

1 UNITED STATES BANKRUPTCY COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SANTA ROSA DIVISION
4

5 In re
6 COPIA: THE AMERICAN CENTER FOR
7 WINE, FOOD, AND THE ARTS, a California
8 nonprofit public benefit corporation,
9 Debtor.

Chapter 11

Case No. 08-12576

**ORDER APPROVING JOINT
DISCLOSURE STATEMENT AND FIXING
TIME FOR (1) RETURNING AND FILING
BALLOTS, (2) FILING OBJECTIONS TO
CONFIRMATION, AND (3) HEARING ON
CONFIRMATION OF JOINT CHAPTER 11
PLAN**

10
11
12 A Joint Disclosure Statement under Chapter 11 of the Bankruptcy Code having been jointly
13 filed herein by the Debtor Copia: The American Center for Wine, Food, and the Arts, and the
14 Secured Creditor ACA Financial Guaranty Corporation (“Joint Plan Proponents”) in the above-
15 entitled proceeding, dated July 7, 2009, referring to the Joint Plan Proponents’ Joint Plan of
16 Liquidation under Chapter 11 of the Bankruptcy Code dated July 7, 2009; and;

17 It having been determined pursuant to 11 U.S.C. § 1125 that approval of the Joint Disclosure
18 Statements is appropriate,

19 **IT IS ORDERED**, and notice is hereby given, that:

20 **A. APPROVAL OF JOINT DISCLOSURE STATEMENT**

21 1. The Joint Disclosure Statement referred to above is approved.

22 **B. CONFIRMATION HEARING AND OBJECTIONS**

23 1. On August 14, 2009, at 10:00 a.m., in the courtroom of the Honorable Alan
24 Jaroslovsky, Judge, United States Bankruptcy Court, 99 South E Street, Santa Rosa, California, a
25 hearing will be held on the Confirmation of the Joint Plan filed by the Joint Plan Proponents.
26

1 designee, is ordered to cooperate with the Debtor in supplying the required number of copies and in
2 thereafter promptly causing these solicitation packages to be distributed by first class mail to the
3 Individual Bondholders of record as of June 26, 2009.

4 c) BNY Mellon, or its designee, may submit to the Joint Plan Proponents an
5 invoice for its reasonable expenses incurred in complying with this Order, which the Debtor's
6 Responsible Person is authorized to pay as an administrative expense.

7 **D. VOTING PROCEDURES**

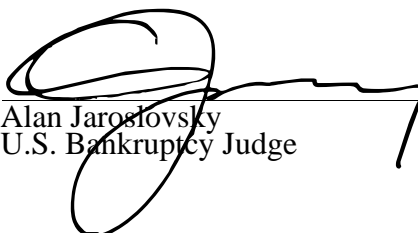
8 1. August 7, 2009, is fixed as the deadline by which Creditors must vote to accept or
9 reject the Plan. Ballots must be received by counsel for Plan Proponent ACA Financial Guaranty
10 Corporation by mail, facsimile, or email not later than 5:00 p.m. PDT on that date to be counted.

11 2. Pursuant to the provisions of Bankruptcy Rule 3018(d), Class 4 (Secured Creditors –
12 2007 Bond Documents) may accept or reject the Joint Plan in the capacities of both secured and
13 unsecured creditors. The holder(s) of the Class 4 Claim may divide its Claim into secured and
14 unsecured portions in such amounts as it deems fit.

15 3. The Joint Plan Proponents shall file a Ballot Summary on or before August 11, 2009.
16 The Joint Plan Proponents shall prepare separate compilations for the voting of the Class 4 Claim,
17 one for ACA Financial Guaranty Corporation as the representative of the Class 4 Claims, and one for
18 the Individual Bondholders. The Court reserves jurisdiction to determine which set of ballots will be
19 counted if necessary.

20 **IT IS SO ORDERED.**

21 Dated: July 7, 2009

22
23 
24 Alan Jaroslovsky
25 U.S. Bankruptcy Judge
26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

APPROVED AS TO FORM AND CONTENT:

DATED: July 7, 2009

NIXON PEABODY LLP

By: /s/ Louis J. Cisz, III
LOUIS J. CISZ, III
Attorneys for Joint Plan Proponent
ACA FINANCIAL GUARANTY
CORPORATION

DATED: July 7, 2009

MacCONAGHY & BARNIER, PLC

By: /s/ John H. MacConaghy
JOHN H. MacCONAGHY
Attorneys for Debtor and Joint
Plan Proponent
COPIA: THE AMERICAN CENTER FOR
WINE, FOOD, AND THE ARTS