

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK

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In re:

THE DIOCESE OF BUFFALO, N.Y.,

Debtor.

Case No. 20-10322 (CLB)

Chapter 11

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**NOTICE OF MOTION FOR ENTRY OF AN ORDER (I) APPROVING DISCLOSURE STATEMENT; (II) APPROVING SOLICITATION PACKAGES AND DISTRIBUTION PROCEDURES; (III) APPROVING THE FORMS OF BALLOTS AND ESTABLISHING PROCEDURES FOR VOTING ON JOINT PLAN; (IV) APPROVING THE FORM, MANNER, AND SCOPE OF CONFIRMATION NOTICES; (V) ESTABLISHING CERTAIN DEADLINES IN CONNECTION WITH APPROVAL OF THE DISCLOSURE STATEMENT AND CONFIRMATION OF THE JOINT AMENDED PLAN; AND (VI) GRANTING RELATED RELIEF**

**PLEASE TAKE NOTICE THAT**, on June 17, 2026, The Diocese of Buffalo, N.Y. (the “Diocese”), the Additional Debtors, and the Official Committee of Unsecured Creditors (the “Committee”) (collectively, the “Plan Proponents”) filed the *Disclosure Statement in Support of the Joint Chapter 11 Plan of Reorganization for The Diocese of Buffalo, N.Y. and the Additional Debtors* (together with all schedules and exhibits thereto, and as may be modified, amended, or supplemented from time to time, the “Disclosure Statement”) and the *Joint Chapter 11 Plan of Reorganization for The Diocese of Buffalo, N.Y. and the Additional Debtors* (together with all schedules and exhibits thereto, and as may be modified, amended, or supplemented from time to time, the “Joint Plan”).

**PLEASE TAKE NOTICE**, that on June 17, 2026, the Plan Proponents, by and through their undersigned counsel, moved the United States Bankruptcy Court for the Western District of New York (the “Court”) for entry of an order substantially in the form attached hereto as ***Exhibit A***: (i) approving the adequacy of the Disclosure Statement; (ii) approving solicitation packages and distribution procedures; (iii) approving the forms of ballots and establishing procedures for voting on the Joint Plan; (iv) approving the form, manner, and scope of confirmation notices; (v) establishing certain deadlines in connection with approval of the Disclosure Statement and confirmation of the Joint Plan; and (vi) granting related relief (the “Motion”).

**PLEASE TAKE FURTHER NOTICE**, that a hearing to consider the Motion and any objections related thereto will be held on **August 26, 2026 at 10:00 a.m. (prevailing Eastern time)**, or as soon thereafter as counsel may appear and be heard, before the Honorable Carl L. Bucki, Chief United States Bankruptcy Judge for the Western District of New York, or such other judge as may be sitting in his stead in the Robert H. Jackson U.S. Courthouse, 2 Niagara Square, Buffalo, New York 14202.

**PLEASE TAKE FURTHER NOTICE**, that parties may appear (i) in person at the Robert H. Jackson U.S. Courthouse, 2 Niagara Square, Buffalo, New York or (ii) telephonically (call in 1-571-353-2301, Courtroom ID 483077448#, and security pin 9999#).

**PLEASE TAKE FURTHER NOTICE**, that responses in opposition to the Motion, if any, must be electronically filed with the Court and served upon (i) counsel to the Diocese, Bond, Schoeneck & King, PLLC, One Lincoln Center, Syracuse, NY 13202, Attn: Stephen A. Donato, Charles J. Sullivan, Grayson T. Walter and Sara C. Temes, (ii) the Office of the United States Trustee for the Western District of New York, 300 Pearl Street, Suite 401, Buffalo, New York 14202, Attn: Joseph W. Allen, (iii) counsel to the Official Committee of Unsecured Creditors, Pachulski, Stang, Ziehl & Jones, LLP, 10100 Santa Monica Blvd., 13<sup>th</sup> Floor, Los Angeles, California, 90067-4003, Attn: James I. Stang, and 1700 Broadway, 36<sup>th</sup> floor, New York, New York 10019, Attn: Ilan Scharf, (iv) counsel for the Additional Debtors, Westerman Ball Ederer Miller Zucker & Sharfstein, LLP, 1201 RXR Plaza, Uniondale, New York 11556, Attn: William C. Heuer, and (v) those persons who have formally appeared and requested service in this case pursuant to Rule 2002 of the Federal Rules of Bankruptcy Procedure.

**PLEASE TAKE FURTHER NOTICE**, that a copy of the Motion, the Disclosure Statement and the Joint Plan may be obtained from the Clerk's Office, United States Bankruptcy Court for the Western District of New York, Buffalo Division, via the Court's electronic case management system at <https://ecf.nynb.uscourts.gov>, by visiting <https://case.stretto.com/diocesefofbuffalo/docket>, by calling 855.292.7696, or by written request to the Diocese's undersigned counsel.

Dated: June 17, 2026

BOND, SCHOENECK & KING, PLLC

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UNITED STATES BANKRUPTCY COURT  
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In re:

THE DIOCESE OF BUFFALO, N.Y.,

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**MOTION FOR ENTRY OF AN ORDER (I) APPROVING  
DISCLOSURE STATEMENT; (II) APPROVING SOLICITATION  
PACKAGES AND DISTRIBUTION PROCEDURES; (III) APPROVING  
THE FORMS OF BALLOTS AND ESTABLISHING PROCEDURES FOR  
VOTING ON JOINT PLAN; (IV) APPROVING THE FORM,  
MANNER, AND SCOPE OF CONFIRMATION NOTICES; (V) ESTABLISHING  
CERTAIN DEADLINES IN CONNECTION WITH APPROVAL OF THE  
DISCLOSURE STATEMENT AND CONFIRMATION OF THE JOINT  
AMENDED PLAN; AND (VI) GRANTING RELATED RELIEF**

The Diocese of Buffalo, N.Y. (the “Diocese”), the Additional Debtors, and the Official Committee of Unsecured Creditors (the “Committee”) (collectively, the “Plan Proponents”) hereby file this motion (this “Motion”) for entry of an order substantially in the form attached hereto as *Exhibit A* (the “Disclosure Statement Order”): (i) approving the adequacy of the *Disclosure Statement in Support of the Joint Chapter 11 Plan of Reorganization for The Diocese of Buffalo, N.Y. and the Additional Debtors* (together with all schedules and exhibits thereto, and as may be modified, amended, or supplemented from time to time, the “Disclosure Statement”); (ii) approving solicitation packages and distribution procedures; (iii) approving the forms of ballots and establishing procedures for voting on the *Joint Chapter 11 Plan of Reorganization for The Diocese of Buffalo, N.Y. and the Additional Debtors* (together with all schedules and exhibits thereto, and as may be modified, amended, or supplemented from time to time, the “Joint Plan”);<sup>1</sup>

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<sup>1</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Disclosure Statement, or the Joint Plan, as applicable.

(iv) approving the form, manner, and scope of confirmation notices; (v) establishing certain deadlines in connection with approval of the Disclosure Statement and confirmation of the Joint Plan; and (vi) granting related relief. In further support of the Motion, the Plan Proponents respectfully represent as follows:

### **JURISDICTION**

1. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334.
2. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).
3. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.
4. The statutory and rule-based predicates for the relief requested herein are sections 105, 502, 1125, 1126, and 1128 of title 11 of the United States Code (11 U.S.C. § 101, *et seq.*, the “Bankruptcy Code”) and Rules 2002, 3003, 3017, 3018, 3020, 9013, 9014, and 9021 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”).

### **BACKGROUND**

5. On February 28, 2020 (the “Petition Date”), the Diocese filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (11 U.S.C. § 101 *et seq.*, the “Bankruptcy Code”) with the United States Bankruptcy Court for the Western District of New York (the “Court”), commencing the Diocese’s chapter 11 case (this “Chapter 11 Case”). The Diocese continues to operate its business and manage its properties as a debtor-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

6. On March 12, 2020, the Office of the United States Trustee (the “UST”) filed a notice of the appointment of an official committee of unsecured creditors pursuant to section 1102 of the Bankruptcy Code [Docket No. 92] (the “Committee”). No other official committees have

been appointed or designated and, as of the date of this Motion, no trustee or examiner has been appointed in this Chapter 11 Case.

7. Information regarding the Diocese's history, business operations, operational structure, facts supporting this Motion and the events leading up to the Chapter 11 Case can be found in the *Affidavit of Rev. Peter J. Karalus Regarding Structure and Pre-Filing History of the Diocese of Buffalo and in Support of the Chapter 11 Petition and First Day Pleadings* [Docket No. 8], and the *Affidavit of Charles Mendolera Regarding the Diocese's Assets and Operations and in Support of the Chapter 11 Petition and First Day Pleadings* [Docket No. 7], each of which was filed on the Petition Date and is incorporated herein by reference.

#### **RELIEF REQUESTED**

8. By this Motion, the Plan Proponents seek entry of an order, substantially in the form attached as *Exhibit A* to this Motion (the "Disclosure Statement Order"), pursuant to sections 105, 502, 1125, 1126, and 1128 of the Bankruptcy Code and Bankruptcy Rules 2002, 3003, 3017, 3018, 3020, 9013, 9014, and 9021:

- (a) approving the Disclosure Statement as containing adequate information pursuant to Section 1125 of the Bankruptcy Code;
- (b) determining that the notice of the hearing on this Motion was adequate;
- (c) establishing the Voting Deadline (as defined herein) by which holders of Claims against the Diocese and the Additional Debtors may accept or reject the Joint Plan;
- (d) approving the form of Ballots (as defined herein) for Claims in Class 6 (Abuse Claims), in the form attached to the Disclosure Statement Order as *Exhibit 1*;
- (e) scheduling a date for a hearing to consider confirmation of the Joint Plan (the "Confirmation Hearing");

- (f) approving the form, manner, and scope of the notice of the Confirmation Hearing, including the notices attached to the Disclosure Statement Order as *Exhibit 3* (the “Confirmation Hearing Notice”) and *Exhibit 4* (the “Publication Notice”);
- (g) approving the form of notice to holders of unimpaired and impaired non-voting claims under the Joint Plan (the “Notice of Non-Voting Status”), attached as *Exhibit 2* to the Disclosure Statement Order; and
- (h) establishing the following dates and deadlines in connection with the foregoing, subject to modification as necessary:

Key Event	Proposed Date
Deadline to Object to the Disclosure Statement	[____], 2026
Voting Record Date	[____], 2026
Disclosure Statement Hearing	August [ ], 2026 at [____]
Solicitation Commencement Date	No later than seven (7) days after entry of Disclosure Statement Order
Voting Deadline	[____], 2026, at 5:00 p.m.
Confirmation Objection Deadline	No later than twenty-one (21) days prior to the Confirmation Hearing
Deadline for Plan Proponents to Reply to Confirmation Objections	No later than seven (7) days prior to the Confirmation Hearing
Confirmation Hearing	To be set by the Court

**BASIS FOR RELIEF**

**I. The Disclosure Statement Contains Adequate Information and Should be Approved**

9. Pursuant to section 1125 of the Bankruptcy Code, a disclosure statement must provide holders of impaired Claims with “adequate information” regarding a proposed chapter 11 plan. Section 1125(a)(1) of the Bankruptcy Code provides:

“[A]dequate information” means information of a kind, and in sufficient detail, as far as is reasonably practicable in light of the nature and history of the debtor and the condition of the debtor’s

books and records, including a discussion of the potential material Federal tax consequences of the plan to the debtor, any successor to the debtor, and a hypothetical investor typical of the holders of claims or interests in the case, that would enable such a hypothetical investor of the relevant class to make an informed judgment about the plan....

11 U.S.C. § 1125(a)(1). A disclosure statement, as a whole, must provide information that is “reasonably practicable” to permit an “informed judgment” by creditors and interests holders about whether to vote to accept or reject a plan of reorganization. *See In re Momentum Mfg. Corp.*, 25 F.3d 1132, 1136 (2d Cir. 1994); *see also Abel v. Shugrue (In re Ionosphere Clubs, Inc.)*, 179 B.R. 24, 29 (S.D.N.Y. 1995).

10. The Bankruptcy Court has wide discretion in determining the adequacy of the information contained in a disclosure statement. *See Kirk v. Texaco, Inc.*, 82 B.R. 678, 682 (S.D.N.Y. 1988) (“[t]he legislative history could hardly be more clear in granting broad discretion to bankruptcy judges under § 1125(a): ‘Precisely what constitutes adequate information in any particular instance will develop on a case-by-case basis. Courts will take a practical approach as to what is necessary under the circumstances of each case . . . .’”) (quoting H.R. REP. No. 595, at 408-09 (1977)).

11. This grant of discretion was intended to permit courts to tailor the disclosures made in connection with a plan to facilitate the effective reorganization of debtors in a broad range of businesses and circumstances. *See H.R. REP. No. 595*, at 408-09 (1977) (“In reorganization cases, there is frequently great uncertainty. Therefore, the need for flexibility is greatest.”); *see also Kirk v. Texaco, Inc.*, 82 B.R. at 682. Accordingly, the determination of whether a disclosure statement contains adequate information is to be made on a case-by-case basis, focusing on the unique facts and circumstances of each case. *See In re Worldcom, Inc.*, 2003 WL 21498904, at \*10 (S.D.N.Y. June 30, 2003) (“The determination of what is adequate information is subjective and made on a

case by case basis. This determination is largely within the discretion of the bankruptcy court.”); *In re Phoenix Petroleum Co.*, 278 B.R. 385, 393 (Bankr. E.D. Pa. 2001).

12. In this case, the Disclosure Statement contains sufficient information necessary for holders of Claims entitled to vote on the Joint Plan to make an informed decision about whether to vote to accept or reject the Joint Plan, including, among other things:

- (a) a description of the Diocese’s not-for-profit religious organization, including revenue, assets and its need for reorganization;
- (b) key events leading to the commencement of the Chapter 11 Case, including a description of the Abuse Claims asserted against the Diocese;
- (c) significant events that occurred during the Chapter 11 Case;
- (d) a summary of the key provisions of the Joint Plan, including a description of the release, injunction, and exculpation provisions contained in the Joint Plan;
- (e) an overview of the Trust;
- (f) a liquidation analysis;
- (g) a summary of solicitation and voting procedures;
- (h) risk factors to be considered regarding confirmation of the Joint Plan;
- (i) a description of confirmation procedures, requirements for confirmation of the Joint Plan, and alternatives to confirmation and consummation of the Joint Plan;
- (j) projected financial performance of the Reorganized Diocese, assuming confirmation of the Joint Plan; and
- (k) tax consequences of the Joint Plan.

13. In light of the foregoing, the Diocese respectfully submits that the Disclosure Statement contains sufficient information for holders of Claims entitled to vote on the Joint Plan to make an informed judgment regarding whether to vote to accept or reject the Joint Plan. Accordingly, the Diocese submits that the Disclosure Statement contains adequate information

within the meaning of section 1125 of the Bankruptcy Code and respectfully requests that the Court approve the Disclosure Statement.

## **II. Voting Record Date, Solicitation Packages and Distribution Procedures**

### **A. Voting Record Date**

14. Bankruptcy Rule 3017(d) provides that a copy of the plan, disclosure statement, and notice of the deadline for voting on the plan must be provided to all creditors. It further provides that, for purposes of the rule, “creditors and equity security holders shall include holders of stocks, bonds, debentures, notes and other securities of record on the date the order approving the disclosure statement is entered or another date fixed by the court, for cause, after notice and a hearing.” Fed. R. Bankr. P. 3017(d). Bankruptcy Rule 3018(a) contains a similar provision regarding determination of the record date for voting. *See* Fed. R. Bankr. P. 3018(a) (“[A]n equity security holder or creditor whose claim is based on a security of record shall not be entitled to accept or reject a plan unless the equity security holder or creditor is the holder of record of the security on the date the order approving the disclosure statement is entered or on another date fixed by the court, for cause, after notice and a hearing....”).

15. The Diocese proposes this Court designate the Solicitation Commencement Date as record date for purposes of determining (a) upon whom service must be made following approval of the Disclosure Statement and (b) which holders of Claims are entitled to vote on the Joint Plan (the “Voting Record Date”). The proposed Voting Record Date is appropriate because only holders of Abuse Claims (as defined in the Joint Plan) are entitled to vote on the Joint Plan and the deadlines to file claims against the Diocese have long since passed. As such, it is unlikely that a creditor that did not file a claim by the Voting Record Date will have a right to vote on the Joint Plan.

16. The Diocese further proposes that holders of Class 6 Claims, as of the Voting Record Date, and as determined by the Diocese's books and records and the claims register maintained by Stretto as the Diocese's claims agent, shall be holders of record, and as such, shall be entitled to vote on the Joint Plan, and that holders of all other Claims against the Diocese shall only be entitled to receive the Confirmation Hearing Notice and Notice of Non-Voting Status, regardless of the date on which the Disclosure Statement Order is actually entered. The Voting Record Date shall have no effect regarding any creditor's right to, or the amount of, any distribution under the Joint Plan.

17. The Diocese believes that the Voting Record Date is an appropriate date, in light of the facts and circumstances of this Chapter 11 Case, to facilitate the determination of which creditors are entitled to vote on the Joint Plan or, in the case of non-voting classes of creditors, to receive the Notice of Non-Voting Status.

**B. Solicitation Packages and Distribution Procedures**

18. In connection with solicitation of the Joint Plan, the Plan Proponents propose Diocese proposes to implement the Solicitation Procedures summarized below.

19. Bankruptcy Rule 3017(d) sets forth the materials that must be provided to holders of claims and equity interests for the purpose of soliciting their votes and providing adequate notice of the hearing on confirmation of a plan:

Upon approval of a disclosure statement, – except to the extent that the court orders otherwise with respect to one or more unimpaired classes of creditors or equity security holders – the debtor in possession, trustee, proponent of the plan, or clerk as the court orders, shall mail to all creditors and equity security holders, and in a chapter 11 reorganization case shall transmit to the United States trustee,

- (1) the plan or a court-approved summary of the plan;
- (2) the disclosure statement approved by the court;

- (3) notice of the time within which acceptances and rejections of such plan may be filed; and
- (4) any other information as the court may direct, including any court opinion approving the disclosure statement or a court approved summary of the opinion

In addition, notice of the time fixed for filing objections and the hearing on confirmation shall be mailed to all creditors and equity security holders in accordance with Rule 2002(b), and a form of ballot conforming to the appropriate Official Form shall be mailed to creditors and equity security holders entitled to vote on the plan....

Fed. R. Bankr. P. 3017(d).

20. Within seven (7) days after the Court enters the Disclosure Statement Order (the “Solicitation Commencement Date”), the Plan Proponents propose to serve (pursuant to the distribution procedures set forth below) solicitation packages (the “Solicitation Packages”) upon all holders of Class 6 Claims. The Diocese also proposes to serve holders of all other Claims against the Diocese with a copy of the Notice of Non-Voting Status and the Confirmation Hearing Notice no later than the Solicitation Commencement Date.

21. The Diocese requests that Stretto be permitted to distribute Ballots, the Notice of Non-Voting Status, and the Confirmation Hearing Notice in paper format, and because the Joint Plan and Disclosure Statement may be cumbersome and costly to print and mail, retain the ability to distribute the remainder of the Solicitation Package via USB flash drive, at its discretion, if doing so will translate into monetary savings and/or reduce production time.

22. For ease of reference, the Plan Proponents submit the below chart detailing which classes may and may not vote to accept or reject the Joint Plan:

<b>Class</b>	<b>Designation</b>	<b>Impaired</b>	<b>Entitled to Vote</b>
N/A	Administrative Claims	No	Deemed to Accept
N/A	Priority Tax Claims	No	Deemed to Accept
N/A	Non-Tax Priority Claims	No	Deemed to Accept
N/A	Professional Fee Claims	No	Deemed to Accept
N/A	U.S. Trustee Fee Claims	No	Does Not Vote
1	Secured Claim of Bank of America	No	Deemed to Accept
2	Secured Claim of M&T Bank	No	Deemed to Accept
3	Secured Claim of National Fuel	No	Deemed to Accept
4	Pass-Through Claims (against the Diocese)	No	Deemed to Accept
5	General Unsecured Claims (against the Diocese)	No	Deemed to Accept
6	Abuse Claims (against the Diocese and Additional Debtors)	Yes	Entitled to Vote
7	Inbound Contribution Claims	Yes	Deemed to Reject
8	Ride Through Claims (against the Additional Debtors)	No	Deemed to Accept

23. Solicitation Packages distributed to creditors holding Claims in the Voting Classes will contain a copy of: (i) the Disclosure Statement Order (excluding exhibits); (ii) the appropriate ballot to accept or reject the Joint Plan, substantially in the form annexed to the Solicitation Order as *Exhibit 1* (the “Ballot”) with detailed voting instructions and a pre-addressed, postage prepaid return envelope; (iii) the Disclosure Statement and Joint Plan; (iv) a copy of the Confirmation Hearing Notice; and (v) such other material as the Court may direct. All persons who filed a proof of claim asserting an Abuse Claim against the Diocese, an Additional Debtor, or a Contributing Non-Debtor entity shall receive a Solicitation Package containing a Ballot for voting on the Joint Plan, regardless of the contingent, unliquidated, and disputed nature of such claim, or any pending objections to their Claims. For the avoidance of doubt, Persons appearing on the Diocese’s Schedule F as having contingent, unliquidated or disputed Abuse Claims, and who did not file a proof of claim in accordance with the Bar Date Order (as defined in the Joint Plan) entered in the Diocese’s Chapter 11 Case or, with respect to Claims filed against the Additional Debtors, the

Case Management Order, shall not receive a Solicitation Package or Ballot unless they submit a request for such materials in writing to the Diocese's counsel.

24. The Diocese proposes that, consistent with sections 1126(f) and (g) of the Bankruptcy Code and Bankruptcy Rule 3017(d), the holders of Claims in Classes other than Class 6 (the "Non-Voting Classes") need not be provided with a Ballot, or copies of the Disclosure Statement, Joint Plan, and Disclosure Statement Order, and will be entitled to receive only a copy of the Confirmation Hearing Notice and the Notice of Non-Voting Status.

25. All Solicitation Packages for holders of Abuse Claims shall be served via the noticing address included on their proof of claim and/or on the Confidential Sexual Abuse Claim Supplement Form approved by the Bar Date Order, if any, based on the information reflected on Stretto's claims register as of the Voting Record Date. For the avoidance of doubt, if such noticing address is the address of the Abuse Claimant's attorney, the Abuse Claimant will be served Solicitation Packages through such attorney unless such Abuse Claimant or attorney has notified the Diocese or Stretto that the representation has terminated. To avoid duplication and reduce expenses, the Plan Proponents propose to serve attorneys who represent more than one Class 6 Abuse Claimant with only one copy of the Solicitation Package (except that the Diocese will provide separate Ballots for each Class 6 Claimant as set forth herein).

26. Holders of Abuse Claims that are not represented by counsel, or who have notified the Diocese or Stretto that the representation has terminated will be provided direct notice. The Diocese respectfully submits that such service comports with the Bankruptcy Code and Bankruptcy Rules.

27. Notwithstanding the foregoing, any holder of a Claim against the Diocese, or an Abuse Claim against any Participating Party, may obtain free of charge, a paper copy of the

documents otherwise provided by (a) calling the Diocese's toll-free restructuring hotline at 855.292.7696 (Toll-Free), or (b) e-mailing TeamBuffaloDiocese@stretto.com.

28. The Diocese has made, and will make, every effort to ensure that the Solicitation Packages and other notices described herein are in final form prior to the Solicitation Commencement Date. However, the Plan Proponents request that it be authorized to make non-substantive changes to the Disclosure Statement, the Joint Plan, and related documents without further order of the Court, including ministerial changes to correct typographical and grammatical errors, and to make conforming changes among the Disclosure Statement, the Joint Plan, and any other materials in the Solicitation Packages, prior to mailing. The Diocese will only make such changes with consent of the Committee.

29. The Diocese respectfully submits that these proposed notice and service procedures will provide adequate notice to parties in interest while appropriately balancing the need for proper notice with the need for efficiency with respect to the costs and burdens in connection with providing such notice.

30. Accordingly, the Plan Proponents submit that it has shown good cause for implementing the proposed notice and service procedures.

## **II. Form of Ballot and Notices to Non-Voting Classes**

### **A. Form of Ballot**

31. Bankruptcy Rule 3017(d) requires the Diocese to mail a form of ballot, which substantially conforms to Official Form No. 314, only to "creditors and equity security holders entitled to vote on the plan." Fed. R. Bankr. P. 3017(d). As indicated above, the Plan Proponents propose to distribute to the holders of Claims in Class 6, a Ballot, substantially in the form annexed to the Disclosure Statement Order as *Exhibit 1*. The form of the Ballot is based upon Official

Form No. 314, and it has been modified to address the particular aspects of this Chapter 11 Case and to include certain additional information that the Plan Proponents believe to be relevant and appropriate for the holders of Claims in the Voting Classes to determine whether to accept or reject the Joint Plan.

32. As described above, the Ballots will be accompanied by return envelopes, with postage prepaid, for completion and return to Stretto as the Diocese's claims agent.

33. In addition to accepting hard copy Ballots via first class mail, overnight courier, and hand delivery, the Plan Proponents request authorization to accept Ballots via electronic, online transmission, through a customized online balloting portal (the "E-Balloting Portal") on the Diocese's restructuring case website maintained by Stretto. Any parties entitled to vote on the Joint Plan may cast an electronic Ballot which allows the claimant to electronically sign and submit a Ballot instantly by using the E-Balloting Portal. Instructions for electronic, online transmission of Ballots are set forth on the form of Ballot and will also be posted on Stretto's website. 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. Any Ballot submitted by facsimile transmission, email, or other electronic means, other than through the E-Ballot Portal will not be counted.

34. Because holders of Claims in the Non-Voting Classes are presumed to accept or deemed to reject the Joint Plan under sections 1126(f) and 1126(g) of the Bankruptcy Code, Ballots will not be distributed to holders of Claims in the Non-Voting Classes.

35. The Diocese respectfully submits that in light of the facts and circumstances of this Chapter 11 Case, the proposed form of Ballot for Class 6 Claims is appropriate and should be approved.

**B. Notice of Non-Voting Status**

36. Bankruptcy Rule 3017(d) provides, in relevant part, as follows:

If the court orders that the disclosure statement and the plan or a summary of the plan shall not be mailed to any unimpaired class, notice that the class is designated in the plan as unimpaired and notice of the name and address of the person from whom the plan or summary of the plan and disclosure statement may be obtained upon request and at the plan proponent's expense, shall be mailed to members of the unimpaired class together with the notice of the time fixed for filing objections to and the hearing on confirmation.

Fed. R. Bankr. P. 3017(d).

37. As discussed above, the holders of Administrative Claims, Priority Tax Claims, Non-Tax Priority Claims, Professional Fee Claims, U.S. Trustee Fee Claims (the "Unclassified Claims"), the Secured Claim of Bank of America, the Secured Claim of M&T Bank, the Secured Claim of National Fuel, Pass-Through Claims, Inbound Contribution Claims are either deemed to accept or reject the Joint Plan or not entitled to vote and will not receive a Ballot.

38. Similarly, the Non-Voting Classes are either deemed to accept or reject the Joint Plan, or not entitled to vote on the Joint Plan and will not receive Ballots. In lieu of solicitation materials, the Plan Proponents propose to provide holders of all Non-Voting Classes and Unclassified Claims with the Notice of Non-Voting Status, attached to the Disclosure Statement Order as *Exhibit 2*, and the Confirmation Hearing Notice, attached to the Disclosure Statement Order as *Exhibit 3*, and which will provide notice: (a) of the entry of the Disclosure Statement Order; (b) that their claims are either unimpaired or, if impaired, that such Claims will receive no distribution under the Joint Plan, and, that accordingly such holders are not entitled to vote on the Joint Plan; (c) of the general classification of claims by the Joint Plan; (d) of the releases, exculpation, and injunctions provided in and by the Joint Plan; (e) of how to obtain copies of the

Joint Plan and Disclosure Statement; (f) of the deadline to object to confirmation of the Joint Plan; and (g) of the date, time, and location of the Confirmation Hearing.

39. The Diocese submits that the Notice of Non-Voting Status satisfies the requirements of the Bankruptcy Code and the Bankruptcy Rules. The Diocese requests that the Court determine that it is not required to distribute copies of the Joint Plan, Disclosure Statement, or Disclosure Statement Order to any holder of an Unclassified Claim or a Claim in the Non-Voting Classes, unless such party makes a request for copies of such documents by (a) calling the Diocese's toll-free restructuring hotline at 855.292.7696 (Toll-Free), or (b) e-mailing TeamBuffaloDiocese@stretto.com.

40. The Plan Proponents further request that the Court waive the requirement, if any, that a copy of the Solicitation Package or Notice of Non-Voting Status be provided to holders of Claims in Class 8 (Ride Through Claims against the Additional Debtors). These are non-Abuse Claim creditors of the Additional Debtors who are not impaired and conclusively presumed to accept the Joint Plan under section 1126(f) of the Bankruptcy Code. The Additional Debtors will continue to meet their obligations on account of such Claims as they become due, and such Claims "ride through" the Joint Plan unimpaired. Distributing mailings to these non-voting creditors of the Additional Debtors is a significant and unnecessary expense that adds no benefit to the confirmation process. The Solicitation Package (excluding the Ballots) will be made publicly available to all parties at no cost on the chapter 11 website at <https://case.stretto.com/diocesefbuffalo>, and the Publication Notice with respect to the Confirmation Hearing will be published as set forth herein.

### **III. Voting Deadline and Approval of Voting and Tabulation Procedures**

#### **A. Establishing Voting Deadline for Receipt of Ballots**

41. Bankruptcy Rule 3017(c) provides that, on or before approval of a disclosure statement, the Court shall fix a time within which the holders of claims or equity security interests may accept or reject a plan. The Diocese anticipates the Distribution of the Solicitation Packages will be completed by the Solicitation Commencement Date. Based on such schedule, the Plan Proponents propose that, to be counted as a vote to accept or reject the Joint Plan, each Ballot must be properly executed, completed, and delivered to Stretto: (a) by first-class mail (whether in the return envelope provided with each Ballot or otherwise); (b) by overnight courier; (c) by hand delivery; or (d) via Stretto's E-Ballot Portal so that it is actually received by Stretto no later than the date that is **60 days following the Solicitation Commencement Date at 5:00 p.m.** (the "Voting Deadline"). The Diocese further proposes that it should be authorized to retain the right to extend the Voting Deadline in its discretion with consent of the Committee.

42. The Diocese submits that the proposed solicitation period will provide a sufficient period within which Creditors can make an informed decision whether to accept or reject the Joint Plan. Therefore, the Plan Proponents respectfully requests that the Court approve the Voting Deadline as set forth herein.

#### **B. Approval of Voting and Tabulation Procedures**

43. Section 1126(c) of the Bankruptcy Code provides:

A class of claims has accepted a plan if such plan has been accepted by creditors, other than any entity designated under subsection (e) of this section, that hold at least two-thirds in amount and more than one-half in number of the allowed claims of such class held by creditors, other than any entity designated under subsection (e) of this section, that have accepted or rejected such plan.

11 U.S.C. § 1126(c). Furthermore, Bankruptcy Rule 3018(a) provides that “the court after notice and hearing may temporarily allow the claim or interest in an amount which the court deems proper for the purpose of accepting or rejecting a plan.” Fed. R. Bankr. P. 3018(a).

44. Solely for purposes of voting to accept or reject the Joint Plan and not for the purpose of the allowance of, or distribution on account of, any Claim, and without prejudice to the rights of any party in interest in any other context, the Plan Proponents propose that each holder of a Class 6 Abuse Claim who has filed a proof of claim shall have their Claim temporarily allowed in the Amount of \$1.00, notwithstanding the contingent, unliquidated, and disputed nature of such Claim, or any objections that may be pending with respect to such Claim. However, the foregoing general procedure will be subject to the following exceptions:

- (a) for purposes of voting, classification and treatment, under the Joint Plan, each Class 6 Claimant that holds or has filed more than one Claim shall be treated as if such Class 6 Claimant has only one Class 6 Claim;
- (b) any Class 6 Claimant that filed or purchased duplicate Class 6 Claims shall be provided with only one Solicitation Package and one Ballot for voting a single Class 6 Claim, regardless of whether any party in interest has objected to such duplicate Claims; and
- (c) any Person scheduled as having a contingent, unliquidated or disputed Class 6 Claim who has not filed a proof of claim shall have their claim disallowed for voting purposes unless they file a 3018 Motion in accordance with the procedures below.

45. The Diocese proposes that the following procedures shall apply for tabulating votes:

- (a) Stretto shall date-stamp all Ballots when received, with any Ballots received on the Voting Deadline date *and* time-stamped;
- (b) any Ballot that is otherwise properly completed, executed, and timely returned but does not indicate an acceptance or rejection of the Joint Plan, or that indicates both an acceptance and rejection of the Joint Plan, will not be counted;
- (c) if a Creditor casts more than one Ballot voting the same Claim before the Voting Deadline, the last dated, validly executed Ballot received before the

Voting Deadline shall be deemed to reflect the voter's intent and thus to supersede any prior Ballots;

- (d) Creditors must vote all of their Claims within a particular Class to either accept or reject the Joint Plan, and may not split their votes within the Voting Class and thus a Ballot (or group of Ballots) within the Voting Class that partially accepts and partially rejects the Joint Plan shall be deemed to have voted to accept the Joint Plan;
- (e) notwithstanding anything contained herein to the contrary, the Diocese, in its discretion and with the Committee's consent, may waive any defects in a Ballot, or enter into a stipulation to settle or resolve any dispute in relation thereto, with a holder of a Claim that has completed a Ballot;
- (f) notwithstanding anything contained herein to the contrary, Stretto, with the Diocese's consent, may contact entities entitled to vote to cure any defects in their Ballots; provided, however, that Stretto shall contact counsel of record to any such Class 6 Claimant represented by counsel; and
- (g) except as otherwise provided in this Motion, for purposes of determining whether the numerosity and Claim amount requirements of Sections 1126(c) and 1126(d) of the Bankruptcy Code have been satisfied, Stretto will tabulate only those Ballots received by the Voting Deadline.

46. The Diocese further proposes that the following Ballots will not be counted or considered in determining whether the Joint Plan has been accepted or rejected: (i) any Ballot received after the Voting Deadline unless the Diocese, in writing, grants an extension of the Voting Deadline with respect to such Ballot; (ii) any Ballot that is illegible or contains insufficient information to permit the identification of the voter; (iii) any Ballot cast by a person or entity that does not hold a Claim in a Class that is entitled to vote to accept or reject the Joint Plan; (iv) any unsigned Ballot; and (v) any Ballot submitted by email, facsimile, or any other means of electronic submission other than utilization of the E-Ballot Portal.

47. If any Creditor seeks to challenge the allowance or disallowance of its Claim for voting purposes in accordance with the above procedures, the Plan Proponents request that the Court direct such Creditor to serve a motion for an order pursuant to Bankruptcy Rule 3018(a) (a "Rule 3018 Motion") temporarily allowing such Claim for purposes of voting to accept or reject

the Joint Plan on or before the 10th day after the later of (i) service of the Confirmation Hearing Notice, and (ii) service of notice of an objection or request for estimation, if any, as to such Claim.

48. The Diocese further proposes, in accordance with Bankruptcy Rule 3018, that the Court require any Rule 3018 Motion: (i) be made in writing, (ii) comply with the Bankruptcy Code, the Bankruptcy Rules, and the Local Rules, (iii) set forth the name of the party asserting the Rule 3018 Motion, and (iv) state with particularity the legal and factual bases for the Rule 3018 Motion. In the event a Rule 3018 Motion is filed, the Plan Proponents propose to provide such creditor with a provisional Ballot, to be counted only in accordance with the terms of any order adjudicating such 3018 Motion entered by the Court prior to the Voting Deadline.

49. The Diocese respectfully submits that the foregoing proposed voting and tabulation procedures provide for a fair and equitable voting process and should be approved.

**C. The Additional Debtors' Prepetition Solicitation Will Be Exempt from Registration and Disclosure Requirements Otherwise Applicable Under Non-Bankruptcy Law**

50. Section 1125(g) of the Bankruptcy Code provides:

[A]n acceptance or rejection of the plan may be solicited from a holder of a claim or interest if such solicitation complies with applicable nonbankruptcy law and if such holder was solicited before the commencement of the case in a manner complying with applicable nonbankruptcy law.

Section 1126(b) of the Bankruptcy Code provides:

[A] holder of a claim or interest that has accepted or rejected the plan before the commencement of the case under this title is deemed to have accepted or rejected such plan, as the case may be, if—(1) the solicitation of such acceptance or rejection was in compliance with any applicable nonbankruptcy law, rule, or regulation governing the adequacy of disclosure in connection with such solicitation; or (2) if there is not any such law, rule, or regulation, such acceptance or rejection was solicited after disclosure to such holder of adequate information, as defined in section 1125(a) of this title.

51. Prepetition solicitation must therefore comply with generally applicable federal or state securities laws and regulations or, if such laws and regulations do not apply, the solicited holders must receive “adequate information” under section 1125 of the Bankruptcy Code.

52. The Plan Proponents respectfully submit that, with respect to the Additional Debtors, the prepetition solicitation contemplated herein will be exempt from the registration requirements of the Securities Act of 1933 (the “Securities Act”), under one or more of the exceptions from registration provided thereunder, including section 4(a)(2) and/or Regulation D thereof, exempting the Additional Debtors’ prepetition solicitation from the disclosure and registration requirements of the Securities Act, state “Blue Sky” laws, or any similar rules, regulations, or statutes. Specifically, section 4(a)(2) of the Securities Act only applies to securities, and any rights obtained through the implementation of the Joint Plan are not securities. Additionally, Bankruptcy Code section 1145 exempts the Additional Debtors from complying with the Securities Act. In particular, section 1145 of the Bankruptcy Code exempts affiliates participating in a joint plan with the debtor from federal and state securities registration. *See* 11 U.S.C. § 1145(a)(1) (“section 5 of the Securities Act of 1933 and any State or local law requiring registration for offer or sale of a security or registration or licensing of an issuer of, underwriter of, or broker or dealer in, a security do not apply to—(1) the offer or sale under a plan of a security of the debtor, *of an affiliate participating in a joint plan with the debtor . . . .* (A) in exchange for a claim against, an interest in, or a claim for an administrative expense in the case concerning, the debtor or such affiliate”) (emphasis added). The Plan Proponents seek a determination from the Court that all solicited holders will receive “adequate information” as per Bankruptcy Code section 1125(a) in accordance with Bankruptcy Code section 1126(b)(2).

#### **IV. Voting Certification**

53. Upon the expiration of the Voting Deadline, Stretto will certify in writing (the “Voting Certification”) the amount and number (as applicable) of Allowed Claims in the Voting Classes that voted to accept or reject the Joint Plan. The Diocese will file the Voting Certification as promptly as practicable in advance of the Confirmation Hearing.

#### **V. Disclosure Statement**

##### **A. The Disclosure Statement Contains Adequate Information and Should be Approved**

54. Pursuant to section 1125 of the Bankruptcy Code, a disclosure statement must provide holders of impaired Claims with “adequate information” regarding a proposed chapter 11 plan. Section 1125(a)(1) of the Bankruptcy Code provides:

“[A]dequate information” means information of a kind, and in sufficient detail, as far as is reasonably practicable in light of the nature and history of the debtor and the condition of the debtor’s books and records, including a discussion of the potential material Federal tax consequences of the plan to the debtor, any successor to the debtor, and a hypothetical investor typical of the holders of claims or interests in the case, that would enable such a hypothetical investor of the relevant class to make an informed judgment about the plan....

11 U.S.C. § 1125(a)(1). A disclosure statement, as a whole, must provide information that is “reasonably practicable” to permit an “informed judgment” by creditors and interests holders about whether to vote to accept or reject a plan of reorganization. *See In re Momentum Mfg. Corp.*, 25 F.3d 1132, 1136 (2d Cir. 1994); *see also Abel v. Shugrue (In re Ionosphere Clubs, Inc.)*, 179 B.R. 24, 29 (S.D.N.Y. 1995).

55. The Bankruptcy Court has wide discretion in determining the adequacy of the information contained in a disclosure statement. *See Kirk v. Texaco, Inc.*, 82 B.R. 678, 682 (S.D.N.Y. 1988) (“[t]he legislative history could hardly be more clear in granting broad discretion to bankruptcy judges under § 1125(a): ‘Precisely what constitutes adequate information in any

particular instance will develop on a case-by-case basis. Courts will take a practical approach as to what is necessary under the circumstances of each case . . . .”) (quoting H.R. REP. No. 595, at 408-09 (1977)).

56. This grant of discretion was intended to permit courts to tailor the disclosures made in connection with a plan to facilitate the effective reorganization of debtors in a broad range of businesses and circumstances. *See* H.R. REP. No. 595, at 408-09 (1977) (“In reorganization cases, there is frequently great uncertainty. Therefore, the need for flexibility is greatest.”); *see also Kirk v. Texaco, Inc.*, 82 B.R. at 682. Accordingly, the determination of whether a disclosure statement contains adequate information is to be made on a case-by-case basis, focusing on the unique facts and circumstances of each case. *See In re Worldcom, Inc.*, 2003 WL 21498904, at \*10 (S.D.N.Y. June 30, 2003) (“The determination of what is adequate information is subjective and made on a case by case basis. This determination is largely within the discretion of the bankruptcy court.”); *In re Phoenix Petroleum Co.*, 278 B.R. 385, 393 (Bankr. E.D. Pa. 2001).

57. In this case, the Disclosure Statement contains sufficient information necessary for holders of Claims entitled to vote on the Joint Plan to make an informed decision about whether to vote to accept or reject the Joint Plan, including, among other things:

- (l) a description of the Diocese’s not-for-profit religious organization, including revenue, assets and its need for reorganization;
- (m) key events leading to the commencement of the Chapter 11 Case, including a description of the Abuse Claims asserted against the Diocese;
- (n) significant events that occurred during the Chapter 11 Case;
- (o) a summary of the key provisions of the Joint Plan, including a description of the release, injunction, and exculpation provisions contained in the Joint Plan;
- (p) an overview of the Trust;

- (q) a liquidation analysis;
- (r) a summary of solicitation and voting procedures;
- (s) risk factors to be considered regarding confirmation of the Joint Plan;
- (t) a description of confirmation procedures, requirements for confirmation of the Joint Plan, and alternatives to confirmation and consummation of the Joint Plan;
- (u) projected financial performance of the Reorganized Diocese, assuming confirmation of the Joint Plan; and
- (v) tax consequences of the Joint Plan.

58. In light of the foregoing, the Plan Proponents respectfully submit that the Disclosure Statement contains sufficient information for holders of Claims entitled to vote on the Joint Plan to make an informed judgment regarding whether to vote to accept or reject the Joint Plan. Accordingly, the Plan Proponents submit that the Disclosure Statement contains adequate information within the meaning of section 1125 of the Bankruptcy Code and respectfully request that the Court approve the Disclosure Statement.

**B. The Notice of Disclosure Statement Hearing and Procedures for Filing Objections to the Proposed Disclosure Statement Are Adequate and Should be Approved**

59. Rule 3017(a) of the Bankruptcy Rules provides that:

[A]fter a disclosure statement is filed in accordance with Rule 3016(b), the court shall hold a hearing on at least 28 days' notice to the debtor, creditors, equity security holders and other parties in interest as provided in Rule 2002 to consider the disclosure statement and any objections or modifications thereto. The plan and the disclosure statement shall be mailed with the notice of the hearing only to the debtor, any trustee or committee appointed under the Code, the Securities and Exchange Commission and any party in interest who requests in writing a copy of the statement or plan.

Fed. R. Bank. P. 3017(a).

60. Bankruptcy Rules 2002(b) and (d) require notice to all creditors, and indenture trustees of the time set for filing objections to, and the hearing to consider the approval of, a disclosure statement. Upon entry of the Solicitation Order containing a date for the Disclosure Statement Hearing, the Diocese will promptly serve the Disclosure Statement Notice by electronic and/or first class mail upon: (i) the United States Trustee; (ii) the Committee; (iii) all persons or entities listed in the Diocese's schedules of assets and liabilities as holding liquidated, non-contingent, and undisputed Claims or who filed proofs of claim asserting Non-Abuse Claims; (iv) holders of Abuse Claims who have filed proofs of claim in this Chapter 11 Case, via their counsel of record indicated in such proofs of claim where applicable; and (v) all other parties filing notices of appearances and requests for documents in the Chapter 11 Case (collectively, the "Notice Parties").

61. The Diocese will provide copies of the Disclosure Statement and Plan to any party in interest who specifically requests such documents. Moreover, copies of the Disclosure Statement and the Joint Plan will be on file with the Office of the Clerk of the Court for review during normal business hours (a fee may be charged) and are also available free-of-charge on the website maintained by the Diocese's claims agent Bankruptcy Management Solutions, Inc. d/b/a Stretto ("Stretto"), at <https://case.stretto.com/diocesefbuffalo/docket>.

62. The Diocese submits that the foregoing procedures provide adequate notice of the Disclosure Statement Hearing and, accordingly, requests that the Court approve such notice as adequate and find that no other or further notice is necessary or required.

## **VI. The Confirmation Hearing and Establishment of Notice and Objection Procedures**

### **A. The Confirmation Hearing**

63. Bankruptcy Rule 3017(c) provides:

On or before approval of the disclosure statement, the court shall fix a time within which the holders of claims and interests may accept or reject the plan and may fix a date for the hearing on confirmation.

Fed. R. Bankr. P. 3017(c).

64. In light of the proposed solicitation procedures described herein, and in accordance with Bankruptcy Rules 2002(b) and (d) and 3017(c), the Plan Proponents request that the Disclosure Statement Order provide for a date certain for the commencement of the Confirmation Hearing, at least twenty-eight (28) days following the Solicitation Commencement Date, in accordance with Bankruptcy Rules 2002(b) and (d) and 3017(c). The Diocese also requests that the Disclosure Statement Order provide that the Confirmation Hearing may be continued from time to time by the Court or the Diocese without further notice except for adjournments announced in open court or filed on the Court's docket and that the Joint Plan may be modified pursuant to Section 1127 of the Bankruptcy Code prior to, during, or as a result of the Confirmation Hearing, in each case without further notice to parties in interest.

65. The proposed timing for the Confirmation Hearing is in compliance with the Bankruptcy Code and the Bankruptcy Rules and will enable the Diocese to pursue confirmation of the Joint Plan as expeditiously as possible.

#### **B. Notice of Confirmation Hearing**

66. Bankruptcy Rules 2002(b) and (d) require not less than twenty-eight days' notice to all creditors and equity security holders of the time fixed for filing objections and the hearing to consider confirmation of a chapter 11 plan. In accordance with Bankruptcy Rules 2002 and 3017(d), the Plan Proponents propose to provide a Confirmation Hearing Notice in substantially the form attached as *Exhibit 3* to the Order, setting forth, among other things, (i) the date of approval of the Disclosure Statement, (ii) the Voting Record Date, (iii) the Voting Deadline, (iv) the Confirmation Objection Deadline (as defined herein), and (v) the time, date, and place for the

Confirmation Hearing to each of (i) the United States Trustee; (ii) the Committee; (iii) all persons or entities listed in the Diocese's schedules of assets and liabilities as holding liquidated, non-contingent, and undisputed Claims or who filed proofs of claim asserting Non-Abuse Claims; (iv) holders of Abuse Claims who have filed proofs of claim in this Chapter 11 Case, via their counsel of record indicated in such proofs of claim where applicable; (v) holders of Abuse Claims that have commenced Abuse Actions in another court, to the extent reasonably ascertainable by the Diocese and via their counsel of record in such Abuse Actions, and (vi) all other parties filing notices of appearances and requests for documents in the Chapter 11 Case. Such notice will be sent on or prior to the Solicitation Commencement Date.

67. The Diocese submits that the foregoing procedures will provide adequate notice of the Confirmation Hearing and, accordingly, requests that the Court deem such notice adequate.

### C. Publication Notice

68. To further ensure that all creditors of the Diocese and any person who may hold an Abuse Claim against Participating Parties that may be subject to an injunction or release granted under the Joint Plan receive adequate and fair notice of the Confirmation Hearing, the Plan Proponents propose to provide the Publication Notice, pursuant to Bankruptcy Rules 2002(l) and 9008.

69. Bankruptcy Rule 2002(l) permits this Court to authorize publication notice if this Court finds that notice by mail is impracticable or that it is desirable to supplement the notice. Fed. R. Bankr. P. 2002(l). Additionally, Bankruptcy Rule 9008 authorizes this Court to determine the form and manner of publication notice. Fed. R. Bankr. P. 9008.

70. To supplement the Confirmation Hearing Notice, the Plan Proponents propose to cause the Publication Notice in the form attached to the Disclosure Statement Order as *Exhibit 4*

to be published once in either *The New York Times* or *USA Today* and in each of *The Buffalo News*, the *Erie Time-News*, *The Rochester Democrat & Chronicle*, *The Post Standard*, *The Press & Sun Bulletin*, *The Catholic Sun*, *North Country Catholic*, and *The Evangelist*, not less than twenty-one (21) days before the Confirmation Hearing.

71. Notice by publication was approved by this Court in the context of the Court's orders setting deadlines for submission of claims. *See In re The Diocese of Buffalo, N.Y., Case No. 20-10322 (CLB)* (Bankr. W.D.N.Y. 2020) [Docket Nos. 546 and 729]. Other courts have approved similar publication notices of confirmation in cases where potential creditors may be unknown to the debtor. *See, e.g., In re Roman Catholic Diocese of Syracuse, New York, Case No. 20-30663 (WAK)* [Docket No. 2398] (Bankr. N.D.N.Y. 2025); *In re The Diocese of Rochester, Case No. 19-20905 (PRW)* [Docket No. 3031] (Bankr. W.D.N.Y. 2025); *The Roman Catholic Diocese of Rockville Centre, New York, Case No. 20-12345 (MG)* [Docket Nos. 333 and 1262] (Bankr. S.D.N.Y. 2021-22); *In re Roman Catholic Diocese of Harrisburg, Case No. 20-00599 (HWV)* [Docket No. 1486] (Bankr. M.D. Pa. December 27, 2022) (approving confirmation publication notice); *In re Boy Scouts of America and Delaware BSA, LLC, Case No. 20-10343-LSS* (Bankr. D. Del. Sep. 30, 2021) [Docket No. 6438] (same); *In re Roman Catholic Church of the Archdiocese of Santa Fe, Case No. 18-13027* (Bankr. D. N.M., Nov. 8, 2022) [Docket No. 1161] (same).

72. The Diocese believes the Publication Notice will provide sufficient and the best practicable notice of the Confirmation Hearing to persons who might not otherwise receive notice by mail, and therefore, respectfully submits that it should be approved and found to be adequate and reasonably calculated under the circumstances to comply with the due process rights of all parties under the standards established in *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950) and *Hecht v. United Collection Bureau, Inc.*, 691 F.3d 218 (2d Cir. 2012).

#### **D. Objections to Confirmation of Plan**

73. Pursuant to Bankruptcy Rule 3020(b)(1), objections to confirmation of a plan must be filed and served “within a time fixed by the court.” Fed. R. Bank. P. 3020(b)(1). Parties in interest are entitled to twenty-eight days’ notice of such time fixed by the Court. Fed. Bankr. R. 2002(b). The Confirmation Hearing Notice provides, and the Plan Proponents request that the Court direct, that objections to confirmation of the Joint Plan or proposed modifications to the Joint Plan, if any, must (i) be in writing, (ii) state the name and address of the objecting party and the amount and nature of the Claim or interest of such party, (iii) state with particularity the basis and nature of any objection or proposed modification to the Joint Plan, and (iv) be filed, together with proof of service, with the Court and served so as to be actually received by no later than twenty-one (21) days prior to the Confirmation Hearing (the “Confirmation Objection Deadline”), and that the Diocese and Committee may file responses to any objections to confirmation of the Joint Plan by no later than five (5) days prior to the Confirmation Hearing.

#### **NOTICE**

74. Notice of this Motion will be provided to (i) the United States Trustee; (ii) the Committee; (iii) all persons or entities listed in the Diocese’s schedules of assets and liabilities as holding liquidated, non-contingent, and undisputed Claims or who filed proofs of claim asserting Non-Abuse Claims; (iv) holders of Abuse Claims who have filed proofs of claim in this Chapter 11 Case, via their counsel of record where applicable; and (v) all other parties filing notices of appearances and requests for documents in the Chapter 11 Case. In light of the nature of the relief requested herein, the Plan Proponents submit that no other or further notice need be provided.

#### **RESERVATION OF RIGHTS**

75. Notwithstanding anything herein to the contrary, the Plan Proponents reserve all rights to withdraw, revoke, amend, or modify the Joint Plan and/or the Disclosure Statement at any time

prior to confirmation, including, without limitation, in the event of a favorable ruling in the Diocese's anticipated appeal before the United States Court of Appeals for the Second Circuit regarding the Consent Decision or for any other reason. Nothing herein or in the Disclosure Statement or Joint Plan shall constitute a waiver of any such rights, and all such rights are expressly reserved.

**WHEREFORE**, the Plan Proponents respectfully request entry of the proposed Disclosure Statement Order, substantially in the form attached hereto as *Exhibit A*, and the granting of such other and further relief as the Court deems just and proper.

Dated: June 17, 2026

BOND, SCHOENECK & KING, PLLC

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**Exhibit A**

(Order)

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK

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In re:

THE DIOCESE OF BUFFALO, N.Y.,

Debtor.

Case No. 20-10322 (CLB)

Chapter 11

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**ORDER (I) APPROVING DISCLOSURE STATEMENT; (II) APPROVING SOLICITATION PACKAGES AND DISTRIBUTION PROCEDURES; (III) APPROVING THE FORMS OF BALLOTS AND ESTABLISHING PROCEDURES FOR VOTING ON PLAN; (IV) APPROVING THE FORM, MANNER, AND SCOPE OF CONFIRMATION NOTICES; (V) ESTABLISHING CERTAIN DEADLINES IN CONNECTION WITH APPROVAL OF THE DISCLOSURE STATEMENT AND CONFIRMATION OF THE PLAN; AND (VI) GRANTING RELATED RELIEF**

Upon consideration of the motion of The Diocese of Buffalo, N.Y. (the “Diocese”), the Additional Debtors, and the Official Committee of Unsecured Creditors (the “Committee”) (collectively, the “Plan Proponents”) for entry of an Order: (i) approving the adequacy of the *Disclosure Statement in Support of the Joint Chapter 11 Plan of Reorganization for The Diocese of Buffalo, N.Y. and the Additional Debtors* (together with all schedules and exhibits thereto, and as may be modified, amended, or supplemented from time to time, the “Disclosure Statement”); (ii) approving solicitation packages and distribution procedures; (iii) approving the forms of ballots and establishing procedures for voting on the *Joint Chapter 11 Plan of Reorganization for The Diocese of Buffalo, N.Y. and the Additional Debtors* (together with all schedules and exhibits thereto, and as may be modified, amended, or supplemented from time to time, the “Joint Plan”); (iv) approving the form, manner, and scope of confirmation notices; (v) establishing certain deadlines in connection with approval of the Disclosure Statement and confirmation of the Joint

Plan; and (vi) granting related relief [Docket No. \_\_\_\_] (the “Motion”);<sup>1</sup> and the Court having jurisdiction to consider the Solicitation Motion and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334; and upon the relief requested in the Solicitation Motion being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Solicitation Motion having been provided under the particular circumstances, and it appearing that no other or further notice need be provided; and a hearing having been held to consider the relief requested in the Solicitation Motion (the “Solicitation Procedures Hearing”); and upon all of the proceedings before the Court; and the Court having determined that the legal and factual bases set forth in the Solicitation Motion establish just cause for the relief granted herein; and it appearing that the relief requested in the Solicitation Motion is in the best interests of the Diocese, its estate and its creditors; and after due deliberation and sufficient cause appearing therefor;

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

A. Due and proper notice of the Solicitation Motion and the Solicitation Procedures Hearing was provided, and no further notice is necessary.

B. The form of Ballot attached as *Exhibit 1* is consistent with Official Form No. 314, addresses the particular needs of this Chapter 11 Case, and is appropriate for the holders of Claims in Class 6 (Abuse Claims) (the “Voting Class”) entitled to vote to accept or reject the Joint Plan. The voting instructions attached to the Ballot contain adequate information to instruct all members of the Voting Class how to cast their vote.

C. Holders of a Claim in Class 1 (Secured Claim of Bank of America), Class 2 (Secured Claim of M&T Bank), Class 3 (Secured Claim of National Fuel), Class 4 (Pass-Through

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<sup>1</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Disclosure Statement, or the Joint Plan, as applicable.

Claims against the Diocese), Class 5 (General Unsecured Claims against the Diocese), and Class 8 (Ride Through Claims against the Additional Debtors) are unimpaired and presumed to have accepted the Joint Plan, and holders of Class 7 (Inbound Contribution Claims) are deemed to reject the Joint Plan (Class 1, Class 2, Class 3, Class 4, Class 5, Class 7, and Class 8 Claims are collectively, the “Non-Voting Classes”). Accordingly, members of the Non-Voting Classes are not entitled to receive a Ballot or to vote to accept or reject the Joint Plan.

D. Holders of Administrative Claims, Priority Tax Claims, Non-Tax Priority Claims, Professional Fee Claims, and U.S. Trustee Fee Claims (the “Unclassified Claims”) are unimpaired, are conclusively presumed to accept the Joint Plan, and not entitled to receive a Ballot or to vote to accept or reject the Joint Plan.

E. The procedures for the solicitation and tabulation of votes to accept or reject the Joint Plan provide for a fair and equitable voting process and are consistent with section 1126 of the Bankruptcy Code.

F. The notice procedures set forth below comply with Bankruptcy Rules 2002 and 3017(d), and provide due, proper, and adequate notice of approval of the Disclosure Statement, the Confirmation Hearing, and the procedures for filing objections or responses to the Joint Plan.

G. The waiver of any requirement to provide a Notice of Non-Voting Status or Solicitation Package to holders of Claims in Class 8 (Non-Abuse Claims against the Additional Debtors) is appropriate under the circumstances.

H. The proposed timing for the Confirmation Hearing complies with the Bankruptcy Code, the Bankruptcy Rules and will enable the Diocese to pursue confirmation of the Joint Plan in a timely fashion.

I. Notwithstanding the foregoing, the Diocese shall have the right to seek modifications or extensions of the relief and deadlines set forth in this Disclosure Statement Order.

J. The relief requested in the Solicitation Motion is in the best interests of the Diocese, the Diocese's estate and all parties in interest.

K. The legal and factual bases set forth in the Solicitation Motion and at the Solicitation Procedures Hearing establish just cause for the relief granted herein.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. The Motion is GRANTED as set forth herein.
2. Any and all objections to the Motion not otherwise settled or withdrawn are overruled.
3. The Disclosure Statement contains adequate information in accordance with section 1125 of the Bankruptcy Code and is hereby approved.
4. Pursuant to sections 1125(g), 1126(b)(1), and 1126(b)(2) of the Bankruptcy Code, the Disclosure Statement contains adequate information with respect to the Additional Debtors and their prepetition solicitation. The holders of Claims entitled to vote on the Joint Plan with respect to the Additional Debtors received adequate information to enable them to make an informed judgment about whether to accept or reject the Joint Plan.
5. The prepetition solicitation of the Additional Debtors is exempt from the registration requirements of the Securities Act of 1933 under one or more of the exceptions from registration provided thereunder, including section 4(a)(2) and/or Regulation D thereof. Additionally, Bankruptcy Code section 1145 exempts affiliates participating in a joint plan with the debtor from federal and state securities registration requirements, and the Additional Debtors qualify for such exemption.

6. The form and manner of the notice of the hearing on the Disclosure Statement complied with all applicable Bankruptcy Rules and Local Rules.

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

8. The form of Class 6 Ballot annexed hereto as *Exhibit 1* is approved.

9. For the purposes of determining Creditors entitled to vote on the Joint Plan, the Voting Record Date (the “Voting Record Date”) shall be \_\_\_\_\_, 2026 with respect to holders of Claims in Class 6.

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

11. No later than seven (7) days after the entry of this order (the “Solicitation Commencement Date”), the Diocese will complete the mailing of Solicitation Packages to the U.S. Trustee and to holders of Claims in the Voting Class entitled to vote on the Joint Plan as of the Voting Record Date, as required by Bankruptcy Rule 3017(d).

12. Solicitation Packages distributed to Creditors in the Voting Classes will contain a copy of: (i) the Disclosure Statement Order (excluding exhibits); (ii) a Ballot to accept or reject the Joint Plan with instructions and a return envelope; (iii) the Disclosure Statement and Joint Plan; and (iv) a notice of the Confirmation Hearing (the “Confirmation Hearing Notice”), a copy of which is attached hereto as *Exhibit 3*. The Diocese shall cause Stretto to provide the Ballots, the Notice of Non-Voting Status, and the Confirmation Hearing Notice in paper format, and the remainder of the Solicitation Package in either paper format or by USB flash drive.

13. Stretto, on behalf of the Diocese, may serve Solicitation Packages for Class 6 Claimants to the noticing address included on their proof of claim or Abuse Action complaint based on the information reflected on Stretto's claims register and/or service lists as of the Voting Record Date. For the avoidance of doubt, if such noticing address is the address of the Abuse Claimant's attorney, the Abuse Claimant will be served Solicitation Packages through such attorney unless such Abuse Claimant or attorney has notified the Diocese or Stretto that the representation has terminated. To avoid duplication and reduce expenses, the Diocese may serve attorneys who represent more than one Class 6 Claimant with a single copy of the Solicitation Package (except that the Diocese will provide separate Ballots for each Class 6 Claimant represented by such attorney). Each Class 6 Abuse Claimant must personally sign their respective ballot.

14. Holders of Unclassified Claims and Claims in Non-Voting Classes shall only be entitled to receive a copy of: (i) the Confirmation Hearing Notice; and (ii) the Notice of Non-Voting Status.

15. By the Solicitation Commencement Date, Stretto, as noticing agent for the Diocese, shall distribute, or cause to be distributed, (i) the Disclosure Statement Order (excluding exhibits), (ii) the Confirmation Hearing Notice, and (iii) the Disclosure Statement and Plan (which may be provided by USB flash drive), to the following: (a) the U.S. Trustee; (b) counsel for the Committee; (c) counsel for the Additional Debtors; and (d) all persons requesting service or notice in this case pursuant to Bankruptcy Rule 2002 who are not otherwise receiving a Solicitation Package or a Notice of Non-Voting Status.

16. The Diocese is not required to distribute copies of the Joint Plan or Disclosure Statement to holders of Unclassified Claims or Claims in Non-Voting Classes unless such a holder

makes a specific request for copies of such documents by (a) by calling 855.292.7696, or (b) emailing at TeamBuffaloDiocese@stretto.com.

17. The Diocese is not required to send Solicitation Packages to Creditors that have Claims that have already been paid in full; *provided, however*, that if, and to the extent that, any such Creditor would be entitled to receive a Solicitation Package for any reason other than by virtue of the fact that such Claim had been paid by the Diocese, then such Creditor will be sent a Solicitation Package in accordance with the procedures set forth herein.

18. The Diocese is excused from mailing Solicitation Packages and any other material related to voting or confirmation of the Joint Plan to those entities to which certain notices mailed during the course of this Chapter 11 Case have been returned as undeliverable by the United States Postal Service, unless and until the Diocese is provided with accurate addresses for such entities before the Solicitation Date, provided that the Diocese and/or Stretto have used commercially reasonable efforts to obtain an updated address for such party. The Diocese's failure to mail Solicitation Packages or any other materials related to voting or confirmation of the Joint Plan to such entities will not constitute inadequate notice of the Confirmation Hearing or Voting Deadline and shall not constitute a violation of Bankruptcy Rule 3017(d).

19. The Diocese is not required to distribute copies of the Joint Plan or Disclosure Statement to any party who holds a Claim that is either: (i) not Filed; (ii) is scheduled as contingent, unliquidated, or disputed; or (iii) is not scheduled in an amount greater than \$0, unless such party files a motion for temporary allowance of a claim under Bankruptcy Rule 3018 provided, however, the Diocese shall serve such parties with a copy of the Confirmation Hearing Notice to the extent the Diocese knows such party to assert a Claim against it.

20. The Diocese is authorized to make ministerial changes to the Disclosure Statement, the Joint Plan, and related documents without further order of the Court, such as changes to correct typographical and grammatical errors, and to make conforming changes among the Disclosure Statement, the Joint Plan, and any other materials in the Solicitation Packages prior to mailing. The Diocese will only make such changes in consultation with the Committee and Additional Debtors.

21. The Notice of Non-Voting Status annexed as ***Exhibit 2*** is approved and shall be distributed to all known holders of Unclassified Claims and Claims in the Non-Voting Classes, except that the waiver of any requirement to provide a Notice of Non-Voting Status or Solicitation Package to holders of Claims in Class 8 (Ride Through Claims against the Additional Debtors) is appropriate under the circumstances and such notice is not required for holders of Claims in Class 8.

22. To be counted as a vote to accept or reject the Joint Plan, all Ballots must be properly completed, signed, dated and returned by only one of the following return methods:

<p><b><u>If by first class mail, overnight courier, or hand delivery:</u></b></p> <p>The Diocese of Buffalo Claims Processing c/o Stretto 410 Exchange, Suite 100 Irvine, CA 92602</p>
<p><b><u>If by electronic, online submission:</u></b></p> <p>Please visit <a href="https://case.stretto.com/buffalodiocese">https://case.stretto.com/buffalodiocese</a> and click on the “E-Ballot” section of the Diocese’s website and follow the directions to submit your E-Ballot. If you choose to submit your Ballot via Stretto’s E-Ballot system, do <u>not</u> also return a paper Ballot.</p>

Ballots transmitted by any other method are not accepted and will not be counted. **Ballots must be actually received no later 5:00 p.m. (Eastern Time) on the day that is 60 days following the Solicitation Commencement Date (the “Voting Deadline”).**

23. Solely for purposes of voting to accept or reject the Joint Plan and not for the purpose of the allowance of, or distribution on account of, any Claim, and without prejudice to the rights of any party in interest in any other context, each holder of a Class 6 Claim shall have their Claim temporarily allowed in the Amount of \$1.00, notwithstanding the contingent, unliquidated, and disputed nature of such Claim, or any objections that may be pending with respect to such Claim. However, the foregoing general procedure with respect to Class 6 Claims is subject to the following exceptions:

- (a) for purposes of voting, classification and treatment, under the Joint Plan, each Class 6 Claimant that holds or has filed more than one Claim shall be treated as if such Class 6 Claimant has only one Class 6 Claim; and
- (b) any Class 6 Claimant that filed or purchased duplicate Class 6 Claims shall be provided with only one Solicitation Package and one Ballot for voting a single Class 6 Claim, regardless of whether any party in interest has objected to such duplicate Claims.
- (c) Any Person scheduled as having a contingent, unliquidated or disputed Class 6 Claim who has not filed a proof of claim or commenced a timely Abuse Action shall have their claim disallowed for voting purposes unless they file a Rule 3018 Motion in accordance with the procedures below.

24. The Voting Class is required to submit their Ballots to Stretto for tabulation by the Voting Deadline. The following procedures shall apply for tabulating votes:

- (a) Stretto shall date-stamp all Ballots when received, with any Ballots received on the Voting Deadline date and time-stamped;
- (b) any Ballot that is otherwise properly completed, executed, and timely returned but does not indicate an acceptance or rejection of the Joint Plan, or that indicates both an acceptance and rejection of the Joint Plan, will not be counted;
- (c) if a Creditor casts more than one Ballot voting the same Claim before the Voting Deadline, the last dated, validly executed Ballot received before the Voting

Deadline shall be deemed to reflect the voter's intent and thus to supersede any prior Ballots;

- (d) Creditors must vote all of their Claims within a particular Class to either accept or reject the Joint Plan, and may not split their votes within the Voting Class and thus a Ballot (or group of Ballots) within the Voting Class that partially accepts and partially rejects the Joint Plan shall be deemed to have voted to accept the Joint Plan;
- (e) notwithstanding anything contained herein to the contrary, the Diocese, in its discretion and with the Committee's consent, may waive any defects in a Ballot, or enter into a stipulation to settle or resolve any dispute in relation thereto, with a holder of a Claim that has completed a Ballot;
- (f) notwithstanding anything contained herein to the contrary, Stretto, with the Diocese's consent, may contact entities entitled to vote to cure any defects in their Ballots; provided, however, that Stretto shall contact counsel of record to any such Class 6 Claimant represented by counsel; and
- (g) except as otherwise provided in this Disclosure Statement Order, for purposes of determining whether the numerosity and Claim amount requirements of sections 1126(c) and 1126(d) of the Bankruptcy Code have been satisfied, Stretto will tabulate only those Ballots received by the Voting Deadline.

25. The following Ballots will not be counted or considered for any purpose in determining whether the Joint Plan has been accepted or rejected: (i) any Ballot received after the Voting Deadline unless the Diocese after consultation with the Committee, in writing, granted an extension of the Voting Deadline with respect to such Ballot; (ii) any Ballot that is illegible or contains insufficient information to permit the identification of the voter; (iii) any Ballot cast by a person or entity that does not hold a Claim in a Class that is entitled to vote to accept or reject the Joint Plan; (iv) any unsigned Ballot; and (v) any Ballot submitted by email, facsimile, or any other means of electronic submission other than utilization of the E-Ballot Portal.

26. If any Creditor seeks to challenge the allowance or disallowance of its Claim for voting purposes in accordance with the above procedures, such Creditor shall serve a motion for an order pursuant to Bankruptcy Rule 3018(a) (a "Rule 3018 Motion") temporarily allowing such Claim for purposes of voting to accept or reject the Joint Plan no later than 10 days after the later

of:

(i) service of the Confirmation Hearing Notice; and (ii) service of notice of an objection or request for estimation, if any, as to such Claim.

27. Any Rule 3018 Motion shall: (i) be made in writing; (ii) comply with the Bankruptcy Code and the Bankruptcy Rules; (iii) set forth the name of the party asserting the Rule 3018 Motion; and (iv) state with particularity the legal and factual bases for the Rule 3018 Motion. In the event a Rule 3018 Motion is filed, the Diocese shall provide such creditor with a provisional Ballot, to be counted only in accordance with the terms of any order adjudicating such Rule 3018 Motion entered by the Court prior to the Voting Deadline.

28. Upon Stretto's completion of the tabulation of Ballots, the Diocese shall file a Voting Certification with the Court, including a list of Joint Plan acceptances and rejections. Notwithstanding anything to the contrary herein, the Confidentiality Protocol as defined in the *Order Establishing a Deadline for Filing Proofs of Claim and Approving the Form and Manner of Notice Thereof* [Docket No. 729] shall apply to all actions contemplated under this Disclosure Statement Order. Stretto is authorized and directed to redact any personally identifying information relating to the Class 6 Claimants in the Voting Certification.

29. The hearing on Confirmation of the Joint Plan (the "Confirmation Hearing") shall commence at [\_\_\_\_\_] (**prevailing Eastern time**) on [\_\_\_\_\_] , 2026.

30. The Confirmation Hearing Notice setting forth, among other things, (i) the date of approval of the Disclosure Statement, (ii) the Voting Record Date, (iii) the Voting Deadline, (iv) the Confirmation Objection Deadline (as defined herein), and (v) the time, date, and place for the Confirmation Hearing, substantially in the form annexed hereto as *Exhibit 3* is approved, and shall

be served upon the Diocese's creditor matrix and all other parties in interest no later than the Solicitation Commencement Date.

31. The Publication Notice, substantially in the form attached to this order as *Exhibit 4* is approved, and the Diocese shall cause the Publication Notice to be published once in either *The New York Times* or *USA Today* and in each of *The Buffalo News*, the *Erie Time-News*, *The Rochester Democrat & Chronicle*, *The Post Standard*, *The Press & Sun Bulletin*, *The Catholic Sun*, *North Country Catholic*, and *The Evangelist*, not less than twenty-one (21) days before the Confirmation Hearing.

32. Service of the Confirmation Hearing Notice, together with the Publication Notice, as set forth herein, is hereby found to be adequate and reasonably calculated under the circumstances to comply with the due process rights of all creditors and parties in interest, including without limitation, all holders of Abuse Claims that may be subject to the channeling injunction provided for under the Joint Plan, in accordance with the standards established in *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950) and *Hecht v. United Collection Bureau, Inc.*, 691 F.3d 218 (2d Cir. 2012), and no other or further notice of the Confirmation Hearing is necessary or shall be required.

33. The Confirmation Hearing may be adjourned or continued from time to time by (a) the Court or (b) the Diocese with the Committee's consent, without further notice except for as announced in open court or as filed on the Court's docket. The Joint Plan may be modified pursuant to section 1127 of the Bankruptcy Code prior to, during, or as a result of the Confirmation Hearing, in each case without further notice to parties in interest.

34. Objections or responses to confirmation of the Joint Plan, if any, must (a) be in writing; (b) conform to the Bankruptcy Rules and the Local Rules; (c) set forth the name and

address of the objecting party and the amount and nature of the Claim or Interest of such party; and (d) state the basis for the objection, and the specific grounds therefor. All objections and responses must be filed and served by no later than fourteen (14) days prior to the Confirmation Hearing. All objections or responses must be served upon the following parties: (i) counsel to the Diocese, Bond, Schoeneck & King, PLLC, One Lincoln Center, Syracuse, NY 13202, Attn: Stephen A. Donato, Charles J. Sullivan, Grayson T. Walter, and Sara C. Temes; (ii) the Office of the United States Trustee, Olympic Towers, 300 Pearl Street, Suite 401, Buffalo, N.Y. 14202 (Attn: Joseph W. Allen, Esq.); (iii) counsel for the Official Committee of Unsecured Creditors, Pachulski Stang Ziehl & Jones, LLP, 1700 Broadway, 36th floor, New York, New York 10019 (Attn: Ilan D. Scharf and Karen B. Dine); (iv) counsel for the Additional Debtors, Westerman Ball Ederer Miller Zucker & Sharfstein, LLP, 1201 RXR Plaza, Uniondale, New York 11556 (Attn: William C. Heuer); and (v) those persons who have formally appeared and requested service in this case pursuant to Rule 2002 of the Federal Rules of Bankruptcy Procedure.

35. The Plan Proponents and any other party in interest supporting the Joint Plan shall file a reply to any objections to confirmation, if any, by no later than seven (7) days prior to the Confirmation Hearing.

36. Objections to confirmation of the Joint Plan that are not timely filed and served in the manner set forth above shall not be considered and shall be deemed overruled.

37. Notwithstanding the possible applicability of Bankruptcy Rules 6004(h), 7062, 9014 or otherwise, the terms and conditions of this Disclosure Statement Order shall be immediately effective and enforceable upon its entry.

38. Notwithstanding anything herein to the contrary, the Plan Proponents reserve all rights to withdraw, revoke, amend, or modify the Joint Plan and/or the Disclosure Statement at

any time prior to confirmation, including, without limitation, in the event of a favorable ruling in the Diocese's anticipated appeal before the United States Court of Appeals for the Second Circuit regarding the Consent Decision or for any other reason. Nothing herein or in the Disclosure Statement or Joint Plan shall constitute a waiver of any such rights, and all such rights are expressly reserved.

39. This Court shall retain jurisdiction to hear and determine all matters arising from or related to this Disclosure Statement Order.

Dated: \_\_\_\_\_, 2026  
Buffalo, New York

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Hon. Carl L. Bucki  
United States Bankruptcy Judge

**Exhibit 1**

(Class 6 Ballot)

In re:

Case No. 20-10322 (CLB)

THE DIOCESE OF BUFFALO, N.Y.,

Chapter 11

Debtor.

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**BALLOT FOR ACCEPTING OR REJECTING THE  
JOINT CHAPTER 11 PLAN OF REORGANIZATION FOR  
THE DIOCESE OF BUFFALO, N.Y. AND THE ADDITIONAL DEBTORS**

**BALLOT FOR: CLASS 6 – Abuse Claims**

**THE VOTING DEADLINE TO ACCEPT OR REJECT  
THE JOINT PLAN IS 5:00 P.M., EASTERN TIME, ON  
XXXX XX, 2026 (THE “VOTING DEADLINE”),  
UNLESS EXTENDED BY THE DIOCESE.**

This ballot (the “Ballot”) is provided to you to solicit your vote to accept or reject the *Joint Chapter 11 Plan of Reorganization for The Diocese of Buffalo, N.Y. and the Additional Debtors* (the “Joint Plan”) in the above-captioned Chapter 11 Case. The Court has approved a *Disclosure Statement in Support of the Joint Chapter 11 Plan of Reorganization for The Diocese of Buffalo, N.Y. and the Additional Debtors* (the “Disclosure Statement”).

Copies of the Disclosure Statement and Plan are provided to you with this Ballot and will also be on file with the Office of the Clerk of the Court for review during normal business hours (a fee may be charged) and are also available free of charge on the website maintained by the Diocese’s claims agent at <https://case.stretto.com/dioceaseofbuffalo>.

All capitalized terms used but not defined herein have the meanings ascribed to such terms in the Joint Plan. The Disclosure Statement provides information to assist you in deciding how to vote on the Joint Plan. **You should review the Disclosure Statement and the Joint Plan in their entirety before you vote. You may wish to seek independent legal advice concerning the Joint Plan and the classification and treatment of your Claim under the Joint Plan.**

The Joint Plan can be confirmed by the Bankruptcy Court, and thereby made binding on you if it is accepted by the holders of at least two-thirds in amount and more than one-half in number of the Claims voted in each Impaired Class, and if the Joint Plan otherwise satisfies the applicable requirements of section 1129(a) of the Bankruptcy Code. If the requisite acceptances are not obtained, the Bankruptcy Court may nonetheless confirm the Joint Plan if it finds that the Joint Plan (a) provides fair and equitable treatment to, and does not unfairly discriminate against, the

Class or Classes rejecting the Joint Plan, and (b) otherwise satisfies the requirements of section 1129(b) of the Bankruptcy Code. If the Joint Plan is confirmed by the Bankruptcy Court, it will be binding on you whether or not you vote or if you vote to accept or reject the Joint Plan.

Please use this Ballot to cast your vote to accept or reject the Joint Plan if you are, as of XXXX XX, 2026 (the "Voting Record Date"), a holder of a Class 6 Claim against the Diocese or an Additional Debtor that arose before the applicable Petition Date.

**This Ballot is to be used for voting by holders of Class 6 Claims. In order for your vote to be counted, this Ballot must be properly completed, signed, and returned to Stretto, Inc. (the "Voting Agent") so that it is actually received no later than 5:00 p.m. (Eastern time) on XXXX XX, 2026 (the "Voting Deadline"), unless such time is extended by the Diocese.**

If you have any questions on how to properly complete this Ballot, please call the Voting Agent at 855.292.7696 (Toll-Free), or email TeamBuffaloDiocese@stretto.com. **THE VOTING AGENT IS NOT AUTHORIZED TO, AND WILL NOT, PROVIDE LEGAL ADVICE.**

**This Ballot is solely for purposes of voting to accept or reject the Joint Plan and not for the purpose of allowance or disallowance of Class 6 Claims.**

**SUBMISSION OF THIS BALLOT WILL BE KEPT CONFIDENTIAL CONSISTENT WITH THE CONFIDENTIALITY PROTOCOL SET FORTH IN THE *ORDER ESTABLISHING A DEADLINE FOR FILING PROOFS OF CLAIM AND APPROVING THE FORM AND MANNER OF NOTICE THEREOF* [Docket No. 729].**

**INSTRUCTIONS FOR COMPLETING THE BALLOT**

This Ballot is submitted to you to solicit your vote to accept or reject the Joint Plan. The terms of the Joint Plan are described in the Disclosure Statement, including all exhibits thereto. **PLEASE READ THE JOINT PLAN AND THE DISCLOSURE STATEMENT CAREFULLY BEFORE COMPLETING THIS BALLOT.**

**To have your vote counted, please complete, sign, and date this ballot and return it so that it is received by the Voting Agent no later than the Voting Deadline. Ballots must be delivered to the Voting Agent (i) at an appropriate address listed below; or (ii) via the Voting Agent’s E-Ballot platform by visiting <https://case.stretto.com/dioceseofbuffalo>, clicking on the “E-Ballot” link and following the instructions set forth on the website. Holders of Claims entitled to vote are encouraged to submit their Ballot via the E-Ballot platform. Submit only one Ballot. If you choose to submit your Ballot via the E-Ballot platform, DO NOT also submit a paper Ballot. Please choose only one method of submitting your Ballot.**

Ballots may be submitted to:

<p><b><u>If by first class mail, overnight courier, or hand delivery:</u></b></p> <p>The Diocese of Buffalo, N.Y. Claims Processing c/o Stretto 410 Exchange, Suite 100 Irvine, CA 92602</p>
<p><b><u>If by electronic, online submission:</u></b></p> <p>Please visit <a href="https://case.stretto.com/dioceseofbuffalo">https://case.stretto.com/dioceseofbuffalo</a> and click on the “E-Ballot” section of the Diocese’s website and follow the directions to submit your E-Ballot. If you choose to submit your Ballot via the Voting Agent’s E-Ballot system, do <u>not</u> also return a paper Ballot.</p> <p><b>IMPORTANT NOTE: You will need the following information to retrieve and submit your customized E-Ballot:</b></p> <p><b>Unique E-Ballot ID#:</b> _____</p> <p><u>“E-Balloting” is the sole manner in which Ballots will be accepted via electronic or online transmission. Ballots submitted by facsimile or email will not be counted.</u></p>

**The following Ballots will not be counted in determining the acceptance or rejection of the Joint Plan: (i) any Ballot received after the Voting Deadline unless the Diocese, in writing,**

**granted an extension of the Voting Deadline with respect to such Ballot; (ii) any Ballot that is illegible or contains insufficient information to permit the identification of the voter; (iii) any Ballot cast by a person or entity that does not hold a Claim in a Class that is entitled to vote to accept or reject the Joint Plan; (iv) any unsigned Ballot (for avoidance of doubt, a Ballot submitted by the E-Ballot platform shall be deemed to bear an original signature); and (v) any Ballot submitted by email, facsimile, or any other means of electronic submission other than utilization of the E-Ballot Portal. An otherwise properly completed, executed, and timely returned Ballot failing to indicate either acceptance or rejection of the Joint Plan or indicating both acceptance and rejection of the Joint Plan will not be counted.**

To properly complete the Ballot, you must follow the procedures described below:

- a. Make sure that the information contained in Item 1 is correct.
- b. If you have a Class 6 Claim, cast one vote to accept or reject the Joint Plan by checking the appropriate box in Item 2.
- d. If you hold Claims in more than one Class, you may receive more than one Ballot. Your vote will be counted in determining acceptance or rejection of the Joint Plan by a particular Class of Claims only if you complete, sign, and return the Ballot labeled for such Class of Claims in accordance with the instructions on that Ballot. Each Ballot votes only your Claims indicated on that Ballot. Please complete and return each Ballot you receive.
- e. You must vote all your Claims within a single Class under the Joint Plan either to accept or reject the Joint Plan.
- f. If more than one timely, properly completed Ballot is received, only the last properly completed Ballot received by the Voting Agent will be counted, unless the holder of the claim receives Bankruptcy Court approval otherwise.
- g. If you believe that you have received the wrong Ballot, please contact the Voting Agent immediately.
- h. Provide your name, mailing address, and any remaining information requested.
- i. Sign and date your Ballot.
- j. Return your Ballot with your signature to the Voting Agent. For the avoidance of doubt, a Ballot submitted by the E-Ballot platform shall be deemed to bear your signature.

No Ballot shall constitute or be deemed a proof of claim or an assertion of Claim.

In the event that (i) the Diocese revokes or withdraws the Joint Plan, or (ii) the Confirmation Order is not entered or the Effective Date of the Joint Plan does not occur, this Ballot shall automatically be null and void and deemed withdrawn without any requirement of affirmative action by or notice to you.

**IF YOU (A) HAVE ANY QUESTIONS REGARDING THIS BALLOT, (B) DID NOT RECEIVE A RETURN ENVELOPE WITH YOUR BALLOT, (C) DID NOT RECEIVE A COPY OF THE DIOCESE'S DISCLOSURE STATEMENT OR JOINT AMENDED PLAN, OR (D) NEED ADDITIONAL COPIES OF THE BALLOT OR OTHER ENCLOSED MATERIAL, PLEASE CONTACT THE VOTING AGENT AT 855.292.7696 (TOLL-FREE), OR BY E-MAILING TeamBuffaloDiocese@stretto.com. PLEASE DO NOT DIRECT ANY INQUIRIES TO THE BANKRUPTCY COURT. THE VOTING AGENT IS NOT AUTHORIZED TO, AND WILL NOT, PROVIDE LEGAL ADVICE.**

**BALLOT – CLASS 6**

**COMPLETE ITEMS 2 and 3 BELOW:**

**Item 1. Certification of Claim.** For purposes of voting to accept or reject the Joint Plan, the undersigned certifies that as of the Voting Record Date, the undersigned holds a Class 6 - Abuse Claim against the Diocese. For voting purposes only, each Class 6 Claim is valued at \$1.00. This amount shall have no effect on the amount of any distribution a Class 6 Claim may receive from the Trust.

**Item 2. Vote on the Joint Plan.** Please take note that if you submit this Ballot to the voting agent and either: (a) fail to indicate whether you are accepting or rejecting the Joint Plan, or (b) check both boxes indicating that you are both accepting and rejecting the Joint Plan, your ballot will not be counted in determining the acceptance or rejection of the Joint Plan.

The undersigned holder of a Class 6 Claim against the Diocese as of the Voting Record Date in the amount set forth in Item 1 above votes to:

**Check one box only:**

**ACCEPT** the Joint Plan.

**REJECT** the Joint Plan.

**BALLOT – CLASS 6 (Continued)**

**Item 3 Acknowledgments and Certification.**

By signing this Ballot, the holder of the Class 6 Abuse Claim set forth above certifies as follows:

- i. I am the holder of a Class 6 Claim as of the Voting Record Date;
- ii. I have received copies of the Disclosure Statement and the Joint Plan, including the Allocation Protocol and other exhibits thereto;
- iii. I have reviewed and considered the treatment my Class 6 Claim will receive under the Joint Plan, as well as the release, injunction and exculpation provisions set forth in the Joint Plan;
- iv. I acknowledge that a vote to accept the Joint Plan constitutes consent to the treatment provided to Class 6 Claims pursuant to the terms of the Joint Plan; and
- v. I have the power and authority to cast this ballot as the holder of a Class 6 Claim.

***Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the information supplied in this ballot is true and correct, that I am personally casting this ballot on my own behalf, and that I have authority under applicable law to cast this ballot.***

\_\_\_\_\_  
Name of Abuse Claimant

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Date Completed

**Exhibit 2**

(Notice of Non-Voting Status)

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK

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In re:

THE DIOCESE OF BUFFALO, N.Y.,

Debtor.

Case No. 20-10322 (CLB)

Chapter 11

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**NOTICE OF NON-VOTING STATUS**

**To: All persons holding Unclassified Claims and Claims in Class 1, Class 2, Class 3, Class 4, Class 5, and Class 7**

**PLEASE TAKE NOTICE OF THE FOLLOWING:**

1. **Approval of Disclosure Statement.** On XXXX XX, 2026, the United States Bankruptcy Court for the Western District of New York (the “Court”) entered an order (Docket No. XXXX, the “Disclosure Statement Order”) approving the *Disclosure Statement in Support of the Joint Chapter 11 Plan of Reorganization for The Diocese of Buffalo, N.Y. and the Additional Debtors* (as it may be amended, the “Disclosure Statement”) in connection with the *Joint Chapter 11 Plan of Reorganization for The Diocese of Buffalo, N.Y. and the Additional Debtors* proposed by the Diocese, the Additional Debtors, and the Official Committee of Unsecured Creditors (together with the Joint Plan Supplement and Exhibits thereto, as they may be amended, the “Joint Plan”).<sup>1</sup> The Disclosure Statement Order authorizes the Diocese to solicit votes to accept or reject the Joint Plan pursuant to chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”).

2. **Confirmation Hearing.** A hearing to consider the confirmation of the Joint Plan (the “Confirmation Hearing”), will commence at **10:00 a.m. (Eastern time)** on **XXXX XX, 2026** before the Honorable Carl L. Bucki, Chief Bankruptcy Judge for the Western District of New York, at 2 Niagara Square, Buffalo, NY 14202. Because of the anticipated live-witness testimony, under judicial conference policy, the Confirmation Hearing will be held in person only and will not be accessible telephonically.

The Confirmation Hearing may be adjourned or continued from time to time without further notice except as announced in open court or filed on the Court’s docket. The Diocese may modify the Joint Plan, if necessary, prior to, during, or as a result of the Confirmation Hearing in accordance with the terms of the Joint Plan without further notice.

3. **Record Date for Voting Purposes.** Only holders of Claims in Class 6 (Abuse Claims) as of XXXX XX, 2026 (the “Voting Record Date”) are entitled to vote on the Joint Plan.

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<sup>1</sup> All capitalized terms used but not defined herein have the meanings ascribed to such terms in the Joint Plan and Disclosure Statement, as applicable.

4. You are receiving this notice because you are a holder of either (i) an Administrative Claim, Priority Tax Claim, Non-Tax Priority Claim, Professional Fee Claim, or U.S. Trustee Fee Claim, which are unclassified under the Joint Plan (the “Unclassified Claims”); or (ii) a Claim in Class 1 (Secured Claim of Bank of America), Class 2 (Secured Claim of M&T Bank), Class 3 (Secured Claim of National Fuel), Class 4 (Pass-Through Claims against the Diocese), Class 5 (General Unsecured Claims against the Diocese), Class 7 (Inbound Contribution Claims) or Class 8 (Ride Through Claims Against the Additional Debtors) under the Joint Plan (the “Non-Voting Classes”).  **Holders of Unclassified Claims and Claims within the Non-Voting Classes are not entitled to vote on the Joint Plan.**

5. **Objections to Confirmation.** Objections or responses to confirmation of the Joint Plan, if any, must (a) be in writing; (b) conform to the Bankruptcy Rules; (c) set forth the name and address of the objecting party and the amount and nature of the Claim or Interest of such party; and (d) state the grounds for the objection. All objections must be filed and served on: (i) The Diocese of Buffalo N.Y., 795 Main Street, Buffalo, New York 14203 (Attn: Richard Suchan); (ii) counsel for the Diocese, Bond, Schoeneck & King, PLLC, One Lincoln Center, Syracuse, New York 13202 (Attn: Stephen A. Donato, Charles J. Sullivan, and Grayson T. Walter); (iii) the Office of the United States Trustee, Olympic Towers, 300 Pearl Street, Suite 401, Buffalo, N.Y. 14202 (Attn: Joseph W. Allen, Esq.); (iv) counsel for the Official Committee of Unsecured Creditors, Pachulski Stang Ziehl & Jones, LLP, 780 Third Avenue, 34<sup>th</sup> Floor, New York, New York 10017 (Attn: Ilan D. Scharf and Karen B. Dine); and (v) counsel for the Additional Debtors, Westerman Ball Ederer Miller Zucker & Sharfstein, LLP, 1201 RXR Plaza, Uniondale, New York 11556 (Attn: William C. Heuer), by no later than **XXXX XX, 2026 [fourteen (14) days prior to the Confirmation Hearing]**. Failure to file and serve any objection to the Joint Plan in conformity with the foregoing procedures may result in the objecting party not being heard at the Confirmation Hearing.

**THIS NOTICE IS BEING SENT TO YOU FOR INFORMATIONAL PURPOSES ONLY. IF YOU HAVE QUESTIONS WITH RESPECT TO ANYTHING STATED IN THIS NOTICE OR IF YOU WOULD LIKE TO OBTAIN ADDITIONAL INFORMATION, VISIT [HTTPS://CASE.STRETTO.COM/DIOCESEOFBUFFALO](https://case.stretto.com/dioceaseofbuffalo), OR CONTACT THE VOTING AGENT AT 855.292.7696, OR [TeamBuffaloDiocese@stretto.com](mailto:TeamBuffaloDiocese@stretto.com). PLEASE NOTE THAT THE VOTING AGENT MAY NOT PROVIDE LEGAL ADVICE. IF YOU NEED LEGAL ADVICE, PLEASE CONSULT WITH YOUR ATTORNEY.**

**Exhibit 3**

(Confirmation Hearing Notice)

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK

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In re:

THE DIOCESE OF BUFFALO, N.Y.,

Debtor.

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Case No. 20-10322 (CLB)

Chapter 11

**NOTICE OF CONFIRMATION HEARING**

**PLEASE TAKE NOTICE THAT:**

1. **Approval of Disclosure Statement.** On XXXX XX, 2026, the United States Bankruptcy Court for the Western District of New York (the “Court”) entered an order (Docket No. XXXX, the “Disclosure Statement Order”) approving the *Disclosure Statement in Support of the Joint Chapter 11 Plan of Reorganization for The Diocese of Buffalo, N.Y. and the Additional Debtors* (as it may be amended, the “Disclosure Statement”) in connection with the *Joint Chapter 11 Plan of Reorganization for The Diocese of Buffalo, N.Y. and the Additional Debtors* proposed by the Diocese, the Additional Debtors, and the Official Committee of Unsecured Creditors (together with the Joint Plan Supplement and Exhibits thereto, as they may be amended, the “Joint Plan”).<sup>1</sup> The Disclosure Statement Order authorizes the Diocese to solicit votes to accept or reject the Joint Plan pursuant to chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”).

2. **Confirmation Hearing.** A hearing to consider the confirmation of the Joint Plan (the “Confirmation Hearing”), will commence at **10:00 a.m. (Eastern time)** on **XXXX XX, 2026** before the Honorable Carl L. Bucki, Chief Bankruptcy Judge for the Western District of New York, at 2 Niagara Square, Buffalo, NY 14202. Because of the anticipated live-witness testimony, under judicial conference policy, the Confirmation Hearing will be held in person only and will not be accessible telephonically.

The Confirmation Hearing may be adjourned or continued from time to time without further notice except as announced in open court or filed on the Court’s docket. The Diocese may modify the Joint Plan, if necessary, prior to, during, or as a result of the Confirmation Hearing in accordance with the terms of the Joint Plan without further notice.

3. **Record Date for Voting Purposes.** Only holders of Claims in Class 6 (Abuse Claims) as of XXXX XX, 2026 (the “Voting Record Date”) are entitled to vote on the Joint Plan.

4. **Voting Procedures.** If you are entitled to vote you will receive a Solicitation Package which shall include a copy of (i) the Disclosure Statement Order, (ii) this Notice, (iii) the Disclosure Statement, attached to which is the Joint Plan, and (iv) a ballot (the “Ballot”).

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<sup>1</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Disclosure Statement Motion, the Disclosure Statement, or the Plan, as applicable and as the same may have been amended, supplemented or modified.

Please review the Ballot for specific instructions as to how to vote. Failure to follow the voting instructions may disqualify your vote.

5. **Voting Deadline.** The deadline to vote on the Joint Plan is **5:00 p.m. (Eastern time)** on **XXXX XX, 2026** (the “**Voting Deadline**”). Ballots must be completed, signed, dated, and returned by **only one** of the following return methods:

<p><b><u>If by first class mail, overnight courier, or hand delivery:</u></b></p> <p>The Diocese of Buffalo, N.Y. Claims Processing c/o Stretto 410 Exchange, Suite 100 Irvine, CA 92602</p>
<p><b><u>If by electronic, online submission:</u></b></p> <p>Please visit TeamBuffaloDiocese@stretto.com and click on the “E-Ballot” section of the Diocese’s website and follow the directions to submit your E-Ballot. If you choose to submit your Ballot via the Voting Agent’s E-Ballot system, do <b><u>not</u></b> also return a paper Ballot.</p> <p><b><u>“E-Balloting” is the sole manner in which Ballots will be accepted via electronic or online transmission. Ballots submitted by facsimile or email will not be counted.</u></b></p>

6. **Parties in Interest Not Entitled to Vote.** Holders of Administrative Claims, Priority Tax Claims, Non-Tax Priority Claims, Professional Fee Claims, and U.S. Trustee Fee Claims (the “**Unclassified Claims**”), and holders of Claims in Class 1 (Secured Claim of Bank of America), Class 2 (Secured Claim of M&T Bank), Class 3 (Secured Claim of National Fuel), Class 4 (Pass-Through Claims against the Diocese), Class 5 (General Unsecured Claims against the Diocese), Class 7 (Inbound Contribution Claims), and Class 8 (Ride Through Claims against the Additional Debtors) are not entitled to vote on the Joint Plan. Such holders will receive a Notice of Non-Voting Status instead of a Ballot. If you have timely filed a proof of claim and disagree with the Diocese’s classification of, objection to, or request for estimation of, your Claim and believe that you should be entitled to vote on the Joint Plan, then you must serve counsel for the Diocese, counsel for the Additional Debtors, and attorneys for the Official Committee of Unsecured Creditors, and file with the Court (with a copy to Chambers) a motion (a “**Rule 3018(a) Motion**”) for an order pursuant to Rule 3018(a) of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”) temporarily allowing your Claim in a different amount or in a different Class for purposes of voting to accept or reject the Joint Plan. All Rule 3018(a) Motions must be filed on or before the 10th day after the later of (i) service of this Notice and (ii) service of notice of an objection or request for estimation, if any, as to your Claim or Interest. Any provisional Ballot provided to a Creditor filing a Rule 3018(a) Motion will not be counted for voting purposes except as may be otherwise ordered by the Court. Rule 3018(a) Motions that are not timely filed and served in the manner set forth above shall not be considered.

7. **Executory Contracts and Unexpired Leases.** Pursuant to the Joint Plan, all executory contracts or unexpired leases of the Diocese that were not previously rejected pursuant to an order of the Bankruptcy Court, and that have not expired by their own terms before the Effective Date, shall be deemed to be assumed and assigned to the Reorganized Diocese on the Effective Date.

8. **Release and Injunction Provisions.** The Joint Plan proposes certain releases and injunctions in furtherance of the Joint Plan. The Joint Plan proposes a Channeling Injunction that permanently channels, Class 6 Claims and certain other Claims to a Trust established pursuant to section 105(a) of the Bankruptcy Code. In addition, the Joint Plan proposes a full release of the Released Parties and their respective property, from among other things, any and all Claims relating to the Diocese, the Additional Debtors, the Estate, and the conduct of the Diocese's and the Additional Debtors' businesses. For the specific terms and conditions of all the releases and injunctions provided for in the Joint Plan, and the precise scope of the Claims to be channeled, please refer to Section 12 of the Joint Plan, available at <https://case.stretto.com/diocesefofbuffalo>.

9. **Objections to Confirmation.** Objections or responses to confirmation of the Joint Plan, if any, must (a) be in writing; (b) conform to the Bankruptcy Rules; (c) set forth the name and address of the objecting party and the amount and nature of the Claim or Interest of such party; and (d) state the grounds for the objection. All objections must be filed and served on: (i) The Diocese of Buffalo N.Y., 795 Main Street, Buffalo, New York 14203 (Attn: Richard Suchan); (ii) counsel for the Diocese, Bond, Schoeneck & King, PLLC, One Lincoln Center, Syracuse, New York 13202 (Attn: Stephen A. Donato, Charles J. Sullivan, Grayson T. Walter and Sara C. Temes); (iii) the Office of the United States Trustee, Olympic Towers, 300 Pearl Street, Suite 401, Buffalo, N.Y. 14202 (Attn: Joseph W. Allen, Esq.); (iv) counsel for the Official Committee of Unsecured Creditors, Pachulski Stang Ziehl & Jones, LLP, 1700 Broadway, 36<sup>th</sup> Floor, New York, New York 10017 (Attn: Ilan D. Scharf and Karen B. Dine); and (v) counsel for the Additional Debtors, Westerman Ball Ederer Miller Zucker & Sharfstein, LLP, 1201 RXR Plaza, Uniondale, New York 11556 (Attn: William C. Heuer), by no later than **XXXX XX, 2026 at 5:00 p.m. (Eastern Time)**. Failure to file and serve any objection to the Joint Plan in conformity with the foregoing procedures may result in the objecting party not being heard at the Confirmation Hearing.

10. **Additional Information.** For more information about the solicitation procedures, or for copies of the Disclosure Statement or the Joint Plan, parties should contact the Diocese's claims and voting agent by email at TeamBuffaloDiocese@stretto.com or review such information free-of-charge at <https://case.stretto.com/dioceseofbuffalo>. Such materials are also on file with the Bankruptcy Court and accessible at <https://www.pacer.gov/>. Note that a PACER login and password are required to access documents through PACER. A PACER login and password can be obtained at: <https://pacer.psc.uscourts.gov/pscof/registration.jsf>.

Dated: XXXX XX, 2026

BOND, SCHOENECK & KING, PLLC

By: \_\_\_\_\_ /s/ DRAFT \_\_\_\_\_

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*Attorneys for The Diocese of Buffalo N.Y.*

**Exhibit 4**

(Publication Notice)

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK

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In re:

THE DIOCESE OF BUFFALO, N.Y.,

Debtor.

Case No. 20-10322 (CLB)

Chapter 11

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**NOTICE OF HEARING TO CONSIDER  
CONFIRMATION OF THE JOINT CHAPTER 11  
PLAN OF REORGANIZATION FOR THE DIOCESE OF BUFFALO, N.Y.  
AND THE ADDITIONAL DEBTORS**

**PLEASE TAKE NOTICE THAT:**

1. On June 17, 2026, The Diocese of Buffalo, N.Y. (“Diocese”), the Additional Debtors, and the Official Committee of Unsecured Creditors (the “Committee”) (collectively, the “Plan Proponents”) filed *the Disclosure Statement in Support of the Joint Chapter 11 Plan of Reorganization for The Diocese of Buffalo, N.Y. and the Additional Debtors* (the “Disclosure Statement”) in connection with *the Joint Chapter 11 Plan of Reorganization for The Diocese of Buffalo, N.Y. and the Additional Debtors* (together with the Joint Plan Supplement and Exhibits thereto, as they may be amended, the “Joint Plan”). Capitalized terms not defined herein shall have the meanings ascribed to such terms in the Joint Plan.

2. On XXXX XX, 2026, the United States Bankruptcy Court for the Western District of New York (the “Court”) entered an order approving the Disclosure Statement (the “Disclosure Statement Order”). The Disclosure Statement Order authorizes the Plan Proponents to solicit votes to accept or reject the Joint Plan pursuant to chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”). **A hearing to consider the confirmation of the Joint Plan (the “Confirmation Hearing”), will commence at 10:00 a.m. (Eastern time) on XXXX XX, 2026** before the Honorable Carl L. Bucki, Chief Bankruptcy Judge for the Western District of New York, at 2 Niagara Square, Buffalo, NY 14202. Remote public access will not be provided by the Court. Judicial Conference policy prohibits audio access to proceedings that may involve testimony.

3. The Confirmation Hearing may be adjourned or continued from time to time without further notice except as announced in open court or filed on the Court’s docket. The Diocese may modify the Joint Plan, if necessary, prior to, during, or as a result of the Confirmation Hearing in accordance with the terms of the Joint Plan without further notice, unless such notice is required by the Bankruptcy Code, Bankruptcy Rules, or other applicable law.

4. Pursuant to the Disclosure Statement Order, **the deadline for submitting a Ballot to accept or reject the Joint Plan is XXXX XX, 2026 at 5:00 p.m. (Eastern time) (the “Voting Deadline”).** In order for your vote to be counted, your Ballot must be completed and returned in

accordance with the instructions provided on the Ballot so that it is received by the Voting Deadline.

5. The Joint Plan provides for the reorganization of the Diocese's financial affairs and for distributions to creditors from the Diocese's assets. The Joint Plan also provides for a trust to settle claims and make distributions to holders of Abuse Claims against the Diocese and the Parishes, schools, and Other Catholic Organizations who are Participating Parties. The confirmation and effectiveness of the Joint Plan are subject to material conditions precedent, some of which may not be satisfied.

6. The Joint Plan proposes certain releases and injunctions in furtherance of the Joint Plan. The Joint Plan proposes a Channeling Injunction that permanently channels, among other things, Abuse Claims and Inbound Contribution Claims against the Diocese and the Parishes, Schools and Other Catholic Organizations that comprise the Participating Parties identified in *Exhibit A*, to a Trust established pursuant to section 105(a) of the Bankruptcy Code. In addition, the Joint Plan proposes a full release of the Released Parties and their respective property, from among other things, any and all Claims relating to the Diocese, the Participating Parties, the Estate, and the conduct of the Diocese's and the Participating Parties' businesses. For the specific terms and conditions of all the releases and injunctions provided for in the Joint Plan, and the precise scope of the Claims to be channeled, please refer to Section 12 of the Joint Plan, available at <https://case.stretto.com/dioceesofbuffalo>.

7. **Any objections or responses to the Joint Plan must conform to the Federal Rules of Bankruptcy Procedure and be filed with the Bankruptcy Court and served upon the following parties no later than XXXX XX, 2026 at 5:00 p.m. (Eastern Time):** (i) counsel for the Diocese, Bond, Schoeneck & King, PLLC, One Lincoln Center, Syracuse, New York 13202 (Attn: Stephen A. Donato, Charles J. Sullivan, Grayson T. Walter, and Sara C. Temes); (ii) the Office of the United States Trustee, Olympic Towers, 300 Pearl Street, Suite 401, Buffalo, N.Y. 14202 (Attn: Joseph W. Allen, Esq.); (iii) counsel for the Official Committee of Unsecured Creditors, Pachulski Stang Ziehl & Jones, LLP, 1700 , 34<sup>th</sup> Floor, New York, New York 10017 (Attn: Ilan D. Scharf and Karen B. Dine); (iv) counsel for the Additional Debtors, Westerman Ball Ederer Miller Zucker & Sharfstein, LLP, 1201 RXR Plaza, Uniondale, New York 11556 (Attn: William C. Heuer); and (v) those persons who have formally appeared and requested service in this case pursuant to Rule 2002 of the Federal Rules of Bankruptcy Procedure.

**IF THE JOINT PLAN IS CONFIRMED AND THE EFFECTIVE DATE OCCURS, ALL HOLDERS OF CLAIMS AGAINST THE DIOCESE (INCLUDING, WITHOUT LIMITATION, HOLDERS OF CLAIMS WHO DO NOT VOTE TO ACCEPT OR REJECT THE PLAN OR WHO ARE NOT ENTITLED TO VOTE) WILL BE BOUND BY THE TERMS OF THE CONFIRMED JOINT PLAN AND THE TRANSACTIONS DESCRIBED THEREIN. IF YOU HOLD CLAIMS AGAINST THE DIOCESE, THE PARISHES, SCHOOLS AND OTHER CATHOLIC ORGANIZATIONS COMPRISING THE PARTICIPATING PARTIES, OR THE SETTLING INSURERS, YOUR RIGHTS MAY BE AFFECTED BY THE JOINT PLAN AND THE TRANSACTIONS DESCRIBED THEREIN. THEREFORE, YOU SHOULD READ THE DISCLOSURE STATEMENT, JOINT PLAN, AND RELATED MATERIALS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY. IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.**

**Copies of the Disclosure Statement and the Joint Plan and other related documents are available at <https://case.stretto.com/diocesefbuffalo> or by calling 855.292.7696.**