise settled or withdrawn are hereby overruled in their entirety.

3. The following dates and times are hereby approved:

Event	Date
Voting Record Date	Date on which this Order is entered
Deadline to File Plan Supplement	June 25, 2026
Mailing of Confirmation Hearing Notice	No later than July 1, 2026
Solicitation Date	July 1, 2026
Voting Deadline	August 5, 2026
Deadline to File Voting Declaration	August 12, 2026
Deadline to File Brief in Support of Confirmation	August 12, 2026
Deadline to File Rule 3018 Motion	August 14, 2026
Deadline to Object to Confirmation	August 19, 2026
Deadline to Reply to Objections to Confirmation	September 9, 2026
Confirmation Hearing	September 24, 2026 at 9:00 a.m. (Pacific Time), or as soon thereafter as convenient for the Court and the Plan Proponents

1 **Approval of Documents**

2 4. The Disclosure Statement is hereby approved under 11 U.S.C. § 1125(b) and Fed.
3 R. Bankr. P. 3017(b).

4 5. The Ballots are hereby approved for purposes of solicitation and voting on the
5 Plan in substantially the forms attached to the *Notice of Revised Form of Plan Solicitation*
6 *Documents* [Docket. No. 1733] (the “**Solicitation Documents Notice**”) as **Exhibits 3 through**
7 **8**.

8 6. The form of Confirmation Hearing Notice is approved in substantially the form
9 attached to the Solicitation Documents Notice as **Exhibit 10**.

10 7. The form of Notice of Non-Voting Status is approved in substantially the form
11 attached to the Solicitation Documents Notice as **Exhibit 9**.

12 8. The Plan Proponents are authorized to include a Committee Cover Letter with the
13 Solicitation Package.

14 9. The Plan Proponents shall publish the Confirmation Hearing Notice (in an
15 abridged and/or modified format for publication) (the “**Publication Notice**”) once in the San
16 Francisco Chronicle, Wall Street Journal, Seattle Times, Spokesman-Review, Oregonian,
17 Statesman Journal, East Bay Times, Mercury News, Sacramento Bee, The Californian, Fresno
18 Bee, San Luis Obispo Tribune, Monterey Herald, Los Angeles Times, Orange County Register,
19 Santa Barbara Independent, San Diego Union Tribune, Record Gazette, Arizona Republic,
20 Arizona Daily Star, Las Cruces Sun News, Albuquerque Journal, Las Vegas Review Journal,
21 Pueblo Chieftain, Gric News (GRIN), Apache Messenger, and Lakota Times (or publications of
22 similar circulation) by **July 10, 2026**, or as soon thereafter as reasonably practicable.

23 10. The form of the Publication Notice is approved substantially in the form attached
24 to the *Ex Parte Motion of the Plan Proponents for an Order Modifying Date and Time of*
25 *Confirmation Hearing, Extending Date for Commencement Of Publication Of Notice Of*
26 *Confirmation and Approving Form of Notice to be Published* [Docket No. 1755] as **Exhibit A**.

1 **The Confirmation Hearing**

2 11. The Confirmation Hearing shall commence at **9:00 a.m. (prevailing Pacific time)**
3 **on September 24, 2026**, and continue thereafter as necessary.

4 12. The Confirmation Hearing may be adjourned or continued from time to time by
5 the Court or jointly by the Plan Proponents without further notice except for as announced in
6 open court or as filed on the Court's docket. The Plan may be modified under Section 1127 of
7 the Bankruptcy Code before, during, or as a result of the Confirmation Hearing, in each case
8 without further notice to parties in interest.

9 13. Objections or responses to confirmation of the Plan, if any, must (a) be in writing;
10 (b) conform to the Bankruptcy Rules and the Local Rules; (c) state the basis for the objection, and
11 the specific grounds therefor; and (d) be filed with the Court and served so as to be received not
12 later than **August 19, 2026** (the "**Confirmation Objection Deadline**"), by (i) counsel to the
13 Debtor, Binder Malter Harris & Rome-Banks LLP, 2775 Park Avenue, Santa Clara, CA 95050,
14 Attn: Robert G. Harris (rob@bindermalter.com), Julie H. Rome-Banks
15 (julie@bindermalter.com), and Reno Fernandez (reno@bindermalter.com); (ii) the Office of the
16 United States Trustee for the Northern District of California, Office of the United States Trustee,
17 450 Golden Gate Avenue, Room 05-0153, San Francisco, CA 94102, Attn: Jason Blumberg
18 (jason.blumberg@usdoj.gov); (iii) counsel to the Official Committee of Unsecured Creditors,
19 Keller Benvenuti Kim LLP, 425 Market Street, 26th Floor, San Francisco, CA 94105, Attn:
20 Gabrielle L. Albert (galbert@kbklp.com), Lowenstein Sandler LLP, One Lowenstein Drive,
21 Roseland, NJ 07068, Attn: Jeffrey D. Prol (jprol@lowenstein.com) and Brent Weisenberg
22 (bweisenberg@lowenstein.com), and Burns Bair LLP, 10 East Doty Street, Suite 600, Madison,
23 WI 53703, Attn: Timothy W. Burns (tburns@burnsbair.com) and Jesse J. Bair
24 (jbair@burnsbair.com); and (iv) those who have formally appeared and requested service in this
25 case under Rule 2002 of the Federal Rules of Bankruptcy Procedure. All objections not timely
26 filed and served in accordance with the provisions of this Order are hereby deemed waived and
27 will not be considered by this Court.
28

1 14. The Plan Proponents and any other party in interest supporting the Plan shall file
2 any reply to any objections to confirmation no later than **September 9, 2026**.

3 **Solicitation Procedures**

4 15. For the purposes of determining (a) upon whom service must be made following
5 approval of the Disclosure Statement under Rule 3017(d), and (b) which Holders of Claims are
6 entitled to vote on the Plan under Rule 3018(a), the Voting Record Date shall be the date on
7 which the Disclosure Statement Order is entered.

8 16. The Voting Record Date shall also be the record date for purposes of determining
9 which Creditors are entitled to receive a Notice of Non-Voting Status.

10 17. No later than **July 1, 2026** (the “**Solicitation Deadline**”), the Plan Proponents
11 shall complete service of Solicitation Packages upon all Holders of Claims in Classes 2 (General
12 Unsecured Claims), 3 (SAF Claim), 4 (Province of St. John the Baptist Claim), 5 (Abuse Claims
13 Other Than Unknown Abuse Claims), 6 (Unknown Abuse Claims), and 8 (Non-Abuse Litigation
14 Claims) (collectively, the “**Voting Classes**”), entitled to vote on the Plan as of the Voting Record
15 Date.

16 18. Solicitation Packages distributed to Holders of Claims in Voting Classes shall
17 contain a copy of (i) the Confirmation Hearing Notice; (ii) this Order; (iii) the appropriate Ballot
18 to accept or reject the Plan, with detailed voting instructions and a pre-addressed, postage prepaid
19 return envelope; (iv) the Disclosure Statement and Plan, which may be provided in USB drive or
20 QR Code form, at the discretion of the Plan Proponents; and (v) such other material as the Court
21 may direct. The Plan Proponents are authorized to make non-substantive changes to the
22 Disclosure Statement, the Plan, and related documents without further order of the Court,
23 including ministerial changes to correct typographical and grammatical errors, and to make
24 conforming changes among the Disclosure Statement, the Plan, and any other materials in the
25 Solicitation Packages, before mailing the Solicitation Packages.

26 19. Solicitation Packages shall be provided to all Holders of Claims in the Voting
27 Classes who filed Proofs of Claim before the applicable Bar Date (or whose Claims were deemed
28

1 timely by order of this Court). Notwithstanding the foregoing, all persons who filed a Proof of
2 Claim asserting an Abuse Claim shall receive a Solicitation Package containing a Ballot for voting
3 on the Plan, regardless of the contingent, unliquidated, and disputed nature of such Claim, and
4 notwithstanding any pending objections to their Claims.

5 20. The Debtor's solicitation agent, Donlin Recano & Company, LLC ("**DRC**") will
6 transmit the Solicitation Package to the known Holders of Claims in the Voting Classes, other
7 than Class 5 or Class 6, based upon names and addresses in the Proofs of Claim filed by the
8 claimants, or the Debtor's schedules if no Proof of Claim was filed by the Voting Record Date.

9 21. All Solicitation Packages for Holders of Abuse Claims in the Voting Classes shall
10 be served via the noticing address included on their Proof of Claim, if any, based on the
11 information reflected on DRC's claims register as of the Voting Record Date. If such noticing
12 address is the address of the attorney for the holder of the Abuse Claim, the holder of the Abuse
13 Claim will be served the Solicitation Package through such attorney unless they have notified the
14 Plan Proponents or DRC that the attorney's representation has terminated. To avoid duplication
15 and reduce expenses, the Plan Proponents may serve attorneys who represent more than one
16 Holder of a Class 5 Abuse Claim with only one copy of the Solicitation Package, provided the
17 Plan Proponents shall provide separate Ballots for each such Holder of a Class 5 Claim. Holders
18 of Abuse Claims not represented by counsel, or who have notified the Plan Proponents or DRC
19 that the representation has terminated, will be provided notice on record as set forth above.

20 22. The Plan Proponents shall provide the Unknown Abuse Claims Representative
21 with a single Class 6 Ballot for purposes of voting to accept or reject the Plan in their capacity as
22 representative for all Holders of Class 6 Claims. Compliance with this paragraph shall constitute
23 sufficient notice and service of the Solicitation Package with regard to Class 6 Claims.

24 23. The Plan Proponents may provide creditors who have more than one Claim
25 with only one Solicitation Package and one Ballot for each Voting Class to which they belong.

26 24. The Plan Proponents are not required to distribute a Solicitation Package to any
27 person who holds a Claim as to which no Proof of Claim has been filed and that either (i)
28

1 is scheduled as contingent, unliquidated, or disputed, or (ii) is not scheduled in an amount greater
2 than \$0, unless the Holder of such Claim files a motion for temporary allowance of a claim under
3 Bankruptcy Rule 3018.

4 25. Not later than the Solicitation Deadline, the Plan Proponents shall serve Holders
5 of Claims in the Non-Voting Classes with (i) the Confirmation Hearing Notice, and (ii) the Notice
6 of Non-Voting Status.

7 26. Not later than the Solicitation Deadline, the Plan Proponents shall distribute
8 copies of the Confirmation Hearing Notice, this Order, and the Disclosure Statement and Plan,
9 which may be in USB drive or QR Code form, at the discretion of the Plan Proponents, to: (a)
10 the United States Trustee; (b) counsel for the Committee; (c) the United States Attorney for the
11 Northern District of California; and (d) all other persons that have filed notices of appearances
12 and requests for documents in the Chapter 11 Case, to the extent such persons are not separately
13 receiving a Solicitation Package or Notice of Non-Voting Status.

14 27. Not later than the Solicitation Deadline, the Plan Proponents shall distribute a
15 copy of the Confirmation Hearing Notice to any other persons listed on the master mailing matrix
16 maintained for the Chapter 11 Case, to the extent such persons are not separately identified herein
17 to receive notice.

18 28. The Plan Proponents are not required to distribute physical copies of the Plan,
19 Disclosure Statement, or Disclosure Statement Order to any Holder of a Claim in a Non-Voting
20 Class, or any Holder of an Unclassified Claim, unless such party makes a request for copies of
21 such documents by (a) calling the Debtor's toll-free restructuring hotline at (888) 444-4055
22 (U.S./Canada), or (b) e-mailing ffcinfo@AngeionGroup.com.

23 29. Any party-in-interest may obtain free of charge an electronic or paper copy of the
24 Plan, Disclosure Statement, this Order, or related documents by (a) calling the Debtor's toll-free
25 restructuring hotline at (888) 444-4055 (U.S./Canada), or (b) e-mailing
26 ffcinfo@AngeionGroup.com.

1 30. The Ballots, the Notice of Non-Voting Status, and the Confirmation Hearing
2 Notice shall be distributed in paper format, but because the Plan and Disclosure Statement may
3 be cumbersome and costly to print and mail, the Plan Proponents are authorized to distribute, or
4 cause to be distributed, the Plan, Disclosure Statement, and this Order via USB drive or QR Code,
5 at the Plan Proponents' discretion.

6 31. The Ballots, the Notice of Non-Voting Status, and the Confirmation Hearing
7 Notice shall be distributed in paper format, but because the Plan and Disclosure Statement may
8 be cumbersome and costly to print and mail, the Plan Proponents are authorized to distribute, or
9 cause to be distributed, the Plan, Disclosure Statement, and this Order via USB drive or QR Code,
10 at the Plan Proponents' discretion.

11 32. Service of the Confirmation Hearing Notice together in accordance with this
12 Order is hereby found to be adequate and reasonably calculated under the circumstances to
13 comply with the due process rights of all creditors and parties in interest, including, without
14 limitation, all Holders of Claims that may be subject to the Release by Holders of Channeled
15 Claims provided for under the Plan, and no other or further notice of the Confirmation Hearing is
16 necessary or shall be required.

17 **Voting and Tabulation**

18 33. To be counted as a vote to accept or reject the Plan, all Ballots must be properly
19 completed, signed, dated and returned by only one of the following return methods: (a) first-
20 class mail (whether in the return envelope provided with each Ballot or otherwise); (b) overnight
21 courier; (c) hand delivery; or (d) electronic, online transmission, through a customized online
22 balloting portal (the "**E-Balloting Portal**") on the Bankruptcy Case website maintained by DRC.
23 Any parties entitled to vote on the Plan may cast an electronic Ballot which allows the claimant
24 to electronically sign and submit a Ballot instantly by using the E-Balloting Portal. To be counted,
25 Ballots must be received by DRC no later than **9:00 p.m. prevailing Pacific Time on August**
26 **5, 2026** (the "**Voting Deadline**"). The Plan Proponents may extend the Voting Deadline in their
27 discretion as to any individual Claim or Claims or as to all Claims.

1 34. The Tabulation Procedures and Supplemental Abuse Claim Tabulation
2 Procedures, as set forth in the Motion, are hereby approved.

3 35. The following Ballots will not be counted or considered for any purpose in
4 determining whether the Plan has been accepted or rejected: (i) any Ballot received after the
5 Voting Deadline unless the Plan Proponents, in writing, grant an extension of the Voting Deadline
6 with respect to such Ballot; (ii) any Ballot that is illegible or contains insufficient information to
7 permit the identification of the voter; (iii) any Ballot cast by a person or entity that does not hold
8 a Claim in a Class entitled to vote to accept or reject the Plan; (iv) any unsigned Ballot; and (v)
9 any Ballot submitted by email, facsimile, or any other means of electronic submission other than
10 use of the E-Balloting Portal, unless the Plan Proponents specifically consent in writing to receipt
11 of such Ballot by such means.

12 36. If any creditor seeks to challenge the allowance or disallowance of its Claim for
13 voting purposes in accordance with the above procedures, such creditor shall serve a motion for an
14 order under Bankruptcy Rule 3018(a) temporarily allowing such Claim for purposes of voting
15 to accept or reject the Plan on or before the tenth (10th) business day after service of the
16 Confirmation Hearing Notice.

17 37. Upon the expiration of the Voting Deadline, DRC will certify in writing (the
18 **“Voting Declaration”**) the amount and number (as applicable) of Allowed Claims in the Voting
19 Classes that voted to accept or reject the Plan. The Plan Proponents shall file the Voting
20 Declaration and copies of all voting ballots not later than three days before the Confirmation
21 Hearing under Local Bankruptcy Rule 3020-1(a).

22 **Other Matters**

23 38. The Plan Proponents and DRC are authorized and empowered to take such
24 steps, expend such monies, and perform such acts as may be necessary to implement and
25 effectuate the terms of this Order.

26 39. The terms and conditions of this Order shall be immediately effective and
27 enforceable upon its entry.
28

1 40. This Court retains jurisdiction over any and all matters arising out of or related
2 to the interpretation or implementation of this Order.

3 *** END OF ORDER ***
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COURT SERVICE LIST

None.