



Order Filed on July 20, 2021
by Clerk,
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-2(c) GENOVA BURNS LLC. 110 Allen Road, Suite 304 Basking Ridge, NJ 07920 Phone: (973) 467-2700 Fax: (973) 467-8126 <i>Counsel for SITO Mobile Solutions, Inc., SITO Mobile, Ltd., and SITO Mobile R&D IP, LLC.</i> DANIEL M. STOLZ DONALD W. CLARKE	
In Re: SITO MOBILE SOLUTIONS, INC., Debtor.	Case No.: 20-21436 Judge: Honorable Stacey L. Meisel Chapter: 11
In Re: SITO MOBILE, LTD., Debtor.	Case No.: 20-21435 Judge: Honorable Stacey L. Meisel Chapter: 11
In Re: SITO MOBILE R&D IP, LLC., Debtor.	Case No.: 20-21437 Judge: Honorable Stacey L. Meisel Chapter: 11

ORDER (I) APPROVING THE DISCLOSURE STATEMENT ON AN INTERIM BASIS; (II) SCHEDULING A COMBINED HEARING ON FINAL APPROVAL OF THE DISCLOSURE STATEMENT AND PLAN CONFIRMATION AND DEADLINES RELATED THERETO; (III) APPROVING THE SOLICITATION, NOTICE, AND PROCEDURES AND THE FORMS RELATED THERETO; AND (IV) GRANTING RELATED RELIEF

The relief set forth on the following pages numbered two (2) through seven (7) is hereby **ORDERED**.

DATED: JULY 20, 2021

Honorable Stacey L. Meisel
United States Bankruptcy Judge

(Page 2)

Debtor: **SITO MOBILE SOLUTIONS, INC., SITO MOBILE, LTD.,
SITO MOBILE R&D IP, LLC.**

Case No. **20-21436; 20-21435 AND 20-21437 (SLM)**

Caption of Order: **ORDER (I) APPROVING THE DISCLOSURE STATEMENT ON AN INTERIM BASIS; (II) SCHEDULING A COMBINED HEARING ON FINAL APPROVAL OF THE DISCLOSURE STATEMENT AND PLAN CONFIRMATION AND DEADLINES RELATED THERETO; (III) APPROVING THE SOLICITATION, NOTICE, AND PROCEDURES AND THE FORMS RELATED THERETO; AND (IV) GRANTING RELATED RELIEF**

Upon the motion of the Debtors for the entry of an Order (i) Approving the Disclosure Statement on an Interim Basis; (ii) Scheduling a Combined Hearing on Final Approval of the Disclosure Statement and Plan Confirmation and Deadlines Related Thereto; (iii) Approving the Solicitation, Notice, Procedures and Forms Related Thereto; (iv) Granting Related Relief (the “Motion”), and based upon the record in these Chapter 11 Cases; and the Court having jurisdiction over this matter pursuant to 28 U.S.C. Section 157 and 1334 and the Standing Order of Reference to the Bankruptcy Court Under Title 11 of the United States District Court for the District of New Jersey; and the Court having found that this is a core proceeding pursuant to 28 U.S.C. Section 157(b)(2); and the Court having found that venue of this proceeding and this Motion in this District is proper pursuant to 28 U.S.C. §§1408 and 1409; and it appearing that sufficient notice of the Motion has been give; and the Court having found that the relief requested in the Motion is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and the Court having reviewed the Motion and having heard the statements in support of the relief requested therein and any opposition thereto at a hearing before the Court; and the Court having determined that the legal and factual bases set forth in the Motion establish

(Page 3)

Debtor: **SITO MOBILE SOLUTIONS, INC., SITO MOBILE, LTD.,
SITO MOBILE R&D IP, LLC.**

Case No. **20-21436; 20-21435 AND 20-21437 (SLM)**

Caption of Order: **ORDER (I) APPROVING THE DISCLOSURE STATEMENT ON AN INTERIM BASIS; (II) SCHEDULING A COMBINED HEARING ON FINAL APPROVAL OF THE DISCLOSURE STATEMENT AND PLAN CONFIRMATION AND DEADLINES RELATED THERETO; (III) APPROVING THE SOLICITATION, NOTICE, AND PROCEDURES AND THE FORMS RELATED THERETO; AND (IV) GRANTING RELATED RELIEF**

just cause for the relief granted herein; and upon all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing therefor;

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. The Motion is granted to the extent set forth herein.
2. The Disclosure Statement is approved on an interim basis under Section 1125 of the Bankruptcy Code and Bankruptcy Rule 3017. Any objections to the adequacy contained in the Disclosure Statement are expressly reserved for consideration at the Confirmation Hearing;
3. The following schedule is approved in its entirety as follows:

EVENT	DATE
Deadline to Serve the Notices and Solicitation Package	July 30, 2021
Deadline to Object to Final Approval of the Disclosure Statement and Confirmation of the Plan	August 30, 2021 at 4:00 p.m. ET
Voting Deadline	August 30, 2021 at 4:00 p.m. ET
Deadline for Debtors to File Certification of Ballots	September 1, 2021 at 4:00 p.m. ET
Deadline for Debtors to file Confirmation Brief and/or Reply to any Plan or Disclosure Statement Objections	September 9, 2021 at 4:00 p.m. ET
Combined Hearing on Approval of the Disclosure Statement and Confirmation of the Plan	September 14, 2021 at 10:30 a.m.

(Page 4)

Debtor: **SITO MOBILE SOLUTIONS, INC., SITO MOBILE, LTD.,
SITO MOBILE R&D IP, LLC.**

Case No. **20-21436; 20-21435 AND 20-21437 (SLM)**

Caption of Order: **ORDER (I) APPROVING THE DISCLOSURE STATEMENT ON AN INTERIM BASIS; (II) SCHEDULING A COMBINED HEARING ON FINAL APPROVAL OF THE DISCLOSURE STATEMENT AND PLAN CONFIRMATION AND DEADLINES RELATED THERETO; (III) APPROVING THE SOLICITATION, NOTICE, AND PROCEDURES AND THE FORMS RELATED THERETO; AND (IV) GRANTING RELATED RELIEF**

4. The combined hearing on final approval of the adequacy of the Disclosure Statement and confirmation of the Plan is scheduled for September 14, 2021 at 10:30 a.m. (the "Confirmation Hearing"). The deadline to file objections to the adequacy of the Disclosure Statement and Confirmation of the Plan is August 30, 2021 by 5:00 p.m. (the "Objection Deadline"). The Confirmation Hearing may be continued from time to time by the Court or the Debtors, without further notice other than adjournments announced in open Court whereby notice of adjournment filed with the Bankruptcy Court and served on parties entitled to notice under Bankruptcy Rule 2002 and the Local Rules.

5. The deadline for the Debtors to file the Certification of Balloting is September 1, 2021 by 4:00 p.m..

6. The deadline for the Debtors (and any other parties in support of the Plan) to file a Brief and Certification in support of Confirmation of the Plan and/or a reply to any objections to the Final Approval of the Disclosure Statement and Confirmation of the Plan is September 9, 2021 by 4:00 p.m.

7. Objections to the adequacy of the Disclosure Statement or Confirmation of the Plan, if any, must:

(Page 5)

Debtor: **SITO MOBILE SOLUTIONS, INC., SITO MOBILE, LTD.,
SITO MOBILE R&D IP, LLC.**

Case No. **20-21436; 20-21435 AND 20-21437 (SLM)**

Caption of Order: **ORDER (I) APPROVING THE DISCLOSURE STATEMENT ON AN INTERIM BASIS; (II) SCHEDULING A COMBINED HEARING ON FINAL APPROVAL OF THE DISCLOSURE STATEMENT AND PLAN CONFIRMATION AND DEADLINES RELATED THERETO; (III) APPROVING THE SOLICITATION, NOTICE, AND PROCEDURES AND THE FORMS RELATED THERETO; AND (IV) GRANTING RELATED RELIEF**

- a. Be in writing;
- b. Be conformed to the Bankruptcy Rules and Local Rules;
- c. State the name and address of the objecting party and the amount and nature of the claim or interest of such party, to the extent applicable;
- d. State with particularity the basis and nature of any objection to the Disclosure Statement, Confirmation of the Plan and, if practicable, a proposed modification to the Plan or Disclosure Statement that would resolve such objection; and
- e. Be filed, together with a proof of service with the Court and served upon counsel for the Debtors, Genova Burns LLC, 110 Allen Road, Suite 304, Basking Ridge, New Jersey 07920 (Attn: Daniel M. Stolz, Esq.); counsel for the Creditors' Committee, Amir Gamliel, Esq., Perkins Coie, LLP., 1888 Century Park East, Suite 1700, Los Angeles,, CA 90067-1721; Gary F. Eisenberg, Esq., Perkins Coie, LLP, 1155 Avenue of the Americas, 22nd Floor, New York, New York 10036; Kathleen Allare, Esq., Perkins Coie LLP, 131 S. Dearborn Street, Suite 1700, Chicago, IL 60603-5559; (iii) counsel to the

(Page 6)

Debtor: **SITO MOBILE SOLUTIONS, INC., SITO MOBILE, LTD.,
SITO MOBILE R&D IP, LLC.**

Case No. **20-21436; 20-21435 AND 20-21437 (SLM)**

Caption of Order: **ORDER (I) APPROVING THE DISCLOSURE STATEMENT ON AN INTERIM BASIS; (II) SCHEDULING A COMBINED HEARING ON FINAL APPROVAL OF THE DISCLOSURE STATEMENT AND PLAN CONFIRMATION AND DEADLINES RELATED THERETO; (III) APPROVING THE SOLICITATION, NOTICE, AND PROCEDURES AND THE FORMS RELATED THERETO; AND (IV) GRANTING RELATED RELIEF**

Plan Funders; Catherine E. Youngman, Esq., Fox Rothschild LLP, 49 Market Street, Morristown, NJ 07960-5122; and Michael R. Herz, Esq., Fox Rothschild LLP, 49 Market Street, Morristown, NJ 07960-5122 (iv) the Office of the United States Trustee, One Newark Center, Suite 2100, Newark, New Jersey 07102.

8. The Confirmation Hearing Notice, in substantially the form attached hereto as Exhibit "A" complies with the requirements of Bankruptcy Rules 2002(b), 2002(d), and 3017(d) and is hereby approved in all respects. The Confirmation Hearing Notice shall be served upon the Debtors' creditors and all parties requesting notice pursuant to Bankruptcy Rule 2002 on or before July 30, 2021.

9. The Debtors shall transmit a package (the "Solicitation Package") containing (a) the Disclosure Statement, the Plan and all exhibits thereto, (b) a Ballot, including voting instructions, (c) the Confirmation Hearing Notice, and (d) this Order on or before July 30, 2021.

10. As part of the Solicitation Package, the Debtor shall distribute to creditors entitled to vote on the Plan, a Ballot based upon Official Form No. 314 modified to address the particular circumstances of these Chapter 11 cases and to include certain additional information that the

(Page 7)

Debtor: **SITO MOBILE SOLUTIONS, INC., SITO MOBILE, LTD.,
SITO MOBILE R&D IP, LLC.**

Case No. **20-21436; 20-21435 AND 20-21437 (SLM)**

Caption of Order: **ORDER (I) APPROVING THE DISCLOSURE STATEMENT ON AN INTERIM BASIS; (II) SCHEDULING A COMBINED HEARING ON FINAL APPROVAL OF THE DISCLOSURE STATEMENT AND PLAN CONFIRMATION AND DEADLINES RELATED THERETO; (III) APPROVING THE SOLICITATION, NOTICE, AND PROCEDURES AND THE FORMS RELATED THERETO; AND (IV) GRANTING RELATED RELIEF**

Debtors believe to be relevant and appropriate for the voting class to vote to accept or reject the Plan.

11. The deadline to submit Ballots to accept or reject the Plan shall be September 1, 2021.

12. With regard to those creditors or parties in interest not entitled to vote under the Plan, the Plan proponents are authorized to provide to such parties only the Confirmation Hearing Notice, together with directions for such parties to obtain electronic copies of the Plan documents from the Debtor's counsel.

13. The Solicitation Proceedings are hereby approved in their entirety, provided that the Debtors reserve the right to amend or supplement the Solicitation Procedures, and related documents to better facilitate the confirmation process.

14. The Solicitation procedures satisfy the requirements of the Bankruptcy Code, the Bankruptcy Rules and the Local Rules.

15. The Debtors are hereby authorized to take any action necessary or appropriate to implement the terms of, and the relief granted in this Order without seeking further Order of this Court.

(Page 8)

Debtor: **SITO MOBILE SOLUTIONS, INC., SITO MOBILE, LTD.,
SITO MOBILE R&D IP, LLC.**

Case No. **20-21436; 20-21435 AND 20-21437 (SLM)**

Caption of Order: **ORDER (I) APPROVING THE DISCLOSURE STATEMENT ON AN
INTERIM BASIS; (II) SCHEDULING A COMBINED HEARING ON
FINAL APPROVAL OF THE DISCLOSURE STATEMENT AND
PLAN CONFIRMATION AND DEADLINES RELATED THERETO;
(III) APPROVING THE SOLICITATION, NOTICE, AND
PROCEDURES AND THE FORMS RELATED THERETO;
AND (IV) GRANTING RELATED RELIEF**

16. This Court retains jurisdiction with respect to all matters arising from or relating to the implementation of this Order.