

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:)
) Chapter 11
PLASTIQ INC., *et al.*,¹)
) Case No. 23-10671 (BLS)
Debtors.)
) (Jointly Administered)
)
) Ref. Docket No. 229

**NOTICE OF FILING OF PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER APPROVING AND CONFIRMING
THE AMENDED COMBINED DISCLOSURE STATEMENT AND
CHAPTER 11 PLAN OF PLASTIQ INC. AND ITS AFFILIATED DEBTORS**

PLEASE TAKE NOTICE that, on July 31, 2023, the above-captioned debtors and debtors in possession (collectively, the “**Debtors**”) filed the solicitation version of the *Combined Disclosure Statement and Chapter 11 Plan of PlastiQ Inc. and Its Affiliated Debtors* [Docket No. 229] (together with all exhibits and supplements thereto and as modified or amended from time to time, the “**Plan**”) with the United States Bankruptcy Court for the District of Delaware (the “**Court**”).

PLEASE TAKE FURTHER NOTICE that attached hereto as **Exhibit A** is a proposed form of order confirming the Plan (the “**Proposed Confirmation Order**”).

PLEASE TAKE FURTHER NOTICE that a hearing to consider confirmation of the Plan (the “**Confirmation Hearing**”) will commence at **10:00 a.m. (prevailing Eastern time) on September 14, 2023**, before the Honorable Brendan L. Shannon, in the United States Bankruptcy Court for the District of Delaware, located at 824 Market Street, 6th Floor, Courtroom #1, Wilmington, Delaware 19801. The Confirmation Hearing may be continued from time to time by the Court or the Debtors without further notice other than by such adjournment being announced in open court or by a notice of adjournment filed with the Court and served on such parties as the Court may order. Moreover, the Plan may be modified or amended, if necessary, pursuant to section 1127 of title 11 of the United States Code, prior to, during, or as a result of, the Confirmation Hearing, without further notice to parties in interest.

PLEASE TAKE FURTHER NOTICE that the Debtors reserve the right to amend, revise, modify, or supplement the Proposed Confirmation Order prior to, at, or as a result of, the Confirmation Hearing.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: PlastiQ Inc. (6125), PLV Inc. d/b/a/ PLV TX Branch Inc. (5084), and Nearside Business Corp. (N/A). The corporate headquarters and the mailing address for the Debtors is 1475 Folsom Street, Suite 400, San Francisco, California 94103.



Dated: September 11, 2023
Wilmington, Delaware

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EXHIBIT A

Proposed Confirmation Order

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

In re:)	
)	Chapter 11
PLASTIQ INC., <i>et al.</i> , ¹)	
Debtors.)	Case No. 23-10671 (BLS)
)	(Jointly Administered)
)	
)	Ref. Docket No. ____
_____)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER APPROVING AND
CONFIRMING THE AMENDED COMBINED DISCLOSURE STATEMENT AND
CHAPTER 11 PLAN OF PLASTIQ INC. AND ITS AFFILIATED DBETORS**

Upon consideration of (i) the *Amended Combined Disclosure Statement and Chapter 11 Plan of PlastiQ Inc. and Its Affiliated Debtors*, attached hereto as **Exhibit A** (as amended, modified or supplemented, the “**Combined Disclosure Statement and Plan**” or the “**Plan**”),² (ii) the *Debtors’ Motion for Entry of an Order (I) Approving the Combined Disclosure Statement and Plan on an Interim Basis for Solicitation Purposes Only; (II) Establishing Solicitation and Tabulation Procedures; (III) Approving the Form of Ballots and Solicitation Materials; (IV) Establishing the Voting Record Date; (V) Fixing the Date, Time, and Place for the Combined Hearing and the Deadline for Filing Objections Thereto; (VI) Establishing Bar Date for Filing Requests for Allowance of Initial Administrative Claims; and (VII) Granting Related Relief*[Docket No. 170] (the “**Solicitation Motion**”) filed by the debtors and debtors in possession in the above-captioned cases (collectively, the “**Debtors**”); (iii) the *Declaration of Vladimir*

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: PlastiQ Inc. (6125), PLV Inc. d/b/a/ PLV TX Branch Inc. (5084), and Nearside Business Corp. (N/A). The corporate headquarters and the mailing address for the Debtors is 1475 Folsom Street, Suite 400, San Francisco, California 94103.

² Capitalized terms not defined herein shall have the meaning provided to them in the Combined Disclosure Statement and Plan.

Kasparov in Support of Entry of Order Confirming Combined Disclosure Statement and Chapter 11 Plan of PlastiQ Inc. and its Affiliated Debtors [Docket No. ____]; (iv) the *Memorandum of Law in Support of Confirmation of the Combined Disclosure Statement and Chapter 11 Plan of PlastiQ Inc. and Its Affiliated Debtors* [Docket No. [____]] (the “**Confirmation Memorandum**”); and (v) the *Declaration of Scott M. Ewing With Respect to the Tabulation of Votes on the Combined Disclosure Statement and Chapter 11 Plan of PlastiQ Inc. and its Affiliated Debtors* [Docket No. [____]] (the “**Voting Declaration**”); and this Court, by order dated July 31, 2023 [Docket No. 227] (the “**Interim Approval and Procedures Order**”), having approved the Solicitation Version (as defined below) for solicitation purposes, and authorized the Debtors to solicit acceptances for the Plan; and all objections and all reservations of rights that have not been withdrawn, waived, or settled pertaining to final approval and Confirmation of the Plan having been overruled on the merits; and a hearing having been held on September 14, 2023, regarding final approval and Confirmation of the Plan (the “**Confirmation Hearing**”); and upon the evidence adduced and proffered and the arguments of counsel made at or in connection with the Confirmation Hearing; and this Court having reviewed all documents in connection with Confirmation, and having heard all parties desiring to be heard with respect to Confirmation; and upon the record compiled in the Chapter 11 Cases; and after due deliberation and consideration of all of the foregoing; and sufficient cause appearing therefor; this Court hereby makes the following

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

A. The findings and conclusions set forth herein and on the record of the Confirmation Hearing constitute this Court’s findings of fact and conclusions of law pursuant to Rule 52 of the Federal Rules of Civil Procedure, as made applicable herein by Bankruptcy Rules 7052 and 9014. To the extent any of the following findings of fact constitute conclusions of law,

they are adopted as such. To the extent any of the following conclusions of law constitute findings of fact, they are adopted as such.

B. This Court has jurisdiction over the Chapter 11 Cases pursuant to 28 U.S.C. §§ 1334(a) and 157(1) and the *Amended Standing Order of Reference from the United States District Court for the District of Delaware*, dated as of February 29, 2012. Venue of these proceedings and the Chapter 11 Cases in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding pursuant to 28 U.S.C. §157(b)(2) and this Court may enter a final order hereon under Article III of the U.S. Constitution.

C. This Court takes judicial notice of the docket in the Chapter 11 Cases maintained by the Clerk of the Bankruptcy Court and/or its duly appointed agent, including, without limitation, all pleadings, notices, and other documents filed, all orders entered, and all evidence and arguments made, proffered or adduced at or in connection with the hearings held before this Court during the Chapter 11 Cases, including, without limitation, the hearing on the Solicitation Motion and the Confirmation Hearing.

D. On July 6, 2023, the Debtors filed the initial version of the Combined Disclosure Statement and Plan [Docket No. 168]. On July 25 and 31, 2023, the Debtors revised the Combined Disclosure Statement and Plan [Docket Nos. 207 & 224]. On July 31, 2023, the Debtors filed the solicitation version of the Combined Disclosure Statement and Plan [Docket No. 229] (the “**Solicitation Version**”). The filing of the Combined Disclosure Statement and Plan satisfies Bankruptcy Rule 3016 and Local Rule 3017-2.

E. As evidenced by the *Certificate of Service* [Docket No. 261] (the “**Solicitation Affidavit**”), on or before August 4, 2023, the Debtors caused the Ballots to be distributed as required by Bankruptcy Code sections 1125 and 1126, Bankruptcy Rules 3017 and

3018, the Local Rules, all other applicable provisions of the Bankruptcy Code, the Interim Approval and Procedures Order, and all other rules, laws and regulations applicable to such solicitation. The Solicitation Packages were transmitted in accordance with the Interim Approval and Procedures Order. Sufficient time was provided for the Holders of Claims in Class 3 and Class 4 (the “**Voting Classes**”) to vote to accept or reject the Plan. Such transmittal and service was adequate and sufficient under the circumstances and no other or further notice is or shall be required.

F. As evidenced by the Solicitation Affidavit, the Debtors have provided proper, adequate, and sufficient notice of the Combined Disclosure Statement and Plan and Confirmation Hearing, as required by Bankruptcy Rule 3017(d), to all known Holders of Claims and Interests and all other known parties in interest, and no other or further notice is or shall be required. Sufficient time was provided to all Holders of Claims and Interests and all other parties in interest to object to Confirmation of the Plan.

G. The solicitation of acceptance or rejection of the Plan has been fair, properly conducted, in good faith, and in compliance with applicable provisions of the Bankruptcy Code, Bankruptcy Rules, Local Rules, the Interim Approval and Procedures Order, and all other rules, laws and regulations applicable to such solicitation.

H. The procedures by which the Ballots for acceptance or rejection of the Plan were distributed and tabulated, including as set forth in the Voting Declaration, under the circumstances of the Chapter 11 Cases were fair, properly conducted, in good faith, and complied with the Bankruptcy Code, the Bankruptcy Rules, the Local Rules, applicable non-bankruptcy law, and the Interim Approval and Procedures Order. As more fully set forth in the Voting Declaration, Class 3 and Class 4 of each Debtor voted to accept the Plan.

I. On August 22, 2023, the Debtors filed the Plan Supplement [Docket No. 263] and on August 29, 2023, filed updates to the Plan Supplement [Docket No. 282]. The Plan Supplement complies with the terms of the Plan, and the filing and notice of the Plan Supplement was, under the circumstances of the Chapter 11 Cases, appropriate and complied with the requirements of the Bankruptcy Code, the Bankruptcy Rules, the Local Rules, and the Interim Approval and Procedures Order, and no other or further notice is or shall be required. The Debtors are authorized to modify the Plan Supplement documents following entry of this Confirmation Order in a manner consistent with this Confirmation Order, the Plan, or applicable law.

J. The Combined Disclosure Statement and Plan complies with all of the applicable provisions of the Bankruptcy Code including, but not limited to: (i) the proper classification of Claims and Interests (Bankruptcy Code sections 1122, 1123(a)(i)); (ii) the specification of Unimpaired Classes (Bankruptcy Code section 1123(a)(2)); (iii) the specification of treatment of Impaired Classes (Bankruptcy Code section 1123(a)(3)); (iv) the provision for the equal treatment of each Claim or Interest within a particular class (Bankruptcy Code section 1123(a)(4)); (v) the provision for adequate and proper means of implementation (Bankruptcy Code section 1123(a)(5)); (vi) the prohibition against the issuance of non-voting equity securities (Bankruptcy Code section 1123(a)(6)); (vii) the manner of selection of the Litigation Trustee and the members of the Oversight Committee Board (as defined in the Litigation Trust Agreement) and the governance of the Litigation Trust (Bankruptcy Code section 1123(a)(7)); and (viii) the inclusion of additional Plan provisions permitted to effectuate and implement the transactions contemplated by the Combined Disclosure Statement and Plan (Bankruptcy Code section 1123(b)). Thus, the Plan satisfies Bankruptcy Code section 1129(a)(1).

K. Article IX of the Plan provides for the appointment of the Litigation Trustee, who will serve as a fiduciary of the Debtors' Estates and the Litigation Trust as provided for in the Combined Disclosure Statement Plan and the Litigation Trust Agreement, and who shall be empowered to, among other things, implement the terms of the Combined Disclosure Statement and Plan, and otherwise wind-down the Estates, in accordance with the terms of the Combined Disclosure Statement and Plan, this Confirmation Order, and the Litigation Trust Agreement. Article IX of the Plan also provides for the creation and governance of the Litigation Trust, which shall, be governed by the Litigation Trust Agreement and administered by the Litigation Trustee. The powers, rights, and responsibilities of the Litigation Trustee are specified in the Litigation Trust Agreement and shall include the authority and responsibility to, among other things, take the actions set forth in Article IX of the Plan. Successors, if any, shall be selected pursuant to the procedures set forth in the Litigation Trust Agreement. Article III of the Liquidation Trust Agreement further provides for the creation of the Oversight Board and specifies the oversight duties of the Oversight Board and related powers. The foregoing is consistent with the interests of Holders of Claims and Interests and with public policy and therefore, section 1123(a)(7) of the Bankruptcy Code is satisfied.

L. The Plan provides for the same treatment by the Debtors for each Claim or Interest in each respective Class, unless the Holder of a particular Claim or Interest has agreed to a less favorable treatment of such Claim or Interest. Thus, section 1123(a)(4) of the Bankruptcy Code is satisfied.

M. The settlements and compromises pursuant to and in connection with the Combined Disclosure Statement and Plan, including, without limitation, the Global Settlement and the Colonnade Settlement, comply with and satisfy the requirements of section 1123(b)(3) of the

Bankruptcy Code. The Global Settlement and the Colonnade Settlement, which the Combined Disclosure Statement and Plan implements, were approved by this Court pursuant to an order entered by the Court on July 31, 2023 [Docket No. 223]. The Global Settlement and the Colonnade Settlement are reasonable, designed to achieve a beneficial and efficient resolution of the Chapter 11 Cases for all parties-in-interest, a sound exercise of the Debtors' business judgment, and in the best interest of the Estates. Accordingly, except as otherwise set forth in the Plan or herein, in consideration for the Distributions and other benefits provided for under the Plan, the Global Settlement and the Colonnade Settlement, including, without limitation, the release and injunction provisions provided for in Article XIV of the Plan, the Plan shall constitute a good faith compromise and settlement of all Claims and controversies resolved pursuant to the Plan. Each component of the Global Settlement and the Colonnade Settlement is an integral part of the development and implementation of the Combined Disclosure Statement and Plan and such settlements.

N. This Court has jurisdiction under 28 U.S.C. §§1334(a) and (b), and the *Amended Standing Order of Reference* dated as of February 29, 2012, from the United States District Court, to approve the releases and exculpations set forth in Article XIV of the Plan, and the related injunctions. Bankruptcy Code section 105(a) permits approval of such releases, exculpations, and injunctions because, based upon the record in the Chapter 11 Cases and the evidence presented at or in connection with the Confirmation Hearing, such provisions set forth in Article XIV of the Plan are: (i) within the jurisdiction of the Court as set forth above; (ii) an appropriate exercise of the Debtors' business judgment; (iii) given in exchange for the good and valuable consideration provided by the Debtor Released Parties and the Third-Party Released Parties (collectively, the "**Released Parties**"); (iv) a good faith settlement and compromise of the

claims and causes of action released by Article XIV of the Combined Disclosure Statement and Plan; (v) integral to the Colonnade Settlement and the Global Settlement, and therefore essential to the formulation and implementation of the Plan; (vi) in the best interests of the Debtors and their Estates; (vii) fair, equitable, and reasonable; (viii) given and made after due notice and an opportunity to object and be heard with respect thereto, as the Combined Disclosure Statement and Plan, the Confirmation Hearing Notice, and the Ballots each unambiguously state that (a) the Plan contains certain release, exculpation, and injunction provisions, and (b) affected parties may object to such release, exculpation, and injunction provisions; (ix) are consistent with sections 105, 524, 1123, 1129, and 1141 and other applicable provisions of the Bankruptcy Code and applicable law; and (x) a bar to any Entity asserting any claim or cause of action released or exculpated by Article XIV of the Combined Disclosure Statement and Plan, including a bar to any of the Releasing Parties asserting any released claims or causes of action against any of the Third-Party Released Parties, as and to the extent provided for in the Plan and this Confirmation Order.

O. The releases in Section 14.1(c) of the Plan are consensual as they pertain to the Releasing Parties because they are given and made after due notice and an opportunity to opt-out or object and be heard with respect thereto, as the Plan, the Confirmation Hearing Notice, and the Ballots each unambiguously state that (a) the Plan contains such releases, (b) affected parties may object to such releases, and (c) the Release Opt-Out Election may be exercised as provided for in the Plan.

P. In accordance with Bankruptcy Rule 3016(a), the Plan is dated and identifies the Debtors as the proponents thereof.

Q. As required by Bankruptcy Code section 1129(a)(2), the Debtors, as proponents of the Plan, have complied with the Bankruptcy Code, Bankruptcy Rules, Local Rules,

Interim Approval and Procedures Order, and all other rules, laws and regulations applicable to such solicitation. The Debtors are proper debtors under Bankruptcy Code section 109 and proper proponents of the Plan pursuant to Bankruptcy Code section 1121(a).

R. The Plan has been proposed in good faith and in compliance with applicable provisions of the Bankruptcy Code, and not by any means forbidden by law, thus satisfying Bankruptcy Code section 1129(a)(3).

S. Any payments made or promised by the Debtors for services or for costs and expenses in, or in connection with, the Chapter 11 Cases, or in connection with Plan and incident to the Chapter 11 Cases, have been approved by, or are subject to approval of this Court as reasonable, thus satisfying Bankruptcy Code section 1129(a)(4).

T. The identity of the Liquidation Trustee and the members of the Oversight Board, and the terms of the proposed compensation to be paid to the Litigation Trustee is consistent with the interests of Holders of Claims and Interests and with public policy and thus, the Combined Disclosure Statement and Plan satisfies Bankruptcy Code section 1129(a)(5).

U. The provisions of Bankruptcy Code section 1129(a)(6) are inapplicable to the Chapter 11 Cases.

V. As evidenced by the Combined Disclosure Statement and Plan and the Voting Declaration and established at or in connection with the Confirmation Hearing, each holder of a Claim or Interest in each Impaired Class has either accepted the Combined Disclosure Statement and Plan, or will receive or retain under the Combined Disclosure Statement and Plan property of a value, as of the Effective Date, that is not less than the amount that such holder would receive or retain if the Debtors liquidated under Chapter 7 of the Bankruptcy Code on such date. Thus, the Combined Disclosure Statement and Plan satisfies Bankruptcy Code Section 1129(a)(7).

W. As evidenced by the Voting Declaration, Class 3 and Class 4 for each Debtor has voted to accept the Plan. Classes 1 and 2 are not Impaired under the Plan and are, therefore, deemed to have accepted the Plan under Bankruptcy Code Section 1126(f), thus satisfying Bankruptcy Code section 1129(a)(8). The remaining classes of Claims and Interests (Class 5, Class 6, and Class 7) are Impaired by the Plan, and are not entitled to receive or retain any property under the Plan and, therefore, are deemed to have rejected the Plan pursuant to Bankruptcy Code section 1126(g). As found and determined below, pursuant to Bankruptcy Code section 1129(b)(1), the Plan may be confirmed notwithstanding the fact that such classes are Impaired and deemed to have rejected the Plan.

X. Except to the extent that the Holder of a particular Claim has agreed to a different treatment of such Claim, the treatment of Claims under the Combined Disclosure Statement and Plan of the type specified in Bankruptcy Code sections 507(a)(1) and 507(a)(3)-507(a)(8), if any, complies with the provisions of Bankruptcy Code section 1129(a)(9).

Y. Class 3 and Class 4 are Impaired and have accepted the Plan as to each Debtor, determined without including any acceptances of the Plan by any insider. Thus, the Combined Disclosure Statement and Plan satisfies Bankruptcy Code section 1129(a)(10).

Z. The Plan provides for adequate means for its implementation and, thus, satisfies the requirements of Bankruptcy Code Section 1129(a)(11). Because the Plan is a plan of liquidation for the Debtors, Confirmation is not likely to be followed by the need for further financial reorganization of the Debtors.

AA. In accordance with and as more specifically set forth in Section 16.6 of the Plan, all fees payable on or before the Effective Date, pursuant to United States Code title 28 section 1930, shall be paid in full in Cash by the Debtors on or before the Effective Date. All such

fees payable after the Effective Date shall be paid in full in cash until the Chapter 11 Cases are converted, dismissed, or closed, whichever occurs first. Notwithstanding anything to the contrary in the Plan, the U.S. Trustee shall not be required to file a request for allowance of any Administrative Claims on account of such fees.

BB. No Debtor offered “retiree benefits,” as that term is used in the Bankruptcy Code, was required to pay a domestic support obligation, or is an individual. Accordingly, Bankruptcy Code sections 1129(a)(13)-(15) are inapplicable.

CC. The Debtors are moneyed, business, or commercial corporations. Accordingly, Bankruptcy Code section 1129(a)(16) is inapplicable.

DD. No other chapter 11 plan has been moved for confirmation.

EE. The primary purpose of the Plan is not the avoidance of taxes or the requirements of Section 5 of the Securities Act of 1933.

FF. The Debtors and their officers, directors, employees, advisors, professionals, and other agents and representatives have acted in good faith within the meaning of Bankruptcy Code section 1125(e), and in compliance with the applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, and the Interim Approval and Procedures Order, in connection with all of their respective activities relating to the solicitation of the Plan and their participation in the activities described in Bankruptcy Code section 1125(e), and they are entitled to the protections afforded by Bankruptcy Code section 1125(e) and the injunction, exculpation, and release provisions set forth in Article XIV of the Plan and in this Confirmation Order to the extent provided in the Plan and this Confirmation Order.

GG. Holders of Claims and Interests in Classes 5, 6 and 7 are deemed to have not accepted the Plan. Based upon the evidence proffered, adduced, and presented by the Debtors

at or in connection with the Confirmation Hearing, the Plan does not discriminate unfairly and is fair and equitable with respect to the aforementioned Classes, as required by Bankruptcy Code sections 1129(b)(1) and (b)(2). Thus, the Plan may be confirmed notwithstanding the deemed rejection of the Plan by the Holders of Claims and Interests in Classes 5, 6 and 7.

HH. The transactions contemplated pursuant to the Plan are essential elements of the Plan, proposed in good faith, critical to the Plan, and in the best interests of the Debtors, their Estates, all Holders of Claims and Interests, and all other parties in interest. All of the documents to be executed and delivered in connection with such transactions were negotiated and proposed, and will be or have been entered into, in good faith, without collusion, and from arm's-length bargaining positions. All such documents are, or will be, valid, binding, and enforceable agreements.

II. Section 9.2 of the Plan provides for the substantive consolidation of the Debtors for all purposes related to the Plan, as set forth therein, including, without limitation, voting, confirmation, and Distributions thereunder. Based on the record of the Chapter 11 Cases, the acceptance of the Plan by the Voting Classes, and in the absence of any objections by parties impacted by the consolidation to such request, this Court finds that such substantive consolidation of the Debtors and their Estates is justified and appropriate in the Chapter 11 Cases for purposes of the Combined Disclosure Statement and Plan and the Distributions thereunder.

JJ. The conditions to the occurrence of the Effective Date in Article XIII of the Plan are reasonably likely to be satisfied or waived in accordance with the Plan.

KK. With respect to any and all Executory Contracts that have not been assumed or assumed and assigned by the Debtors as of the Effective Date, such Executory Contracts are burdensome to the Estates, and rejection of such Executory Contracts pursuant to Article XII of

the Plan and this Confirmation Order is in the best interests of the Debtors and an appropriate exercise of the Debtors' business judgment.

LL. The Debtors, as proponents of the Plan, have met their burden of proving the elements of Bankruptcy Code sections 1129(a) and (b) by a preponderance of the evidence, which is the applicable evidentiary standard. This Court also finds that the Debtors have satisfied the elements of Bankruptcy Code Sections 1129(a) and (b) under the clear and convincing standard of proof.

MM. The modifications to the Solicitation Version, as reflected in the Plan attached hereto as **Exhibit A**, comply with the applicable provisions of the Bankruptcy Code, Bankruptcy Rules, and the Local Rules. The filing of the modifications and the description of them on the record at the Confirmation Hearing constitutes due and sufficient notice thereof under the circumstances of the Chapter 11 Cases. Such modifications are either not material or do not adversely change the treatment of any Holders of Claims and Interests, do not require resolicitation of the Voting Classes, and are approved pursuant to Bankruptcy Code section 1127(a) and Bankruptcy Rule 3019. No Holder of Claim that has voted to accept the Plan shall be permitted to change its acceptance to a rejection as a consequence of such modifications. As a result of the foregoing, the Plan satisfies all applicable requirements for Confirmation.

NN. This Court properly may retain jurisdiction over the matters set forth in Article XV of the Combined Disclosure Statement and Plan.

OO. Under the circumstances, it is appropriate that the 14-day stay imposed by Bankruptcy Rules 3020(e) and 7062(a) be waived.

**ACCORDINGLY, IT IS HEREBY ORDERED, ADJUDGED AND
DECREED AS FOLLOWS:**

1. The Plan is approved and confirmed pursuant to section 1129 of the Bankruptcy Code. All ancillary Plan documents necessary for implementing the Plan, including those in the Plan Supplement, are approved.

2. The Combined Disclosure Statement and Plan is approved on a final basis as containing adequate information within the meaning of section 1125 of the Bankruptcy Code.

3. Any objections to the adequacy of the information contained in the Combined Disclosure Statement and Plan or Confirmation of the Plan, including any reservations of rights thereto, to the extent not withdrawn, waived, or resolved herein, are hereby overruled and denied on the merits.

4. Pursuant to Bankruptcy Code section 1123 and Bankruptcy Rule 9019, upon the Effective Date, all settlements and compromises set forth in the Plan, including, without limitation, the Global Settlement and the Colonnade Settlement, are approved in all respects, and constitute good faith compromises and settlements. Further, all documents, agreements and instruments evidencing and implementing the Global Settlement and the Colonnade Settlement, to the extent not already approved by order of this Court are approved. The Debtors are authorized to execute and deliver such documents, agreements and instruments and to effectuate the Global Settlement and the Colonnade Settlement.

5. Subject to the provisions of the Plan, in accordance with Bankruptcy Code section 1141(a), and notwithstanding any otherwise applicable law, upon the occurrence of the Effective Date, the terms of the Plan and this Confirmation Order shall be immediately binding upon, and inure to the benefit of: (i) the Debtors; (ii) the Litigation Trust; (iii) any and all Holders of Claims or Interests (irrespective of whether any of such Claims or Interests are Impaired under the Plan or whether the Holders of such Claims or Interests accepted, rejected or are deemed to

have accepted or rejected the Plan, or whether such Holders filed a proof of claim or interest in the Chapter 11 Cases); (iv) any other Entity giving, acquiring or receiving property under the Plan; (v) any and all non-Debtor Parties to any Executory Contract; (vi) the Litigation Trustee, in its capacity as such; and (vii) the respective Affiliates, officers, directors, agents, representatives, attorneys, beneficiaries, successors or assigns, if any, or any Entity claiming by, through or in the right of such Entity, of any of the foregoing. On the Effective Date, except as otherwise set forth in the Plan: (i) all settlements, compromises, releases, waivers, discharges, exculpations and injunctions set forth in the and Plan shall be effective and binding on all Entities as provided for in the Plan and this Confirmation Order; and (ii) pursuant to Bankruptcy Code sections 1141(b) and (c), the Litigation Trust Assets (including, but not limited to, the Retained Causes of Action) shall vest in the Litigation Trust, in accordance with the Plan, on a free and clear basis as provided in the Plan, but subject to the provisions of the Litigation Trust Agreement, the Plan, and this Confirmation Order.

6. The Plan shall not become effective unless and until the conditions set forth in Section 13.1 of the Plan have been satisfied or waived pursuant to Section 13.3 thereof.

7. In accordance with Bankruptcy Code section 1127 and Bankruptcy Rule 3019, all Holders of Claims who voted to accept the Plan, or who are conclusively presumed to have accepted the Plan, are deemed to accept the Plan.

8. The Plan's classification scheme is approved. The classifications set forth on the Ballots: (i) were set forth solely for purposes of voting to accept or reject the Plan; (ii) do not necessarily represent, and in no event shall be deemed to modify or otherwise affect, the actual classification of such Claims under the Plan for distribution purposes; (iii) may not be relied upon by any Holder of a Claim as representing the actual classification of such Claim under the Plan for

distribution purposes; and (iv) shall not be binding on the Debtors, the Estates and the Litigation Trustee except for Plan voting purposes.

9. Except as expressly provided in the Plan, the Global Settlement, the Colonnade Settlement, or this Confirmation Order, and unless sold or transferred to the Stalking Horse Bidder, or otherwise waived, relinquished, exculpated, resolved, released, compromised or settled pursuant to the Global Settlement, the Colonnade Settlement, the Plan or an order of the Court: (i) in accordance with section 1123(b)(3) of the Bankruptcy Code, the Litigation Trust shall retain all Retained Causes of Action and nothing contained in the Plan or this Confirmation Order shall be deemed a release, waiver or relinquishment of any such Retained Causes of Action; and (ii) the Litigation Trust shall have, retain, reserve and be entitled to assert all such Retained Causes of Action as fully as if the Chapter 11 Cases had not been commenced, and all of the Litigation Trust's legal and equitable rights respecting any Claims that are not specifically waived or relinquished by the Plan, this Confirmation Order, the Global Settlement, the Colonnade Settlement, or any Final Order (including settlement or other agreements authorized thereby) may be asserted after the Effective Date to the same extent as if the Chapter 11 Cases had not been commenced.

10. Unless a Retained Cause of Action against a Holder or other person or Entity is expressly waived, relinquished, released, compromised or settled in the Plan, the Colonnade Settlement, the Global Settlement, or any Final Order (including this Confirmation Order and including settlement or other agreements authorized by any Final Order), or otherwise sold or transferred to the Stalking Horse Bidder, the Debtors, the Estates and the Litigation Trust expressly reserve such Retained Cause of Action for later adjudication by the Litigation Trust, including, without limitation, Retained Causes of Action of which the Debtors may presently be

unaware or which may arise or exist by reason of additional facts or circumstances unknown to the Debtors at this time or facts or circumstances that may change or be different from those the Debtors now believe to exist. Therefore, no preclusion doctrine, including, without limitation, the doctrines of res judicata, collateral estoppel, issue preclusion, claim preclusion, waiver, estoppel (judicial, equitable or otherwise) or laches or the like shall apply to such Retained Causes of Action upon or after the entry of this Confirmation Order or Effective Date based on the Combined Disclosure Statement and Plan or this Confirmation Order, except where such Retained Causes of Action have been expressly waived, relinquished, released, compromised or settled in the Plan, the Colonnade Settlement, the Global Settlement, this Confirmation Order, or any Final Order of the Court or, following the Effective Date, in a written agreement duly executed by the Litigation Trust, which agreement, by its terms, is not subject to Court approval.

11. The Debtors, the Litigation Trust, and the Litigation Trustee, as applicable, are authorized to take or cause to be taken all corporate or other actions necessary or appropriate to implement all provisions of, and to consummate, the Plan and to execute, enter into or otherwise make effective all documents arising in connection therewith.

12. The officers of the Debtors and the Litigation Trustee are authorized to do all things and to execute and deliver all agreements, documents, instruments, notices, and certificates as are contemplated by the Plan and to take all necessary or appropriate actions required in connection therewith, in the name of and on behalf of the Debtors and the Litigation Trust, as applicable.

13. The approvals and authorizations specifically set forth in this Confirmation Order are not intended to limit the authority of the Debtors, the Litigation Trust, or the Litigation Trustee to take any and all actions necessary or appropriate to implement, effectuate, and

consummate any and all documents or transactions contemplated by the Plan or this Confirmation Order.

14. The Litigation Trust and Litigation Trustee are hereby authorized to wind up the Debtors' affairs and may make Distributions after the Effective Date in accordance with this Confirmation Order and the Plan.

15. The Litigation Trust Agreement, substantially in the form filed with the Plan Supplement, is hereby approved.

16. The appointment of Dundon Advisors LLC as the Litigation Trustee, and Patrick Ekeuro, Bowei Liu, and Joseph Sambucco as the members of the Oversight Board, is approved. The terms of the proposed compensation of the Litigation Trustee is approved. The Litigation Trustee shall have such rights, powers, and duties and shall receive such compensation as is provided for in the Combined Disclosure Statement and Plan, this Confirmation Order, and the Litigation Trust Agreement.

17. On the Effective Date, all Executory Contracts that have not been assumed, assumed and assigned, or rejected, prior to the Effective Date, or are not subject to a motion to assume, assume and assign, or reject Filed before the Effective Date, shall be deemed rejected pursuant to the Plan and this Confirmation Order, effective as of the Effective Date.

18. Any and all Claims arising from the rejection of Executory Contracts under the Plan and this Confirmation Order (a "Rejected Agreement") must be filed and served on the Litigation Trustee no later than thirty (30) days after the Effective Date, provided that the foregoing deadline shall apply only to Rejected Agreements that are rejected automatically by operation of Article XII of the Plan or this Confirmation Order. Any Claim arising from a Rejected Agreement that is not timely Filed shall be

forever disallowed and barred, and the counterparty to a Rejected Agreement shall be forever barred from asserting a Claim for damages arising from such rejection and from receiving any distribution on account of such Claim from the Estates or otherwise. Nothing herein shall impair, prejudice, waive or otherwise affect the rights of the Debtors, the Estates and the Litigation Trust to: (a) assert that any Rejected Agreements (i) were terminated prior to the Effective Date, or (ii) are not executory contracts or unexpired leases under Bankruptcy Code section 365; (b) assert that any Claim for damages arising from the rejection of any Rejected Agreements is limited to the remedies available under any applicable termination provisions of any Rejected Agreements; (c) assert that any such Claim is an obligation of a third party, and not that of the Debtors or the Estates; or (d) otherwise contest any Claims that may be asserted in connection with any Rejected Agreements. All rights, claims, defenses and causes of action that the Debtors and the Estates may have against the counterparties to any Rejected Agreements, whether or not such claims arise under, are related to the rejection of, or are independent of any Rejected Agreements, are reserved, and except as otherwise set forth herein or in the Plan (for example, to the extent any claims or causes of action are not Retained Causes of Action), nothing herein is intended or shall be deemed to impair, prejudice, waive or otherwise effect such rights, claims, defenses and causes of action.

19. As of the Effective Date, all Interests of any kind shall be extinguished and the Holders thereof shall not receive or retain any property, interest in property or consideration under the Plan on account of such Interests.

20. Any insurance policies of the Debtors in which the Debtors are or were insured parties (including any policies covering directors' or officers' conduct), and any related insurance agreement, shall be treated in accordance with Section 16.11 of the Plan.

21. On the Effective Date, and absent appeal of this Confirmation Order, the Committee shall be dissolved as provided by Section 16.7 of the Plan, subject to the rights set forth therein, and the engagement of each Professional retained by the Committee shall be terminated.

22. As of the Effective Date, other than Kurtzman Carson Consultants LLC, the engagement of each Professional retained by the Debtors shall be terminated. Nothing herein shall prevent any of the Professionals retained by the Debtors or the Committee from being compensated for actual and necessary fees and expenses incurred for work relating to preparation, filing, prosecuting and objecting to Professional Fee Claims that would have also been compensable prior to the Effective Date.

23. As of the Effective Date, each member of the existing board of directors of each of the Debtors shall be deemed to have been removed, in each case without further action required on the part of the Debtors or the Debtors' directors, officers or shareholders and without further notice to or order of this Court, act or action under applicable law, regulation, order, rule or the vote, consent, authorization or approval of any person or Entity.

24. Unless required to be filed by an earlier date by another order of this Court, Holders of Administrative Claims, other than professional Fee Claims, accruing on or after August 1, 2023 through and including the Effective Date shall file with Kurtzman Carson Consultants LLC and serve on the Litigation Trustee requests for payment, in writing, together with supporting documents, substantially complying with the Bankruptcy Code, the Bankruptcy Rules and the Local Rules, so as to actually be received on or before the Final Administrative Claim Bar Date, which shall be 5:00 p.m. (prevailing Eastern Time) on the date that is thirty (30) days after the date the Effective Date Notice is Filed and served. Such request must include at a minimum: (i) the name of the Debtor(s) that are purported

to be liable for the Administrative Claim; (ii) the name of the Holder of the Administrative Claim; (iii) the amount of the Administrative Claim; (iv) the basis of the Administrative Claim; and (v) all supporting documentation for the Administrative Claim. Any Administrative Claim that is not timely filed as set forth above will be forever barred, and holders of such Administrative Claims will not be able to assert such Claims in any manner against the Litigation Trustee, the Litigation Trust, the Debtors, or their Estates, or their respective successors or assigns or their respective property.

25. Unless required to be filed by an earlier date by another order of this Court, all applications for allowance and payment of Professional Fee Claims shall be Filed on or before the Professional Fee Claims Bar Date, which shall be the date that is forty-five (45) days after the Effective Date Notice is Filed and served. After notice and a hearing in accordance with the procedures established by the Bankruptcy Code and prior orders of this Court in the Chapter 11 Cases, this Court shall determine the Allowed amounts of such Professional Fee Claims. Any request for payment of a Professional Fee Claim that is not timely filed as set forth above will be forever barred, and holders of such Professional Fee Claims will not be able to assert such Claims in any manner against the Litigation Trustee, the Litigation Trust, the Debtors, or their Estates, or their respective successors or assigns or their respective property.

26. The substantive consolidation of the Debtors, as set forth in Section 9.2 of the Plan, for purposes of confirming and consummating the Plan, is approved pursuant to sections 105(a), 541, 1123 and 1129 of the Bankruptcy Code.

27. This Confirmation Order shall constitute all approvals and consents required, if any, by the laws, rules or regulations of any State or any other governmental authority

with respect to the implementation or consummation of the Plan. To the fullest extent permitted by applicable law, each federal, state, commonwealth, local, or other governmental agency is hereby authorized to accept any and all documents and instruments necessary or appropriate to effectuate, implement or consummate the transactions contemplated by the Combined Disclosure Statement and Plan and this Confirmation Order.

28. The Debtors are hereby authorized to execute, deliver, file or record such documents, contracts, instruments, releases, and other agreements, and to take such other actions, as may be necessary or appropriate to effectuate, implement, or further evidence the terms and conditions of the Plan. On and after the Effective Date, the Litigation Trustee is authorized and empowered to issue, execute, file, and deliver or record such documents, contracts, instruments, releases, and other agreements in the name of and on behalf of the Debtors.

29. To the fullest extent permitted by section 1146(a) of the Bankruptcy Code, any issuance, transfer or exchange of security, or the making or delivery of an instrument of transfer under the Plan may not be taxed under any law imposing a stamp tax or similar tax.

30. This Court hereby retains jurisdiction of the Chapter 11 Cases and all matters arising under, out of, or related to the Chapter 11 Cases and the Combined Disclosure Statement and Plan (i) as provided for in Article XV of the Plan, (ii) as provided for in this Confirmation Order, and (iii) for the purposes set forth in Bankruptcy Code sections 1127 and 1142.

31. The release, exculpation, injunction, and indemnification provisions contained in the Plan including, without limitation, those set forth in Article XIV of the Plan, are expressly incorporated into this Confirmation Order as if set forth herein in full, and are hereby

authorized and approved and shall be effective and binding on all persons or entities, to the extent provided therein.

32. Notwithstanding any provision to the contrary in the Plan, the Plan Supplement, this Order or any implementing Plan documents (collectively, “**Documents**”): As to the Texas Comptroller (the “**Authority**”), nothing in the Documents shall: (1) discharge, release, enjoin, impair or otherwise preclude (a) any liability to the Authority that is not a “claim” within the meaning of section 101(5) of the Bankruptcy Code (“**claim**”), (b) any claim of the Authority arising after the Effective Date, or (c) any liability of any entity or person under police or regulatory statutes or regulations to any Governmental Unit (as defined by section 101(27) of the Bankruptcy Code) as the owner, lessor, lessee or operator of property or rights to property that such entity owns, operates or leases after the Confirmation Date; (2) release, nullify, preclude or enjoin the enforcement of any police or regulatory power; (3) release, enjoin, impair or discharge any non-Debtor from any claim, liability, suit, right or Cause of Action of the Authority, or enjoin or impair the prosecution, enforcement or collection of any such claim, liability, suit, right, or Cause of Action against any non-Debtor; (4) affect any setoff or recoupment rights of the Authority and such rights are preserved; (5) require the Authority to file an administrative claim in order to receive payment for any liability described in section 503(b)(1)(B) and (C) pursuant to section 503(b)(1)(D) of the Bankruptcy Code; (6) constitute an approval or consent by the Authority without compliance with all applicable legal requirements and approvals under non-bankruptcy law; (7) be construed as a compromise or settlement of any liability, claim, Cause of Action or interest of the Authority; (8) confer exclusive jurisdiction to the Bankruptcy Court with respect to any federal rights, suits, interests, claims, liabilities and Causes of Action, except to the extent set forth in 28 U.S.C. § 1334 (as limited by any other provisions of the United States Code); or

(9) modify the scope of sections 502 or 505 of the Bankruptcy Code with respect to the claims of the Authority.

33. Administrative expense claims of the Authority allowed pursuant to the Plan or the Bankruptcy Code shall be paid on the Effective Date, or as soon as practicable after the Effective Date, and shall accrue interest and penalties in accordance with the Bankruptcy Code and non-bankruptcy law until paid in full. Priority Tax Claims of the Authority allowed pursuant to the Plan or the Bankruptcy Code will be paid in accordance with section 1129(a)(9)(C) of the Bankruptcy Code. To the extent such allowed Priority Tax Claims (including any penalties, interest or additions to tax entitled to priority under the Bankruptcy Code) are not paid in full in cash on the Effective Date, then such Priority Tax Claims shall accrue interest commencing on the Effective Date at the rate set forth in section 511 of the Bankruptcy Code. Moreover, nothing shall affect a release, injunction or otherwise preclude any claim whatsoever against any Debtor or any of the Debtors' estates by or on behalf of the Authority for any liability arising (a) out of prepetition or postpetition tax periods for which a return has not been filed or (b) as a result of a pending audit or audit that may be performed with respect to any prepetition or postpetition tax period. Further, nothing shall enjoin the Authority from amending any claim against any Debtor or any of the Debtors' estates with respect to any tax liability (a) arising out of prepetition or postpetition tax periods for which a tax return has not been filed or (b) from a pending audit or audit that may be performed with respect to any prepetition or postpetition tax period. Any liability arising (a) out of prepetition or postpetition tax periods for which a return has not been filed or (b) as a result of a pending audit or audit which may be performed with respect to any prepetition or postpetition tax period shall be paid in accordance with section 1129(a)(9)(A) and (C) of the Bankruptcy Code. Without limiting the foregoing but for the avoidance of doubt, the Debtors and the Creditor Trustee

shall comply with federal law and nothing contained in the Documents shall be deemed to bind the Authority to any characterization of any transaction for tax purposes or to determine the tax liability or withholding obligations of any person or entity, including, but not limited to, the Debtors and the Debtors' estates, nor shall the Documents be deemed to have determined the federal tax treatment of any item, distribution, or entity, including the federal tax consequences of this Plan, nor shall anything in the Documents be deemed to have conferred jurisdiction upon the Bankruptcy Court to make determinations as to federal tax liability and federal tax treatment except as provided under section 505 of the Bankruptcy Code

34. The failure to reference or discuss any particular provision of the Combined Disclosure Statement and Plan in this Confirmation Order shall have no effect on the validity, binding effect and enforceability of such provision and such provision shall have the same validity, binding effect and enforceability as every other provision of the Combined Disclosure Statement and Plan.

35. The provisions of Federal Rule of Civil Procedure 62, as applicable pursuant to Bankruptcy Rule 7062, and Bankruptcy Rule 3020(e) shall not apply to this Confirmation Order. The period in which an appeal with respect to this Confirmation Order must be filed shall commence immediately upon the entry of this Confirmation Order.

36. Pursuant to Bankruptcy Rule 2002(f)(7) and 3020(c), the Litigation Trustee shall serve the Effective Date Notice, substantially in the form attached hereto as **Exhibit B**, in accordance with Section 13.2 of the Combined Disclosure Statement and Plan, on or before five (5) Business Days after the Effective Date. The Effective Date Notice is hereby approved.

37. The Litigation Trustee is authorized and empowered to effect the dissolution of any of the Debtors as soon as practicable after the Effective Date without the need

for any company action or approval, and neither the Debtors nor the Litigation Trustee nor any Beneficiary shall be required to pay any taxes or fees to cause such dissolution. All governance activities of a Debtor shall be exercised by the Litigation Trustee in accordance with the Combined Plan and Disclosure Statement, the Litigation Trust Agreement, and this Confirmation Order, and the Litigation Trustee shall be authorized and empowered to take or cause to be taken all actions necessary or appropriate to implement and consummate the Plan in accordance with the Plan, the Litigation Trust Agreement, and this Confirmation Order.

38. Subject to the occurrence of the Effective Date, and notwithstanding Bankruptcy Rules 3020(e), 6004(h), 7062, 8001 or otherwise, immediately upon the entry of this Confirmation Order, the terms of the Plan and this Confirmation Order shall be, and hereby are, immediately effective and enforceable and deemed binding upon the Debtors, the Litigation Trust, the Litigation Trustee, any and all other Holders of Claims or Interests (irrespective of whether such Claims or Interests are Impaired under the Plan or whether the Holders of such Claims or Interests accepted, were deemed to have accepted, rejected or were deemed to have rejected the Plan, or whether such Holders filed a proof of claim or interest in the Chapter 11 Cases), any trustees or examiners appointed in the Chapter 11 Cases, all Entities that are party to or subject to the settlements, compromises, releases, discharges, injunctions, stays and exculpations described in the Combined Disclosure Statement and Plan or herein, each Entity acquiring property under the Combined Disclosure Statement and Plan, any and all non-Debtor parties to Executory Contracts, and all other parties-in-interest, and the respective heirs, executors, administrators, successors or assigns, affiliates, officers, directors, agents, representatives, attorneys, beneficiaries, or guardians, if any, or any Entity claiming by, through or in the right of such Entity, of any of the foregoing.

39. In the event any provision of the Combined Disclosure Statement and Plan is inconsistent with any document or agreement to be executed pursuant to the Combined Disclosure Statement and Plan, the provisions of the Combined Disclosure Statement and Plan shall control; *provided however*, that this Confirmation Order shall control in the event of any inconsistency between this Confirmation Order and any provision of the Combined Disclosure Statement and Plan.

40. The Debtors are authorized to consummate the Combined Disclosure Statement and Plan at any time after the entry of the Confirmation Order, subject to satisfaction or waiver of the conditions precedent to the occurrence of the Effective Date as set forth in Article XIII of the Plan. On the Effective Date, the Plan shall be deemed to be substantially consummated within the meaning in Bankruptcy Code section 1101 and pursuant to Bankruptcy Code section 1127(b).

EXHIBIT A

The Combined Disclosure Statement and Plan

EXHIBIT B

Effective Date Notice

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

In re:)	
)	Chapter 11
PLASTIQ INC., <i>et al.</i> , ¹)	
)	Case No. 23-10671 (BLS)
Debtors.)	
)	(Jointly Administered)
)	
)	Ref. Docket No. ____
_____)	

**NOTICE OF (I) ENTRY OF CONFIRMATION ORDER,
(II) OCCURRENCE OF EFFECTIVE DATE, AND (III) RELATED BAR DATES**

TO: ALL PARTIES IN INTEREST

PLEASE TAKE NOTICE THAT:

Confirmation of Plan. On [_____], the United States Bankruptcy Court for the District of Delaware (the “**Court**”) entered its *Findings of Fact, Conclusions of Law and Order Approving and Confirming the Combined Disclosure Statement and Chapter 11 Plan of PlastiQ Inc. and Its Affiliated Debtors* [Docket No. ____] (the “**Confirmation Order**”). Unless otherwise defined herein, capitalized terms used in this Notice shall have the meanings ascribed to such terms in the *Combined Disclosure Statement and Chapter 11 Plan of PlastiQ Inc. and Its Affiliated Debtors* [Docket No. ____] (the “**Plan**”).² Copies of the Confirmation Order and the Plan may be obtained by accessing <https://www.kccllc.net/plastiq>.

Effective Date. The Effective Date of the Plan occurred on [_____]. Each of the conditions precedent to consummation of the Plan enumerated in Section 13.1 of the Plan have been satisfied and/or waived as provided in Section 13.3 of the Plan.

Release, Exculpation, and Injunction. Pursuant to the Confirmation Order, the release, injunction, and exculpation provisions in Article XIV of the Plan are now in full force and effect.

Bar Date for Administrative Expense Claims. In accordance with Section 6.1(a) of the Plan, unless required to be filed by an earlier date by another order of this Court, any Holder of an Administrative Claim that arose after August 1, 2023, but prior to the Effective Date, other than a Professional Fee Claim or a claim for U.S. Trustee Fees, must file with Kurtzman Carson Consultants LLC and serve on (i) the Litigation Trustee and its counsel, (ii) the U.S. Trustee, and (iii) all parties requesting notice pursuant to Bankruptcy Rule 2002, a request for payment of such

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: PlastiQ Inc. (6125), PLV Inc. d/b/a/ PLV TX Branch Inc. (5084), and Nearside Business Corp. (N/A). The corporate headquarters and the mailing address for the Debtors is 1475 Folsom Street, Suite 400, San Francisco, California 94103.

² Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Plan and the Confirmation Order, as applicable.

Administrative Claim so as to be actually received by **5:00 p.m. (ET) on [the date that is thirty (30) days after the Effective Date Notice is Filed and served]** (the “**Final Administrative Claims Bar Date**”). Such request must include at a minimum: (i) the name of the Debtor(s) that are purported to be liable for the Administrative Claim; (ii) the name of the Holder of the Administrative Claim; (iii) the amount of the Administrative Claim; (iv) the basis of the Administrative Claim; and (v) all supporting documentation for the Administrative Claim. Any Administrative Claim that is not timely filed as set forth above will be forever barred, and holders of such Administrative Claims will not be able to assert such Claims in any manner against the Litigation Trustee, the Litigation Trust, the Debtors, or their Estates, or their respective successors or assigns or their respective property.

Bar Date for Professional Fee Claims. In accordance with the Section 6.1(c) of the Plan, all applications for allowance and payment of Professional Fee Claims shall be Filed on or before **5:00 p.m. (ET) on [the date that is forty-five (45) days after the Filing and Service of the Effective Date Notice]** (the “**Professional Fee Claims Bar Date**”); *provided, however*, for the avoidance of doubt, any Professional retained under section 363 of the Bankruptcy Code shall not be required to file final fee applications unless required by a Final Order. Objections to any applications of Retained Professionals must be filed by no later than twenty-one (21) days after service of the applicable final application for allowance and payment of Professional Fee Claims.

Bar Date for Rejection Damages. In accordance with Article XII of the Plan, on the Effective Date, all Executory Contracts will be deemed rejected as of the Effective Date in accordance with, and subject to, the provisions and requirements of Bankruptcy Code sections 365 and 1123, except to the extent: (a) the Debtors previously have assumed, assumed and assigned or rejected such Executory Contract, including such executory contracts and related obligations assumed through the Plan, or (b) prior to the Effective Date, the Debtors have Filed a motion to assume, assume and assign, or reject an Executory Contract on which the Court has not ruled. Any and all Claims arising from the rejection of Executory Contracts under the Plan (the “**Rejection Damage Claims**”) must be filed and served on the Litigation Trustee **no later than [thirty days after the Effective Date]** (the “**Rejection Claims Bar Date**”), *provided*, that the foregoing deadline shall apply only to Executory Contracts that are rejected automatically by operation of Article XII of the Plan. Holders of Rejection Damage Claims that are required to File and serve a request for such payment of Rejection Damage Claims that do not file and serve such a request by the Rejection Claims Bar Date shall be forever barred, estopped, and enjoined from asserting such Rejection Damage Claims against the Debtors, the Litigation Trust, or their respective property. Subject to further order of the Court, any requests for payment of Rejection Damage Claims that are not properly Filed and served by the Rejection Claims Bar Date shall not appear on the Claims Register and shall be disallowed automatically without the need for further action by the Debtors or the Litigation Trust, or further order of the Court.