

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

In re:	§	
	§	Chapter 11
FIRST RIVER ENERGY, LLC, ¹	§	
	§	Bankruptcy Case No. 18-50085
Debtor.	§	
	§	

**NOTICE OF HEARING ON CONFIRMATION OF
DEBTOR'S THIRD AMENDED PLAN OF LIQUIDATION**

PLEASE TAKE NOTICE OF THE FOLLOWING:

I. THE CHAPTER 11 CASE.

On January 12, 2018 (the "Petition Date"), First River Energy, LLC (the "Debtor") filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code").

II. APPROVAL OF THE DISCLOSURE STATEMENT.

On July 14, 2021, the Debtor filed the Debtor's Third Amended Plan of Liquidation (the "Plan") [ECF No. 1026]. On July 14, 2021, the Debtor filed the Third Amended Disclosure Statement in Support of the Debtor's Plan of Liquidation (the "Disclosure Statement") [ECF No. 1025]. By order dated July 14, 2021 (the "Disclosure Statement Order") [ECF No. 1027], the Bankruptcy Court approved the adequacy of the Disclosure Statement for the Plan.

III. HEARING ON CONFIRMATION.

A hearing to consider confirmation of the Plan (the "Confirmation Hearing") will be held on **August 18, 2021, at 10:00 a.m.** (prevailing Central Time) in the *Hipolito F. Garcia Federal Building and United States Courthouse*, 615 E. Houston St., Room 3, San Antonio, Texas 78205.

PLEASE BE ADVISED: THAT PARTIES-IN-INTEREST MAY ATTEND THE CONFIRMATION HEARING IN PERSON OR BY TELEPHONE PURSUANT TO THE PROCEDURES SET FORTH HEREIN, AS MAY BE FURTHER MODIFIED FROM TIME TO TIME ON THE COURT'S WEBSITE OR REFLECTED IN THE DOCKET OF THIS BANKRUPTCY CASE.

IF A PARTY WANTS TO PARTICIPATE BY PHONE THEY SHOULD DIAL TEN (10) MINUTES PRIOR TO THE START OF THE CONFIRMATION HEARING 1-650-479-3207, Access code: 160 591 1937. IF A PARTY PARTICIPATES BY TELEPHONE THEY WILL NOT BE ABLE TO PRESENT EVIDENCE BUT WILL BE ALLOWED TO EXAMINE A WITNESS. EACH CALLER WILL BE RESPONSIBLE FOR HIS/HER OWN LONG-DISTANCE CHARGES. EACH PERSON WHO SPEAKS AT THE HEARING SHOULD BE PREPARED TO RESTATE THAT PERSON'S NAME EACH TIME THAT THE PERSON SPEAKS.

PARTIES ATTENDING ANY IN-PERSON PROCEEDING SHALL FOLLOW THE GUIDANCE POSTED AT THE PUBLIC ENTRANCE TO THE COURTHOUSE. THIS GUIDANCE APPLIES TO BOTH **FULLY VACCINATED** AND **UNVACCINATED** INDIVIDUALS. **FULLY VACCINATED** IS DEFINED BY THE CDC AT <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html> THE COURT WILL LIMIT THE NUMBER OF PARTICIPANTS IN ATTENDANCE AND ENFORCE SOCIAL DISTANCING GUIDELINES. ADDITIONAL PROTOCOLS REQUIRED FOR THOSE WHO ARE **NOT FULLY VACCINATED** TO ENTER THE COURTROOM INCLUDE, (1) MUST WEAR A MASK AT ALL TIMES AND (2) MUST SOCIAL DISTANCE AT ALL TIMES. PLEASE REFRAIN FROM APPEARING IN THE COURTROOM IF: (1) YOU ARE EXPERIENCING OR HAVE EXPERIENCED ANY FEVER, CHILLS, COUGH, SHORTNESS OF BREATH, LOSS OF TASTE OR SMELL, SORE THROAT, NAUSEA/VOMITING, OR DIARRHEA; (2) YOU ARE ISOLATING OR QUARANTINING BECAUSE YOU TESTED POSITIVE FOR COVID-19 OR ARE WORRIED THAT YOU MAY HAVE COVID-19; (3) YOU HAVE BEEN IN CLOSE PHYSICAL CONTACT IN THE LAST FOURTEEN DAYS WITH ANYONE WHO IS KNOWN TO HAVE LABORATORY-

¹ The Debtor in this chapter 11 case, along with the last four digits of the Debtor's federal tax identification number, is: First River Energy, LLC (9656). The mailing address for the Debtor, solely for purposes of notices and communications, is P.O. Box 1718, Livingston, TX 77351.

CONFIRMED COVID-19, OR WHO HAS ANY SYMPTOMS CONSISTENT WITH COVID-19; AND/OR (4) YOU ARE AWAITING THE RESULTS OF A COVID TEST.

ALL PARTIES REQUESTING TO APPEAR IN-PERSON AT THE HEARING MUST EMAIL THE COURTROOM DEPUTY, MS. LISA ELIZONDO AT lisa_elizondo@txwb.uscourts.gov SEVEN DAYS IN ADVANCE OF THE SCHEDULED HEARING.

PLEASE BE ADVISED: THE CONFIRMATION HEARING MAY BE CONTINUED FROM TIME TO TIME BY THE COURT OR THE DEBTORS **WITHOUT FURTHER NOTICE** OTHER THAN BY ANNOUNCEMENT IN OPEN COURT OR BY A NOTICE OF CONTINUANCE FILED WITH THE COURT. THE PLAN MAY BE FURTHER MODIFIED, IF NECESSARY, PRIOR TO, DURING, OR AS A RESULT OF THE CONFIRMATION HEARING, WITHOUT FURTHER NOTICE TO PARTIES IN INTEREST.

IV. OBJECTIONS TO CONFIRMATION.

The deadline for filing objections to the Plan is **August 10, 2021, at 4:00 p.m.** (prevailing Central Time) (the “Plan Objection Deadline”). All objections to the relief sought at the Confirmation Hearing must: (a) be in writing; (b) comply with the Bankruptcy Code, the Bankruptcy Rules, the Local Rules, and all other case management rules and orders of this Bankruptcy Court; (c) state the name and address of the responding or objecting party and the nature and amount of the claim against or interests in the estates or property of the Debtor; (d) state with particularity the legal and factual basis for the response or objection and, if practicable, a proposed modification that would resolve the objection; and (e) be filed with the Clerk of the United States Bankruptcy Court for the Western District of Texas, together with a proof of service, so as to be actually received on or before the Plan Objection Deadline.

V. COPIES OF THE DISCLOSURE STATEMENT AND PLAN.

Copies of the Disclosure Statement, the Plan, this Confirmation Hearing Notice, and additional related materials may be obtained (a) from the Debtor’s case information website at **www.donlinrecano.com/Clients/fre/Index**; (b) by writing to the Debtor’s balloting agent, Donlin, Recano & Company, Inc. (“Donlin Recano”) at: Donlin, Recano & Company, Inc., Re: First River Energy, LLC, P.O. Box 199043, Blythebourne Station Brooklyn, NY 11219; (c) by calling the Debtor’s case information line at 212-771-1128; (d) by emailing Donlin Recano at DRCVote@DonlinRecano.com; (e) by accessing the Bankruptcy Court’s electronic case filing system at <https://www.txwb.uscourts.gov/> (a PACER login and password are required to access documents on the Bankruptcy Court’s website and can be obtained through the PACER Service Center at www.pacer.psc.uscourts.gov); or (f) by requesting a copy in person from the Clerk of the Bankruptcy Court. The applicable ballots will be sent in paper form along with this Confirmation Hearing Notice to the holders of claims in classes that are entitled to vote. If you have questions regarding the procedures and requirements for voting on the Plan and/or for objecting to the Plan or if you would like a paper copy of the Disclosure Statement, the Plan, or the Disclosure Statement Order, you may contact Donlin Recano at the phone number listed above. If Donlin Recano receives such a request for a paper copy of the documents, Donlin Recano will send a copy by U.S. Mail to the requesting party at the Debtor’s expense.

PLEASE NOTE: NEITHER THE STAFF AT THE CLERK’S OFFICE NOR THE STAFF AT DONLIN RECANO CAN GIVE LEGAL ADVICE.

VI. ENTITLEMENT TO VOTE ON THE PLAN.

Only holders of claims in **Class 3, Class 4, and Class 5** are entitled to vote to accept or reject the Plan. Holders of unclassified claims and holders of claims and interests in **Class 1, Class 2, Class 6, Class 7 and Class 8** are **not** entitled to vote on the Plan.

VII. VOTING DEADLINE.

All votes to accept or reject the Plan must be actually received by Donlin Recano by no later than **4:00 p.m.** (prevailing Central Time) on **August 10, 2021** (the “Voting Deadline”). All ballots must be properly executed, completed, and delivered to Donlin Recano by (a) first class mail, (b) overnight courier, (c) personal delivery, or (d) by scanning a completed ballot and e-mailing the scanned completed ballot to Donlin Recano at DRCVote@donlinrecano.com, so that the ballots are actually received by Donlin Recano no later than the Voting Deadline. Any failure to follow the voting instructions may disqualify your ballot and your vote.

VIII. ALLOWANCE OF CLAIMS FOR VOTING PURPOSES.

A holder of a claim not entitled to vote on the Plan pursuant to the tabulation procedures more fully described in the Procedures Motion shall be permitted to vote such a claim (or to vote such a claim in an amount other than the amount set forth in the Debtor's schedules) only if one of the following shall have occurred: (a) the claim has been estimated or otherwise allowed for voting purposes by order of the Bankruptcy Court, (b) the claim holder files with the Bankruptcy Court a motion for an order pursuant to Bankruptcy Rule 3018(a) temporarily allowing the claim in a different amount only for purposes of voting to accept to reject the Plan that is ultimately approved by the Bankruptcy Court after notice and a hearing, (c) a stipulation or other agreement is executed between the claim holder and the Debtor resolving such objection and allowing the holder of the claim to vote its claim in an agreed upon amount, (d) a stipulation or other agreement is executed between the holder of the claim and the Debtor temporarily allowing the holder of the claim to vote its claim in an agreed upon amount, or (e) the pending objection to the claim is voluntary withdrawn by the Debtor or overruled by the Bankruptcy Court.

IX. EXECUTORY CONTRACT AND UNEXPIRED LEASES.

Pursuant to Article VIII of the Plan, and except as provided for in the Plan, the Debtor seeks authority to automatically reject executory contracts and unexpired leases as of the Effective Date, pursuant to sections 365 and 1123 of the Bankruptcy Code. The treatment of executory contracts and unexpired leases is more fully described in Article VIII of the Plan.

X. DISCOVERY.

Unless the parties agree otherwise by written stipulation, Fed. R. Civ. P. 26(a)(1)-(3) and (f) do not apply for the Confirmation Hearing.

XI. BINDING NATURE OF THE PLAN.

IF CONFIRMED, THE PLAN SHALL BIND ALL HOLDERS OF CLAIMS AND INTERESTS TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW, WHETHER OR NOT SUCH HOLDER WILL RECEIVE OR RETAIN ANY PROPERTY OR INTEREST IN PROPERTY UNDER THE PLAN, HAS FILED A PROOF OF CLAIM IN THE CHAPTER 11 CASE, OR FAILED TO VOTE TO ACCEPT OR REJECT THE PLAN OR VOTED TO REJECT THE PLAN.
