IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:	)	Chapter 11
WEST MARINE, INC., *et al.*,[1]	)	Case No. 26-10794 (KBO)
	)	(Jointly Administered)
Debtors.	)	**Re: Docket No. 56**

ORDER (I) CONDITIONALLY APPROVING THE ADEQUACY OF THE DISCLOSURE STATEMENT, (II) APPROVING THE SOLICITATION AND VOTING PROCEDURES WITH RESPECT TO CONFIRMATION OF THE DEBTORS' AMENDED JOINT CHAPTER 11 PLAN, (III) APPROVING THE FORMS OF BALLOTS AND NOTICES IN CONNECTION THEREWITH, (IV) SCHEDULING A COMBINED HEARING AND SETTING RELATED DATES AND DEADLINES, AND (V) GRANTING RELATED RELIEF

Upon the motion (the "Motion")[2] of the above-captioned debtors and debtors in possession (collectively, the "Debtors") for the entry of an order (this "Order"): (a) conditionally approving the adequacy of the Disclosure Statement; (b) approving the Solicitation and Voting Procedures with respect to confirmation of the Plan; (c) approving the forms of Ballots and notices in connection therewith; (d) approving the forms of Notices of Non-Voting Status and Opt-In Forms; (e) approving the solicitation materials and documents included in the Solicitation Package; (f) approving the form and manner of the Cover Letter; (g) approving the form and manner of the Combined Hearing Notice; (h) approving the form and manner of the Plan Supplement Notice; (i) approving the form and manner of the Assumption Notice; (j) approving the form and manner of the Rejection Notice; (k) scheduling a Combined Hearing and setting

[1] The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: West Marine, Inc. (5502); Marine One Holdco, LLC (2231); Marine One Parent, Inc. (0402); Rising Tide Holdings Inc. (2628); Rising Tide Parent Inc. (6153); Seascapes, Inc. (3739); W Marine Management Company, Inc. (4151); and West Marine Products, Inc. (4523). For purposes of these chapter 11 cases, the Debtors' service address is West Marine Headquarters, 1 East Broward Blvd., Suite 200, Fort Lauderdale, FL 33301.

[2] Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Motion.

related dates and deadlines; and (l) granting related relief, all as more fully set forth in the Motion; and upon the First Day Declaration; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 157 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and this Court having found that this Court may enter a final order consistent with Article III of the United States Constitution; and this Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the relief requested in the Motion is in the best interests of the Debtors' estates, their creditors, and other parties in interest; and this Court having found that the Debtors' notice of the Motion and opportunity for a hearing on the Motion were appropriate and no other notice need be provided; and this Court having reviewed the Motion and having heard the statements in support of the relief requested therein at a hearing, if any, before this Court (the "Hearing"); and this Court having determined that the legal and factual bases set forth in the Motion and at the Hearing, if any, establish just cause for the relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Motion is granted as set forth herein.

2. Any objections to the entry of this Order, to the extent not withdrawn or settled, are overruled.

I. Conditional Approval of the Disclosure Statement.

3. The Disclosure Statement, substantially in the form attached hereto as **Exhibit 1**, is hereby approved on a conditional basis as providing Holders of Claims entitled to vote on the Plan with adequate information to make an informed judgment as to whether to vote to accept or reject the Plan in accordance with sections 105 and 1125(a)(1) of the Bankruptcy Code. This Court will make a final ruling on the adequacy of the Disclosure Statement at the Combined Hearing.

4. Solely for purposes of this Order, the Disclosure Statement (including all applicable exhibits thereto) provides Holders of Claims or Interests, and other parties in interest with sufficient notice

of the injunction, exculpation, and release provisions contained in Article VIII of the Plan, in satisfaction of the requirements of Bankruptcy Rule 3016(c); *provided*, however, that this determination shall not be binding for purposes of final approval of the Disclosure Statement.

II. Approval of the Procedures for Confirming the Plan.

A. Approval of Certain Dates and Deadlines with Respect to the Plan and Disclosure Statement.

5. The following dates are hereby established (subject to modification as necessary) with respect to solicitation of votes on the Plan and confirmation of the Plan (all times prevailing Eastern Time):

Event	Date
Voting Record Date	June 22, 2026
Publication Deadline	Within two (2) Business Days following entry of this Order (or as soon as reasonably practicable thereafter)
Solicitation Mailing Deadline	June 30, 2026
Deadline to File Claims Objections for Plan Voting Purposes	July 17, 2026, at 4:00 p.m., prevailing Eastern Time
Plan Supplement Filing Deadline	July 21, 2026
Deadline to File 3018 Motions for Plan Voting Purposes	July 24, 2026, at 4:00 p.m., prevailing Eastern Time
Voting Deadline; Opt-In/Opt-Out Deadline	July 31, 2026, at 4:00 p.m., prevailing Eastern Time
Plan and Disclosure Statement Objection Deadline	August 3, 2026, at 4:00 p.m., prevailing Eastern Time
Confirmation Brief and Plan Objection Reply Deadline	August 6, 2026
Deadline to File Voting Report	August 6, 2026
Combined Hearing	August 11, 2026, at 10:00 a.m., prevailing Eastern Time (or such other time as the Debtors may be heard)

B. Approval of the Procedures for Filing Objections to the Plan.

6. Objections to the Plan may not be considered by this Court unless such objections are timely filed and properly served in accordance with this Order. Additionally, all objections to confirmation of the Plan or requests for modifications to the Plan, if any, must: (a) be in writing; (b) conform to the Bankruptcy Rules, the Local Rules, and any orders of this Court; (c) state, with particularity, the legal and factual basis for the objection and, if practicable, a proposed modification to the Plan (or related materials) that would resolve such objection; and (d) be filed with this Court (contemporaneously with a proof of

service upon the applicable notice parties) so to be actually received on or before the Plan and Disclosure Statement Objection Deadline of **August 3, 2026, at 4:00 p.m., prevailing Eastern Time**.

III. Approval of the Solicitation and Voting Procedures, the Solicitation Package, and the Timeline for Soliciting Votes on the Plan.

A. Approval of the Solicitation and Voting Procedures.

7. The Debtors are authorized to solicit, receive, and tabulate votes to accept the Plan in accordance with the Solicitation and Voting Procedures, substantially in the form attached hereto as **Exhibit 2**, which are hereby approved in their entirety.

B. Approval of the Form and Distribution of the Solicitation Package and Cover Letter to Parties Entitled to Vote on the Plan.

8. In addition to a copy of this Order (without exhibits, except for the Solicitation and Voting Procedures substantially in the form attached hereto as **Exhibit 2**), the Solicitation Package to be transmitted on or before the Solicitation Mailing Deadline to those Holders of Claims in the Voting Classes entitled to vote on the Plan as of the Voting Record Date, shall include the following, the form of each of which is hereby approved:

a. a Ballot, with applicable voting instructions, substantially in the forms attached hereto as **Exhibits 3A**, **3B**, **3C**, and **3D** respectively, as determined by the Class of each Holder of Claims being solicited;[3]

b. the Cover Letter, which includes instructions to obtain access, free of charge, via https://www.veritaglobal.net/westmarine or QR code, to the Plan, Disclosure Statement, and this Order (without exhibits, except for the Solicitation and Voting Procedures), and urges the Holders of Claims in each of the Voting Classes to accept the Plan, substantially in the form attached hereto as **Exhibit 5**;

c. the Combined Hearing Notice, substantially in the form attached hereto as **Exhibit 6**; and

d. a pre-addressed, postage prepaid reply envelope.

[3] The Debtors will use commercially reasonable efforts to ensure that any Holder of a Claim who has filed duplicate Claims against the Debtors (whether against the same or multiple Debtors) that are classified under the Plan in a Voting Class receives no more than one Solicitation Package (and, therefore, one Ballot) on account of such Claim and with respect to such Voting Class.

9. The Solicitation Package provides the Holders of Claims entitled to vote on the Plan with adequate information to make an informed judgment with respect to voting on the Plan in accordance with Bankruptcy Rules 2002(b) and 3017(d), section 1125 of the Bankruptcy Code, and the Local Rules, subject to final approval of the Disclosure Statement.

10. The Debtors shall, with the assistance of the Claims, Noticing, and Solicitation Agent, distribute the Solicitation Package by first class U.S. mail to all Holders of Claims in the Voting Classes on or before the Solicitation Mailing Deadline. Such service shall satisfy the requirements of the Bankruptcy Code, the Bankruptcy Rules, and the Local Rules.

11. The Debtors are authorized to distribute the Plan and Disclosure Statement to Holders of Claims entitled to vote on the Plan by providing instructions as part of the Solicitation Package for accessing these documents through the Debtors' restructuring website (https://www.veritaglobal.net/westmarine) or via QR code, and if requested, a hard copy within three (3) Business Days of receipt of such request, or as soon as reasonably practicable thereafter. On or before the Solicitation Mailing Deadline, the Debtors shall provide (a) the complete Solicitation Package (excluding the Ballots) to the U.S. Trustee and (b) the Combined Hearing Notice to all parties required to be notified under Bankruptcy Rule 2002 and Local Rule 2002-1 as of the Voting Record Date.

12. Any party that receives materials in electronic format, but would prefer to receive materials in paper format, may contact the Claims, Noticing, and Solicitation Agent and request paper copies of the materials (to be provided at the Debtors' expense).

13. Any claims, noticing, and solicitation agent retained by the Debtors pursuant to section 327 of the Bankruptcy Code is authorized to assist the Debtors in (a) distributing the Solicitation Package, Notices of Non-Voting Status, and, as applicable, the Opt-In/Opt-Out Forms, (b) receiving, tabulating, and reporting on Ballots cast to accept or reject the Plan by Holders of Claims against the Debtors, (c) receiving, tabulating, and reporting on Opt-In/Opt-Out Forms, (d) responding to inquiries from Holders of Claims and Interests and other parties in interest relating to the Disclosure Statement, the Plan, the Ballots, the Solicitation Package, and all other related documents and matters related thereto, including the procedures

and requirements for voting to accept or reject the Plan and for objecting to the Plan, (e) soliciting votes on the Plan, and (f) if necessary, contacting creditors regarding the Plan.

14. In addition to accepting hard copy Ballots and Opt-In/Opt-Out Forms via first class mail, overnight courier, and hand delivery, the Claims, Noticing, and Solicitation Agent is also authorized to accept Ballots and Opt-In/Opt-Out Forms via electronic online transmission solely through the eBallot Portal. The encrypted Ballot data and audit trail created by such electronic submission shall become part of the record of any Ballot submitted in this manner and the creditor's electronic signature will be deemed to be immediately legally valid and effective. Ballots submitted via the eBallot Portal shall be deemed to contain an original signature.

15. All votes to accept or reject the Plan must be cast by using the appropriate Ballot. All Ballots must be properly executed, completed, and delivered according to their applicable voting instructions by: (a) first class mail; (b) overnight courier; (c) personal delivery; or (d) via the eBallot Portal, so that the Ballots are actually received by the Claims, Noticing, and Solicitation Agent no later than the Voting Deadline at the return address set forth in the applicable Ballot. The Debtors are authorized to extend the Voting Deadline in their sole discretion and without further order of this Court.

C. Approval of the Combined Hearing Notice.

16. The Combined Hearing Notice, substantially in the form attached hereto as **Exhibit 6**, constitutes adequate and sufficient notice of the hearing to consider approval of the Plan and final approval of the Disclosure Statement, the manner in which a copy of the Plan and Disclosure Statement could be obtained, and the time fixed for filing objections to confirmation of the Plan and final approval of the Disclosure Statement, in satisfaction of the requirements of the applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, and the Local Rules.

17. The Combined Hearing Notice shall be served by the Debtors before or on June 30, 2026, on all known Holders of Claims or Interests by first class U.S. mail, and on all parties required to be notified under Bankruptcy Rule 2002 and Local Rule 2002-1 (regardless of whether such parties are entitled to vote

on the Plan) by first class U.S. mail. Additionally, the Debtors shall file and post the Combined Hearing Notice on the Debtors' restructuring website at: https://www.veritaglobal.net/westmarine.

18. The Debtors shall publish the Combined Hearing Notice in a format modified for publication on one occasion, within two (2) Business Days after entry of this Order (or as soon as reasonably practicable thereafter), in *The New York Times, Wall Street Journal,* or another similar nationally circulated news publication.

D. Approval of the Plan Supplement Notice.

19. The Debtors are authorized to send notice of the filing of the Plan Supplement, substantially in the form attached hereto as **Exhibit 7**, to parties in interest on or before the Plan Supplement Filing Deadline. Notwithstanding the foregoing, the Debtors may amend the documents contained in, and exhibits to, the Plan Supplement through the Effective Date in accordance with the Plan.

E. Approval of Assumption Notice.

20. The Debtors are authorized to distribute by first-class U.S. mail, an Assumption Notice of any Executory Contracts or Unexpired Leases, substantially in the form attached hereto as **Exhibit 8**, to the applicable counterparties to Executory Contracts and Unexpired Leases at the notice address in the applicable executory contract or unexpired lease and such parties' counsel of record (if known) that will be assumed pursuant to the Plan, within the time periods specified in the Plan.

F. Approval of Rejection Notice.

21. The Debtors are authorized to distribute by first-class U.S. mail a Rejection Notice of any Executory Contracts or Unexpired Leases, substantially in the form attached hereto as **Exhibit 9**, to the applicable counterparties to Executory Contracts and Unexpired Leases at the notice address in the applicable executory contract or unexpired lease and such parties' counsel of record (if known) that will be rejected pursuant to the Plan, within the time periods specified in the Plan. If certain, but not all, of a contract counterparty's Executory Contracts and Unexpired Leases are assumed pursuant to the Plan, the Confirmation Order will be a determination that such counterparty's Executory Contracts and Unexpired Leases that are being rejected pursuant to the Plan are severable agreements that are not integrated with

those Executory Contracts and Unexpired Leases that are being assumed to the pursuant Plan. Parties seeking to contest this finding with respect to their Executory Contracts or Unexpired Leases must file a timely objection by the Plan and Disclosure Statement Objection Deadline on the grounds that their agreements are integrated and not severable.

IV. Approval of the Form of Notices to Non-Voting Classes and Opt-In Forms.

22. Except to the extent the Debtors determine otherwise, the Debtors are not required to provide the Solicitation Package to Holders of Claims and Interests in the Non-Voting Classes. Instead, on or before the Solicitation Mailing Deadline, the Claims, Noticing, and Solicitation Agent shall cause to be delivered by first class U.S. mail Notices of Non-Voting Status and Opt-In Forms in lieu of the Solicitation Package, the form of each of which attached hereto as **Exhibits 4A**, **4B**, or **4C**, respectively, is hereby approved, to those parties, outlined below, who are not entitled to vote on the Plan.

Class	Status	Treatment
Classes 1 and 2	Unimpaired—Conclusively Presumed to Accept	Will receive a Notice of Non-Voting Status and Opt-In Form, substantially in the form attached to this Order as Exhibit 4A in lieu of a Solicitation Package.
Classes 7 and 10	Impaired—Deemed to Reject	Will receive a Notice of Non-Voting Status and Opt-In Form, substantially in the form attached to this Order as Exhibit 4B in lieu of a Solicitation Package.
N/A	Disputed Claims	Holders of Claims that are subject to a pending objection by the Debtors are not entitled to vote the disputed portion of their Claim. As such, Holders of such Claims will receive a Notice of Non-Voting Status and Opt-In Form, substantially in the form attached to this Order as Exhibit 4C (which notice shall be served together with such objection).

23. The Debtors are authorized to accept Opt-In Forms via hard copy or electronically through the eBallot Portal. The encrypted audit trail created by such electronic submission shall become part of the

record of the Opt-In Forms submitted in this manner and the creditor's electronic signature will be deemed to be immediately legally valid and effective.

24. The Debtors are not required to distribute the Solicitation Package or other solicitation materials to the following: (a) Holders of Claims that have already been paid in full during these chapter 11 cases or that are authorized to be paid in full in the ordinary course of business pursuant to an order entered by this Court; (b) any party to whom a notice of the hearing regarding this Court's conditional approval of the Disclosure Statement was sent, but was subsequently returned as undeliverable; *provided* that the Debtors shall make a reasonable effort to locate or ascertain the correct mailing address for claimants from information generally available to the public and from the Debtors' own records, but, for the avoidance of doubt, the Debtors shall not be liable to such claimant for having not found a correct mailing address; or (c) Holders of Class 8 Intercompany Claims or Class 9 Intercompany Interests.

V. Miscellaneous.

25. The Debtors may make nonmaterial changes to the Disclosure Statement, Plan, Combined Hearing Notice, Solicitation Package, Notices of Non-Voting Status, Opt-In Forms, Opt-Out Forms, Ballots, Publication Notice, Cover Letter, Solicitation and Voting Procedures, Plan Supplement Notice, Assumption Notice, Rejection Notice, and related documents after the entry of this Order without further order of this Court, including changes to correct typographical and grammatical errors, if any, and to make conforming changes to the Disclosure Statement, the Plan, and any other materials in the Solicitation Package before distribution.

26. The Debtors reserve the right to modify the Plan in accordance with the terms thereof, including the right to withdraw the Plan as to an individual Debtor at any time before the Combined Hearing.

27. Notwithstanding the relief granted in this Order and any actions taken pursuant to such relief (including any payment made in accordance with this Order), nothing in this Order is intended as or shall be construed or deemed to be: (a) an implication or admission as to the amount of, basis for, or validity of any particular claim against the Debtors under the Bankruptcy Code or other applicable non-bankruptcy

law; (b) a waiver of the Debtors' or any other party in interest's rights to dispute any particular claim on any grounds; (c) a promise or requirement to pay any particular claim; (d) an implication, admission, or finding that any particular claim is an administrative expense claim, other priority claim, or otherwise of a type specified or defined in this Order or any order granting the relief requested by the Motion; (e) a request or authorization to assume, adopt, or reject any agreement, contract, or lease pursuant to section 365 of the Bankruptcy Code or otherwise affect the Debtors' rights under section 365 of the Bankruptcy Code to assume or reject any executory contract or unexpired lease; (f) an admission as to the validity, priority, enforceability, or perfection of any lien on, security interest in, or other encumbrance on property of the Debtors' estates; (g) a waiver or limitation of the Debtors' or any other party in interest's claims, causes of action, or other rights under the Bankruptcy Code or any other applicable law; or (h) a waiver of the obligation of any party in interest to file a proof of claim.

28. All time periods set forth in this Order shall be calculated in accordance with Bankruptcy Rule 9006(a).

29. Notice of the Motion as provided therein shall be deemed good and sufficient notice of the Motion, and the requirements of the Bankruptcy Rules and the Local Rules are satisfied by such notice.

30. The Debtors are authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion.

31. This Court retains jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

Dated: June 23rd, 2026
Wilmington, Delaware

Ka B. Ow.

KAREN B. OWENS
CHIEF JUDGE

Exhibit 2

Solicitation and Voting Procedures

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:	)	Chapter 11
WEST MARINE, INC., *et al.*,[1]	)	Case No. 26-10794 (KBO)
Debtors.	)	(Jointly Administered)

SOLICITATION AND VOTING PROCEDURES

PLEASE TAKE NOTICE THAT on June 23, 2026, the United States Bankruptcy Court for the District of Delaware (the "Court") entered an order [Docket No. 284] (the "Conditional Disclosure Statement Order"): (a) authorizing the above-captioned debtors and debtors in possession (collectively, the "Debtors") to solicit votes on the *Amended Joint Plan of Reorganization of West Marine, Inc. and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code* [Docket No. 278] (as modified, amended, or supplemented from time to time, the "Plan");[2] (b) conditionally approving the *Disclosure Statement for the Amended Joint Plan of Reorganization of West Marine, Inc. and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code* [Docket No. 280] (as modified, amended, or supplemented from time to time, the "Disclosure Statement") as containing "adequate information" pursuant to section 1125 of the Bankruptcy Code; (c) approving the solicitation materials and documents to be included in the Solicitation Package; (d) approving procedures for soliciting, receiving, and tabulating votes on the Plan and for filing objections to the Plan; and (e) granting related relief.

A. The Voting Record Date.

The Court has established **June 22, 2026**, as the record date for purposes of determining which Holders of Claims in Class 3 (Prepetition ABL Claims), Class 4 (Prepetition FILO Claims), Class 5 (Term Loan Claims), and Class 6 (General Unsecured Claims) (collectively, the "Voting Classes") are entitled to vote on the Plan (the "Voting Record Date").

To accommodate the Debtors' claims bar date of **July 13, 2026, at 11:59 p.m., prevailing Eastern Time** (the "General Claims Bar Date"), the Voting Record Date applicable to any creditor who holds a claim that is subject to the Debtors' General Claims Bar Date and who files a Proof of Claim after the Voting Record Date (*i.e.*, June 22, 2026), but on or before the General Claims Bar Date, shall be the date that such Proof of Claim is filed (any such date, a "Supplemental Voting Record Date"). A creditor that files a Proof of Claim by a Supplemental Voting Record Date shall receive a Solicitation Package as soon

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[2] Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Plan, Disclosure Statement, the Conditional Disclosure Statement Order, or Motion as applicable.

as reasonably practicable thereafter and shall be entitled to vote to accept or reject prior to the Voting Deadline (as defined below).

B. The Voting Deadline.

The Court has established **July 31, 2026, at 4:00 p.m., prevailing Eastern Time**, as the voting deadline (the "Voting Deadline") for the Plan. The Debtors may extend the Voting Deadline without further order of the Court. To be counted as votes to accept or reject the Plan, all ballots (collectively, the "Ballots") must be properly executed, completed, and delivered pursuant to the instructions provided on or with such Ballot.

C. Form, Content, and Manner of Notices.

1. The Solicitation Package.

The following materials shall constitute the solicitation package (the "Solicitation Package") to be distributed to the Voting Classes:

a. the Conditional Disclosure Statement Order (without exhibits, except for these Solicitation and Voting Procedures);

b. the applicable Ballot, with applicable voting instructions, attached as Exhibits 3A, 3B, 3C, or 3D to the Conditional Disclosure Statement Order, as determined by the Class of each Holder of Claims being solicited;

c. the Cover Letter, which includes instructions to obtain access, free of charge, to the Plan and Disclosure Statement and the Conditional Disclosure Statement Order (without exhibits, except for these Solicitation and Voting Procedures) and urges the Holders of Claims in each of the Voting Classes to vote to accept the Plan, substantially in the form attached as Exhibit 5 to the Conditional Disclosure Statement Order;

d. the notice of hearing to be held by the court to consider final approval of the Disclosure Statement and confirmation of the Plan, substantially in the form attached as Exhibit 6 to the Conditional Disclosure Statement Order (the "Combined Hearing" and, the notice thereof, the "Combined Hearing Notice");

e. a pre-addressed, postage prepaid reply envelope; and

f. such other materials as the Court may direct.

2. Distribution of the Solicitation Package.

The Debtors shall distribute the Solicitation Package by first-class U.S. mail to those Holders of Claims in the Voting Classes on or before June 30, 2026. In addition, these Solicitation and Voting Procedures, the Disclosure Statement, the Plan, and the Conditional Disclosure Statement Order shall be made available on the Debtors' restructuring website at https://www.veritaglobal.net/westmarine. Any party that would prefer to receive materials in paper format may contact Kurtzman Carson Consultants, LLC dba Verita Global, the claims, noticing, and solicitation agent retained by the Debtors in these chapter 11 cases (the "Claims, Noticing, and Solicitation Agent") by: (a) writing to West Marine Ballot Processing Center, c/o KCC dba Verita, 222 N. Pacific Coast Highway, Suite 300, El Segundo, CA 90245;

(b) online inquiry at https://www.veritaglobal.net/westmarine/inquiry; or (c) calling the Debtors' restructuring hotline at (866) 967-1786 (U.S./Canada, toll-free) or +1 (310) 751-2686 (International, toll).

The Debtors shall provide (a) the complete Solicitation Package (excluding the Ballots) to the U.S. Trustee (for the avoidance of doubt, the Debtors may serve the U.S. Trustee via email) and (b) the Conditional Disclosure Statement Order and the Combined Hearing Notice to any party that has requested notice pursuant to Bankruptcy Rule 2002 and Local Rule 2002-1 as of the Voting Record Date. The Debtors will not distribute the Solicitation Package or other solicitation materials to: (a) Holders of Claims that have already been paid in full during the Debtors' chapter 11 cases or that are authorized to be paid in full in the ordinary course of business pursuant to an order entered by the Court; (b) any party to whom a notice of the hearing regarding the Court's conditional approval of the Disclosure Statement was sent, but was subsequently returned as undeliverable; or (c) Holders of Class 8 Intercompany Claims and Class 9 Intercompany Interests. The Debtors are not proposing to solicit votes from Holders of certain Intercompany Claims and Intercompany Interests because such classes are either unimpaired, and conclusively presumed to accept the Plan or impaired, and conclusively deemed to reject the Plan.

For purposes of serving the Solicitation Package, the Debtors may rely on the address information for the Voting Classes as compiled, updated, and maintained by the Claims, Noticing, and Solicitation Agent as of the Voting Record Date. The Debtors and the Claims, Noticing, and Solicitation Agent are not required to conduct any additional research for updated addresses based on any undeliverable Solicitation Package (including any Ballot); *provided*, *however* that the Debtors shall make a reasonable effort to locate or ascertain the correct mailing address for claimants from information generally available to the public and from the Debtors' own records, but shall not be liable to such claimant for having not found a correct mailing address.

To avoid duplication and reduce expenses, the Debtors will use commercially reasonable efforts to ensure that each Holder of a Claim entitled to vote on the Plan receives no more than one Solicitation Package (and, therefore, one Ballot per Class) and is only entitled to submit one Ballot on account of such Holder's Claim in a particular Class.

3. Resolution of Disputed Claims for Voting Purposes; Resolution Event.

a. The Debtors shall have until **July 17, 2026, at 4:00 p.m., prevailing Eastern Time** to object to Proofs of Claims for purposes of voting on the Plan (the "Voting Claims Objection Deadline"). Any such objection that remains pending as of the date of the Combined Hearing will be heard on an emergency basis at the Combined Hearing. The Ballot submitted by any Holder of a Claim that is subject to an objection for voting purposes shall not be counted for voting purposes (except as otherwise provided herein), but such creditor shall nonetheless receive a Ballot.

b. Absent a further order of the Court, the Holder of a Claim in a Voting Class that is the subject of a pending objection on a "reduce and allow" basis shall be entitled to vote such Claim in the reduced amount contained in such objection.

c. If a Claim in a Voting Class is subject to an objection other than a "reduce and allow" objection that is filed with the Court on or prior to the Voting Deadline: (i) the Debtors shall cause the applicable Holder to be served with a *Notice of Non-Voting Status and Opt-In Form Regarding Releases to Holders of Disputed Claims*, substantially in the form attached as Exhibit 4C to the Conditional Disclosure Statement Order; and (ii) the Ballot submitted by such Holder shall not be counted unless a Resolution Event (as defined herein) occurs as provided herein.

d. A "Resolution Event" means the occurrence of one or more of the following events no later than two (2) days prior to the Voting Deadline:

i. an order of the Court is entered allowing such Claim pursuant to section 502(b) of the Bankruptcy Code, after notice and a hearing;

ii. an order of the Court is entered temporarily allowing such Claim for voting purposes only pursuant to Bankruptcy Rule 3018(a), after notice and a hearing;

iii. a stipulation or other agreement is executed between the Holder and the Debtors (a) resolving the objection and allowing such Claim in an agreed upon amount or (b) agreeing upon an amount in which the Holder of such Claim may vote; or

iv. the pending objection is voluntarily withdrawn by the objecting party.

e. To the extent an applicable Claim is in a Voting Class, no later than one (1) Business Day following the occurrence of a Resolution Event, or as soon as reasonably practicable thereafter, the Debtors shall cause the Claims, Noticing, and Solicitation Agent to distribute via email, hand delivery, or overnight courier service a Solicitation Package and a pre-addressed, postage pre-paid envelope to the relevant Holder to the extent such Holder has not already received a Solicitation Package.

f. Holders of a Claim in a Voting Class subject to an objection that wish to file a motion pursuant to Bankruptcy Rule 3018(a)(4) must do so on or before **July 24, 2026, at 4:00 p.m., prevailing Eastern Time**.

4. Non-Voting Status Notices for Unimpaired Classes, Impaired Classes, and Disputed Classes.

Certain (i) Holders of Claims that are Unimpaired under the Plan and who are, pursuant to section 1126(f) of the Bankruptcy Code, conclusively presumed to accept the Plan, (ii) Holders of Claims that are Impaired under the Plan and who are, pursuant to section 1126(g) of the Bankruptcy Code, deemed to reject the Plan, and (iii) Holders of Claims that are subject to pending objection by the Debtors and who are not entitled to vote the disputed portion of such Claim will receive the applicable *Notice of Non-Voting Status*, substantially in the form annexed as Exhibits 4A, 4B, or 4C to the Conditional Disclosure Statement Order, as applicable. Such notice will instruct these Holders as to how they may obtain copies of the documents contained in the Solicitation Package (excluding Ballots). Such notice will also include a form by which all Holders of Claims can elect to either opt in to or opt out of the Third-Party Release included in the Plan, as applicable. The Holders of Claims may affirmatively opt in or opt out, as applicable, by completing and returning the applicable form (the paper version or electronically via the eBallot Portal) on or before **July 31, 2026, at 4:00 p.m., prevailing Eastern Time.**

5. Notices Regarding Executory Contracts and Unexpired Leases Assumed, Assumed and Assigned, or Rejected, Under the Plan.

Counterparties to Executory Contracts or Unexpired Leases that receive an Assumption Notice or a Rejection Notice, substantially in the forms attached as Exhibit 8 and Exhibit 9 to the Conditional Disclosure Statement Order, respectively, may file an objection to the Debtors' proposed assumption, assumption and assignment, rejection, and/or cure amount, each under the Plan, as applicable. Any objection by a counterparty to an Executory Contract or Unexpired Lease in connection with a proposed assumption, assumption and assignment, rejection, or related cure amount (in each case, under the Plan)

must be filed by the later of (i) the Plan and Disclosure Statement Objection Deadline and (ii) fourteen (14) days after actual receipt of the Assumption Notice or Rejection Notice, as applicable; *provided* that if the Debtors modify the Schedule of Assumed Executory Contracts and Unexpired Leases or the Schedule of Rejected Executory Contracts and Unexpired Leases, as applicable, any party affected by such modification shall have fourteen (14) days from the date of their receipt of such notice of modification to file an objection thereto.

For the avoidance of doubt, the objection deadline(s) as to any proposed assumption, assumption and assignment, or rejection of an Executory Contract or Unexpired Lease outside of the Plan (including as to related cure amounts) shall be as set forth in the Court order(s) applicable to such proposed assumption, assumption and assignment, or rejection, as the case may be.

D. Voting and Tabulation Procedures.

1. Holders of Claims Entitled to Vote.

Only the following Holders of Claims in the Voting Classes shall be entitled to vote with regard to such Claims:

a. Unless otherwise provided, Holders of Claims who on or before the Voting Record Date, have filed a Proof of Claim that (i) has not been expunged, disallowed, disqualified, withdrawn, or superseded prior to the Voting Record Date and/or (ii) is not the subject of a pending objection, other than a "reduce and allow" objection, filed with the Court prior to the Voting Deadline, pending a Resolution Event as provided herein; *provided* that a Holder of a Claim that is the subject of a pending objection on a "reduce and allow" basis shall receive a Solicitation Package and be entitled to vote such Claim in the reduced amount contained in such objection;

b. Holders of Claims who have timely filed a Proof of Claim after the Voting Record Date but on or prior to a Supplemental Voting Record Date that (i) has not been expunged, disallowed, disqualified, withdrawn, or superseded prior to the Voting Deadline, and (ii) is not the subject of a pending objection, other than a "reduce and allow" objection, filed with the Court prior to the Voting Deadline, pending a Resolution Event as provided herein; *provided* that a Holder of a Claim that is the subject of a pending objection on a "reduce and allow" basis shall receive a Solicitation Package and be entitled to vote such Claim in the reduced amount contained in such objection;

c. Holders of Claims that are listed in the Schedules;[3] *provided* that Claims that are scheduled as contingent, unliquidated, or disputed (excluding such scheduled contingent, unliquidated, or disputed Claims that have been paid or superseded by a timely Filed Proof of Claim prior to the Voting Record Date) shall be disallowed for voting purposes (unless the General Claims Bar Date has not yet expired, in which case such scheduled claims would be allowed to vote in the amount of $1.00); *provided*, *further*, that if a Holder of a Claim scheduled as contingent, unliquidated, or disputed timely submits a Ballot that would be allowed to vote in the amount of $1.00 and subsequently files a Proof of Claim providing a liquidated amount of the Claim prior to the Voting Deadline and such Proof of

[3] The "Schedules" shall mean the schedules of assets and liabilities and statements of financial affairs filed by the Debtors on the jointly administered docket for the Debtors' chapter 11 cases.

Claim is not objected to, such Claim will be allowed to vote in the liquidated amount provided in such Proof of Claim;

d. Holders of Claims that are deemed allowed in accordance with the Plan; *provided* that such Claims will be temporarily allowed for voting purposes in the deemed allowed amount set forth in the Plan;

e. Holders of Claims that arise (i) pursuant to an agreement or settlement with the Debtors, as reflected in a document filed with the Court, (ii) in an order entered by the Court, or (iii) in a document executed by the Debtors pursuant to authority granted by the Court, in each case regardless of whether a Proof of Claim has been filed;

f. Holders of Disputed Claims that have been temporarily allowed to vote on the Plan pursuant to Bankruptcy Rule 3018; and

g. The assignee of any Claim that was transferred on or before the Voting Record Date by any Entity described in subparagraphs (a) through (f) above; *provided* that such transfer or assignment has been fully effectuated pursuant to the procedures set forth in Bankruptcy Rule 3001(e) and such transfer is reflected on the Claims Register on the Voting Record Date.

Notwithstanding anything to the contrary in the Disclosure Statement, the Plan, or the Conditional Disclosure Statement Order, the Debtors shall cause a Ballot to be served on all counterparties to Unexpired Leases, including previously rejected Unexpired Leases. Any such party shall be eligible to cast a provisional vote to accept or reject the Plan by the Voting Deadline on account of a Claim in an amount equal to the greater of (a) $1.00 and (b) the amount asserted in any Proof of Claim; provided, that the Debtors shall retain the right to object to the validity of such Claim and the amount asserted in any applicable Proof of Claim.

2. Establishing Claim Amounts for Voting Purposes.

Claims in Class 3 (Prepetition ABL Claims). For voting purposes, claim amounts for Claims in Class 3 (Prepetition ABL Claims) will be established by reference to all of the outstanding amounts of the applicable positions held by Holders of Class 3 Claims, as of the Voting Record Date, as evidenced by the applicable records (including any lender list or lender register) provided, or to be provided, by the Prepetition ABL Agent to the Debtors or the Claims, Noticing, and Solicitation Agent by no later than one (1) Business Day following the Voting Record Date.

Claims in Class 4 (Prepetition FILO Claims). For voting purposes, claim amounts for Claims in Class 4 (Prepetition FILO Claims) will be established by reference to all of the outstanding amounts of the applicable positions held by Holders of Class 4 Claims, as of the Voting Record Date, as evidenced by the applicable records (including any lender list or lender register) provided, or to be provided, by the Prepetition FILO Agent to the Debtors or the Claims, Noticing, and Solicitation Agent by no later than one (1) Business Day following the Voting Record Date.

Claims in Class 5 (Term Loan Claims). For voting purposes, claim amounts for Claims in Class 5 (Term Loan Claims) will be established by reference to all of the outstanding amounts of the applicable positions held by Holders of Class 5 Claims, as of the Voting Record Date, as evidenced by the applicable records (including any lender list or lender register) provided, or to be provided, by the Agent under the Term Loan Credit Agreement to the Debtors or the Claims, Noticing, and Solicitation Agent by no later than one (1) Business Day following the Voting Record Date.

Claims in Class 6 (General Unsecured Claims). For voting purposes, the claim amounts for Claims in Class 6 (General Unsecured Claims) will be established based on the amount of the applicable positions held by such Holder of General Unsecured Claims as of the Voting Record Date (or Supplemental Voting Record Date, as applicable), as evidenced by (a) the Schedules and (b) the Claims Register maintained in these chapter 11 cases.

Filed and Scheduled Claims. The Claim amount established herein shall control for voting purposes only and shall not constitute the Allowed amount of any Claim. Moreover, any amounts filled in on Ballots by the Debtors through the Claims, Noticing, and Solicitation Agent, as applicable, are not binding for purposes of allowance and distribution. In tabulating votes, the following hierarchy shall be used to determine the amount of the Claim associated with each claimant's vote:

a. the Claim amount (i) settled or agreed upon by the Debtors, as reflected in a document filed with the Court, (ii) set forth in an order of the Court, or (iii) set forth in a document executed by the Debtors pursuant to authority granted by the Court;

b. the Claim amount Allowed (temporarily or otherwise) pursuant to a Resolution Event under Section C.3 of these Solicitation and Voting Procedures;

c. the Claim amount contained in a Proof of Claim that has been timely filed by the General Claims Bar Date (or deemed timely filed by the Court under applicable law), except for any amounts asserted on account of any interest accrued after the Petition Date; *provided*, *however*, that any Ballot cast by a Holder of a Claim who timely files a Proof of Claim prior to the Voting Deadline in respect of (i) a contingent Claim or a Claim in a wholly-unliquidated or unknown amount (based on a reasonable review by the Debtors or the Claims, Noticing, and Solicitation Agent) that is not the subject of an objection will count toward satisfying the numerosity requirement of section 1126(c) of the Bankruptcy Code and will count as a Ballot for a Claim in the amount of $1.00 solely for the purposes of satisfying the dollar amount provisions of section 1126(c) of the Bankruptcy Code, and (ii) a partially liquidated and partially unliquidated Claim, such Claim will be Allowed for voting purposes only in the liquidated amount; *provided further, however*, that to the extent the Claim amount contained in the Proof of Claim is different from the Claim amount set forth in a document filed with the Court as referenced in subparagraph (a) above, the Claim amount in the document filed with the Court shall supersede the Claim amount set forth on the respective Proof of Claim for voting purposes;

d. the Claim amount listed in the Schedules (to the extent such Claim is not superseded by a timely filed Proof of Claim); *provided* that such Claim is not scheduled for $0.00, or as contingent, disputed, or unliquidated or has not been paid; *provided*, *further*, that if the applicable General Claims Bar Date has not expired prior to the Voting Record Date, a Claim listed in the Schedules for $0.00, or as contingent, disputed, or unliquidated, shall vote at $1.00;

e. notwithstanding anything to the contrary contained herein, any creditor who has filed or purchased duplicate Claims within the same Voting Class shall, to the extent possible, be provided with only one Solicitation Package and one Ballot for voting a single Claim in such Class regardless of whether the Debtors have objected to such duplicate Claims; and

f. in the absence of any of the foregoing, such Claim shall be disallowed for voting purposes.

If a Proof of Claim is amended, the last filed Claim shall be subject to these rules and will supersede the earlier filed Claim and any earlier filed Claim will be disallowed for voting purposes.

3. Voting and Ballot Tabulation Procedures.

The following voting procedures and standard assumptions shall be used in tabulating Ballots, subject to the Debtors' right to waive any of the below specified requirements for completion and submission of Ballots so long as such requirement is not otherwise required by the Bankruptcy Code, Bankruptcy Rules, or Local Rules, *provided* that the Debtors will consult with the Committee regarding any waiver of the below requirements with respect to accepting late ballots submitted by Holders of General Unsecured Claims:

a. Except as otherwise provided in the Solicitation and Voting Procedures, unless the Ballot being furnished is timely submitted on or prior to the Voting Deadline (as the same may be extended by the Debtors), the Debtors, in their sole discretion, shall be entitled to reject such Ballot as invalid and, therefore, not count it in connection with confirmation of the Plan.

b. The Claims, Noticing, and Solicitation Agent will date stamp all Ballots when received.

c. The Debtors will file with the Court, by no later than three (3) Business Days before the Combined Hearing a voting report (the "Voting Report"). The Voting Report shall, among other things, delineate every Ballot that does not conform to the voting instructions or that contains any form of irregularity including, but not limited to, those Ballots that are late or (in whole or in material part) illegible, unidentifiable, lacking signatures, or lacking necessary information, received via facsimile, or damaged (in each case, an "Irregular Ballot"). As to each Irregular Ballot, the Voting Report shall (i) indicate the Debtors' intentions or action with respect thereto; and (ii) in the case of any rejected Irregular Ballot, whether the Claims, Noticing, and Solicitation Agent later received a valid Ballot for the corresponding Claim.

d. The Voting Report shall identify any creditor in a Voting Class as to whom a Solicitation Package was returned as undeliverable, and anyone in a Voting Class to whom the Debtors did not send a Solicitation Package.[4]

e. The Voting Report shall identify all creditors who opt in to or opt out of, as applicable, the releases in the Plan.[5]

f. The Voting Report shall identify any extensions granted to any party with respect to their Ballot or Notice of Non-Voting Status.

g. The method of delivery of Ballots and/or Opt-In/Opt-Out Forms to be sent to the Claims, Noticing, and Solicitation Agent is at the election and risk of each Holder. Except as otherwise provided, a Ballot and/or Opt-In/Opt-Out Form will be deemed delivered only

[4] Subject to any orders of the Court permitting the Debtors to redact the names of Customers (as defined in the *Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Redact Certain Confidential Information of Customers and (B) Redact Certain Personally Identifiable Information of Individuals, (II) Authorizing Electronic Noticing Procedures, and (III) Granting Related Relief*) (the "Redaction and Electronic Noticing Motion") [Docket No. 10].

[5] Subject to any orders of the Court permitting the Debtors to redact certain names.

when the Claims, Noticing, and Solicitation Agent actually receives the properly executed Ballot and/or Opt-In/Opt-Out Form.

h. An executed Ballot and/or Opt-In/Opt-Out Form is required to be submitted by the Entity submitting such Ballot. Delivery of a Ballot and/or Opt-In/Opt-Out Form to the Claims, Noticing, and Solicitation Agent by facsimile, telecopy, electronic mail, or any electronic means other than the Claims, Noticing, and Solicitation Agent's eBallot Portal, as applicable, will not be valid.

i. No Ballot or Opt-In/Opt-Out Form should be sent to the Debtors, the Debtors' agents (other than the Claims, Noticing, and Solicitation Agent), or the Debtors' financial or legal advisors, and if so sent, will not be counted.

j. If multiple Ballots or Opt-In/Opt-Out Forms are received from the same Holder with respect to the same Claim prior to the Voting Deadline, the last properly executed Ballot or Opt-In/Opt-Out Form timely received will be deemed to reflect that voter's intent and will supersede and revoke any prior received Ballot or Opt-In/Opt-Out Form.

k. Holders must vote all of their Claims within a particular Class either to accept or reject the Plan and may not split any votes. Accordingly, a Ballot that partially rejects and partially accepts the Plan will not be counted. Further, to the extent there are multiple Claims within the same Class, the applicable Debtor may, in its discretion, aggregate the Claims of any particular Holder within a Class for the purpose of counting votes.

l. Holders of Claims that may be asserted against multiple Debtors must vote such Claims either to accept or reject the Plan at each such Debtor and may not vote any such Claim to accept at one Debtor and reject at another Debtor. Accordingly, a Ballot that rejects the Plan for a Claim at one Debtor and accepts the Plan for the same Claim at another Debtor will not be counted.

m. A person signing a Ballot in its capacity as a trustee, executor, administrator, guardian, attorney in fact, officer of a corporation, or otherwise acting in a fiduciary or representative capacity of a Holder of Claims must indicate such capacity when signing, and if so requested by the Debtors or the Claims, Noticing, and Solicitation Agent, must submit proper evidence satisfactory to the Debtors of its authority to so act.

n. The Debtors, subject to a contrary order of the Court, may waive any defects or irregularities as to any particular Irregular Ballot or Opt-In/Opt-Out Form, as applicable, at any time, either before or after the close of voting, and any such waivers will be documented in the Voting Report or a supplemental Voting Report, as applicable.

o. Neither the Debtors, nor any other Entity, will be under any duty to provide notification of defects or irregularities with respect to delivered Ballots or Opt-In/Opt-Out Forms other than as provided in the Voting Report, nor will any of them incur any liability for failure to provide such notification.

p. Unless waived or as ordered by the Court, any defects or irregularities in connection with deliveries of Ballots or Opt-In/Opt-Out Forms must be cured by the Holder of Claims prior to the Voting Deadline or such Ballots or Opt-In/Opt-Out Forms will not be counted.

q. In the event a designation of lack of good faith is requested by a party in interest under section 1126(e) of the Bankruptcy Code, the Court will determine whether any vote to accept and/or reject the Plan cast with respect to that Claim will be counted for purposes of determining whether the Plan has been accepted and/or rejected.

r. Subject to any order of the Court, the Debtors reserve the right to reject any and all Ballots not in proper form, the acceptance of which, in the opinion of the Debtors, would not be in accordance with the provisions of the Bankruptcy Code or the Bankruptcy Rules; *provided* that any such rejections will be documented in the Voting Report.

s. If a Claim has been estimated or a Claim has otherwise been Allowed only for voting purposes by order of the Court, such Claim shall be temporarily Allowed in the amount so estimated or Allowed by the Court for voting purposes only, and not for purposes of allowance or distribution.

t. If an objection to a Claim is filed, such Claim shall be treated in accordance with the procedures set forth herein.

u. The following Ballots shall not be counted in determining the acceptance or rejection of the Plan: (i) any Ballot that is illegible or contains insufficient information to permit the identification of the Holder of such Claim; (ii) any Ballot cast by any Entity that does not hold a Claim in a Voting Class; (iii) any Ballot cast for a Claim scheduled as contingent, unliquidated, or disputed for which no Proof of Claim was timely filed by the Voting Record Date (unless the General Claims Bar Date has not yet passed, in which case such Claim shall be entitled to vote in the amount of $1.00); (iv) any unsigned Ballot or Ballot lacking an original signature (for the avoidance of doubt, a Ballot cast via the eBallot Portal will be deemed to contain an original signature); (v) any Ballot not marked to accept or reject the Plan or marked both to accept and reject the Plan; and (vi) any Ballot submitted by any Entity not entitled to vote pursuant to the procedures described herein.

v. After the Voting Deadline, no Ballot may be withdrawn or modified without the entry of a Final Order pursuant to Bankruptcy Rule 3018(a); *provided* that such withdrawal or modification will be disclosed in the Voting Report.

w. The Debtors are authorized to enter into stipulations with the Holder of any Claim agreeing to the amount of a Claim for voting purposes.

x. Where any portion of a single Claim has been transferred to a transferee, all Holders of any portion of such single Claim will be (i) treated as a single creditor for purposes of the numerosity requirements in section 1126(c) of the Bankruptcy Code (and for the other voting and solicitation procedures set forth herein) and (ii) required to vote every portion of such Claim collectively to accept or reject the Plan. In the event that (a) a Ballot, (b) a group of Ballots within a Voting Class received from a single creditor, or (c) a group of Ballots received from the various Holders of multiple portions of a single Claim partially reject and partially accept the Plan, such Ballots shall not be counted.

y. For purposes of the numerosity requirement of section 1126(c) of the Bankruptcy Code, separate Claims held by a single creditor in a particular Class will be aggregated and treated as if such creditor held one Claim in such Class, and all votes related to such Claim will be treated as a single vote to accept or reject the Plan; *provided* that if separate affiliated entities hold Claims in a particular Class, these Claims will not be aggregated and will not

be treated as if such creditor held one Claim in such Class, and the vote of each affiliated entity will be counted separately as a vote to accept or reject the Plan.

E. Amendments to the Plan and Solicitation and Voting Procedures.

The Debtors reserve the right to make changes to the Disclosure Statement, Plan (including the Plan Supplement), Ballots, Combined Hearing Notice, Notices of Non-Voting Status, Cover Letter, and any related documents without further order of the Court, including, without limitation, changes to correct typographical and grammatical errors, if any, and to make conforming changes among the Disclosure Statement, the Plan, and any other materials in the Solicitation Package before its distribution; *provided* that all such modifications shall be made in accordance with the terms of the document being modified and the Plan.