

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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 :
In re : **Chapter 11**
 :
FUSION CONNECT, INC., et al., : **Case No. 19-11811 (SMB)**
 :
Debtors.¹ : **(Jointly Administered)**
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**NOTICE OF (I) APPROVAL OF
DISCLOSURE STATEMENT, (II) ESTABLISHMENT OF
VOTING RECORD DATE, (III) CONFIRMATION HEARING,
(IV) CONFIRMATION OBJECTION PROCEDURES, AND
(V) PROCEDURES AND DEADLINE FOR VOTING ON THE PLAN**

TO ALL PARTIES IN INTEREST:

PLEASE TAKE NOTICE THAT:

1. **Approval of Disclosure Statement.** On October 8, 2019, the United States Bankruptcy Court for the Southern District of New York (the "**Bankruptcy Court**") entered an order (the "**Disclosure Statement Order**") approving the *Amended Disclosure Statement for Second Amended Joint Chapter 11 Plan of Fusion Connect, Inc., and its Subsidiary Debtors* (ECF No. 456) (as may be amended, modified, or supplemented, the "**Disclosure Statement**")² in Fusion Connect, Inc. and its debtor affiliates' chapter 11 cases (collectively, the "**Debtors**"). The Disclosure Statement Order, among other things, authorizes the Debtors to solicit votes to accept or reject the *Second Amended Joint Chapter 11 Plan of Fusion Connect, Inc., and its Subsidiary Debtors*, filed on October 7, 2019 (ECF No. 455) (as may be amended, modified, or supplemented, the "**Plan**").

2. **Confirmation Hearing.** A hearing to consider confirmation of the Plan (the "**Confirmation Hearing**") has been scheduled before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, in Room 723 of the United States Bankruptcy Court for the

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, as applicable, are: Fusion Connect, Inc. (2021); Fusion BCHI Acquisition LLC (7402); Fusion NBS Acquisition Corp. (4332); Fusion LLC (0994); Fusion MPHC Holding Corporation (3066); Fusion MPHC Group, Inc. (1529); Fusion Cloud Company LLC (5568); Fusion Cloud Services, LLC (3012); Fusion CB Holdings, Inc. (6526); Fusion Communications, LLC (8337); Fusion Telecom, LLC (0894); Fusion Texas Holdings, Inc. (2636); Fusion Telecom of Kansas, LLC (0075); Fusion Telecom of Oklahoma, LLC (3260); Fusion Telecom of Missouri, LLC (5329); Fusion Telecom of Texas Ltd., L.L.P. (8531); Bircan Holdings, LLC (2819); Fusion Management Services LLC (5597); and Fusion PM Holdings, Inc. (2478). The Debtors' principal offices are located at 210 Interstate North Parkway, Suite 300, Atlanta, Georgia 30339.

² Capitalized terms used but not otherwise defined herein shall have the meaning ascribed to such term in the Disclosure Statement or the Plan (each as defined herein), as applicable, or as the context otherwise requires.

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Southern District of New York (the “**Bankruptcy Court**”), One Bowling Green, New York, New York 10004, on **November 14, 2019 at 10:00 a.m. (prevailing Eastern Time)**. The Confirmation Hearing may be adjourned or continued from time to time by the Bankruptcy Court or the Debtors without further notice other than adjournments announced in open court or as indicated in any notice of agenda of matters scheduled for hearing filed by the Debtors with the Bankruptcy Court. The Plan may be modified, if necessary, prior to, during, or as a result of the Confirmation Hearing.

3. ***Voting Record Date.*** Holders of First Lien Claims (Class 3), Second Lien Claims (Class 4), and General Unsecured Claims (Class 5) against the Debtors as of **September 24, 2019 at 5:00 p.m. (prevailing Eastern Time)** (the “**Voting Record Date**”) are entitled to vote on the Plan. The Debtors’ voting and tabulation agent, Prime Clerk LLC (“**Prime Clerk**”), shall provide such creditors with the appropriate Solicitation Package. If Prime Clerk previously provided such creditor with a Ballot on account of a scheduled claim or previous Proof of Claim, Prime Clerk shall update the creditor’s voting amount but shall not be obligated to send a new Ballot.

4. ***Voting Deadline.*** All votes to accept or reject the Plan must be **actually received** by Prime Clerk, by no later than **November 4, 2019 at 4:00 p.m. (prevailing Eastern Time)** (the “**Voting Deadline**”), unless extended by the Debtors with the consent of the First Lien Lender Group. Any failure to follow the voting instructions included with your Ballot may disqualify your Ballot and your vote.

5. ***Parties in Interest Not Entitled to Vote.*** The following table designates the Classes of Claims against and Interests in the Debtors and specifies which of those Classes are (a) Impaired or Unimpaired by the Plan; (b) entitled to vote to accept or reject the Plan in accordance with section 1126 of the Bankruptcy Code; and (c) deemed to accept or reject the Plan. Only holders of First Lien Claims (Class 3), Second Lien Claims (Class 4), and General Unsecured Claims (Class 5) are entitled to vote on the Plan and will receive a Ballot. Holders of Unimpaired Claims and/or Interests in classes deemed to accept the Plan are not entitled to vote and will not receive a Ballot. In addition, holders of Impaired Claims in classes deemed to reject the Plan are not entitled to vote and will not receive a Ballot.

Class	Designation	Treatment	Entitled to Vote
1	Priority Non-Tax Claims	Unimpaired	No (Presumed to accept)
2	Other Secured Claims	Unimpaired	No (Presumed to accept)
3	First Lien Claims	Impaired	Yes
4	Second Lien Claims	Impaired	Yes
5	General Unsecured Claims	Impaired	Yes
6	Intercompany Claims	Unimpaired	No (Presumed to accept)
7	Intercompany Interests	Unimpaired	No (Presumed to accept)
8	Parent Equity Interests	Impaired	No (Deemed to reject)
9	Subordinated Securities Claims	Impaired	No (Deemed to reject)

UNDER THE TERMS OF THE PLAN, IF YOU ARE THE HOLDER OF A CLAIM OTHER THAN A FIRST LIEN CLAIM (CLASS 3), SECOND LIEN CLAIM (CLASS 4), OR GENERAL UNSECURED CLAIM (CLASS 5), YOUR CLAIM IS EITHER

UNIMPAIRED OR IMPAIRED, AND THEREFORE, PURSUANT TO SECTION 1126(F) OR 1126(G) OF TITLE 11 OF THE UNITED STATES CODE, RESPECTIVELY, YOU ARE (A) PRESUMED TO ACCEPT OR DEEMED TO REJECT THE PLAN, RESPECTIVELY AND (B) NOT ENTITLED TO VOTE ON THE PLAN.

If you disagree with the amount or classification of your Claim and believe that you should be entitled to vote on the Plan or vote in a different amount, then you must file with the Bankruptcy Court 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 Plan. All Rule 3018(a) Motions must be filed on or before **October 25, 2019 at 4:00 p.m. (prevailing Eastern Time)**. Rule 3018(a) Motions that are not timely filed and served in the manner set forth above shall not be considered. As to any Claim holder filing a Rule 3018(a) Motion, such Claim holder’s Ballot will be counted as provided in the Disclosure Statement Order except as may be otherwise ordered by the Bankruptcy Court. Claim holders may contact Prime Clerk in writing at Fusion Connect, Inc., Ballot Processing, c/o Prime Clerk LLC, One Grand Central Place, 60 East 42nd Street, Suite 1440, New York, New York 10165, by email to fusionconnectballots@PrimeClerk.com with a reference to “Fusion Connect, Inc.” in the subject line, or by telephone at (844) 230-7218 (Domestic) or (347) 859-8784 (International) to receive an appropriate Ballot for any Claim for which a Proof of Claim has been timely filed and a Rule 3018(a) Motion has been granted.

6. **Objections to Confirmation.** Responses and objections, if any, to confirmation of the Plan must:

- (a) be in writing;
- (b) state the name and address of the objecting party and the amount and nature of the Claim or Interest of such party;
- (c) state with particularity the basis and nature of any objection, and, if applicable, provide proposed language that, if accepted and incorporated by the Debtors, would obviate such objection;
- (d) conform to the Bankruptcy Rules and the Local Rules;
- (e) be filed with the Court together with proof of service either (i) electronically or (ii) conventionally, as noted below in accordance with General Order M-399 by **November 4, 2019 at 4:00 p.m. (prevailing Eastern Time)**:
 - (i) *Electronic Filing*: the filer must be an attorney in possession of passwords and logins to both PACER and the Bankruptcy Court’s Electronic Case Filing System; electronic filing must be in accordance with General Order M-399 (which can be found at <http://www.nysb.uscourts.gov>); or
 - (ii) *Conventional Filing*: the filer must send the response or objection by mail, courier, or messenger to the Bankruptcy Court’s clerk at the following address: United States Bankruptcy Court, One Bowling

Green, New York, NY 10004; the hard copy of the response or objection should be accompanied by a CD-ROM containing the response or objection in text-searchable portable document format (PDF); and

- (iii) *All filers:* those filing electronically as well as those filing conventionally must provide Chambers with two separate, single-sided hard copies of the response or objection; any proposed order should be accompanied by a CD-ROM containing the response or objection in text-searchable portable document format (PDF).

THE FAILURE OF ANY PERSON OR ENTITY TO FILE AND SERVE AN OBJECTION TO CONFIRMATION OF THE PLAN BY THE CONFIRMATION OBJECTION DEADLINE SHALL BE BARRED FROM ASSERTING, AT THE CONFIRMATION HEARING OR THEREAFTER, ANY OBJECTION TO CONFIRMATION OF THE PLAN.

7. ***Additional Information.*** Any party in interest wishing to obtain information about the solicitation procedures or copies of the Disclosure Statement or the Plan should contact the Debtors' voting and tabulation agent, Prime Clerk, by telephone at (844) 230-7218 (Domestic) or (347) 859-8784 (International), or in writing: Fusion Connect, Inc., Ballot Processing, c/o Prime Clerk LLC, One Grand Central Place, 60 East 42nd Street, Suite 1440, New York, New York 10165, or by email at fusionconnectballots@Primeclerk.com with a reference to "Fusion Connect, Inc." in the subject line. Interested parties may also review the Disclosure Statement and the Plan free of charge on the internet (<http://cases.primeclerk.com/Fusion/>). In addition, the Disclosure Statement and the Plan are on file with the Bankruptcy Court and may be reviewed for a fee by accessing the Bankruptcy Court's website: www.nysb.uscourts.gov. Note that a PACER password and login are needed to access documents on the Bankruptcy Court's website. A PACER password can be obtained at: <https://www.pacer.gov>. Copies of the Disclosure Statement and the Plan may also be examined by interested parties during normal business hours at the office of the Clerk of the Bankruptcy Court. **PRIME CLERK IS NOT AUTHORIZED TO, AND WILL NOT PROVIDE, LEGAL ADVICE.**

8. ***DISCHARGE, INJUNCTIONS, RELEASES, AND EXCULPATION.*** PLEASE BE ADVISED THAT ARTICLE X OF THE PLAN PROVIDES FOR DISCHARGE, INJUNCTIONS, RELEASES, AND EXCULPATION OF CERTAIN CONDUCT. COPIES OF THE PLAN MAY BE OBTAINED IN ACCORDANCE WITH THE PROCEDURES DESCRIBED ABOVE IN PARAGRAPH 7. INFORMATION ON DISCHARGE, INJUNCTIONS, RELEASES, AND EXCULPATION MAY BE FOUND IN SECTIONS 10.3 THROUGH 10.7 OF THE PLAN.

9. The Plan also contains other related provisions that may affect your rights against the Debtors.

YOU ARE ADVISED TO CAREFULLY REVIEW AND CONSIDER THE PLAN, INCLUDING THE DISCHARGE, INJUNCTION, RELEASE, AND EXCULPATION PROVISIONS, AS YOUR RIGHTS MAY BE AFFECTED.

Dated: October 8, 2019
New York, New York

/s/ Sunny Singh
WEIL, GOTSHAL & MANGES LLP
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Facsimile: (212) 310-8007
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*Attorneys for Debtors
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Dated: October 8, 2019
New York, New York

/s/ Sunny Singh
WEIL, GOTSHAL & MANGES LLP
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New York, New York 10153
Telephone: (212) 310-8000
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Gary T. Holtzer
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and Debtors in Possession*

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