

Below is the Order of the Court.



*[Handwritten signature]*

**Marc Barreca**  
**U.S. Bankruptcy Judge**

(Dated as of Entered on Docket date above)

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UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON

In re:

VADIUM TECHNOLOGY, INC.,

Debtor.

Case No.: 12-10808-MLB

ORDER (A) APPROVING THE  
DISCLOSURE STATEMENT FOR THE  
CHAPTER 11 PLAN OF THE DEBTOR  
AND (B) ESTABLISHING SOLICITATION  
AND VOTING PROCEDURES WITH  
RESPECT TO THE CHAPTER 11 PLAN OF  
THE DEBTOR.

Upon the motion of the Debtors for entry of an order pursuant to Bankruptcy Code sections 1125 and 1126, approving (a) the adequacy of the Disclosure Statement and (b) certain procedures to govern the solicitation and tabulation of votes to accept or reject the Plan; and it appearing that the relief requested in the Motion is in the best interests of the Debtor, their estates and other parties in interest; and this Court having

ORDER (A) APPROVING THE DISCLOSURE STATEMENT FOR THE DEBTOR'S CHAPTER 11 PLAN AND (B) ESTABLISHING SOLICITATION AND VOTING PROCEDURES WITH RESPECT TO THE DEBTOR'S CHAPTER 11 PLAN

Dallas Jolley, Jr., Attorney at Law  
4707 South Junett St. Ste. B Tacoma, WA 98407  
Tel: (253)761-8970 Fax: (206)686-7653

1 jurisdiction to consider the Motion and the relief requested therein pursuant to 28  
2 U.S.C. §§ 157 and 1334; and consideration of the Motion and the relief requested  
3 therein being a core proceeding pursuant to § 157(b); and venue being proper in this  
4 district pursuant to 28 U.S.C. §§ 1408 and 1409; and the Debtor having given the U.S.  
5 Trustee, all creditors and all other parties in interest that filed requests for notices in  
6 this cases at least 28 days notice by mail of the deadline for filing objections to the  
7 Motion

8 1. The Motion is granted.

9 **A. Approval of the Disclosure Statement**

10 2. The Disclosure Statement is approved in all respects pursuant to Bankruptcy  
11 code section 1125 as providing holders of Claims entitled to vote on the Plan  
12 with adequate information to make an informed decision as to whether to vote  
13 to accept or reject the Plan in accordance with Bankruptcy Code Section  
14 1125(a)(1). The Disclosure Statement has been amended to satisfy the creditor  
15 objections and the unsecured creditor's committee's concerns discussed at the  
16 hearing approving the Disclosure Statement.

17 3. The Disclosure Statement provides holders of Claims, holders of  
18 Equity Interests and other parties in interest with sufficient notice of the  
19 injunction, exculpation and release provisions contained in Article IX of the  
20 Plan, in satisfaction of the requirements of Bankruptcy Rule 3016(c).

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1 4. The Disclosure Statement Hearing Notice substantially in the form  
2 attached here as Exhibit A constitutes adequate and sufficient notice of the  
3 hearing to consider approval of the Disclosure Statement and satisfies the  
4 requirements of the applicable provisions of the Bankruptcy Code, the  
5 Bankruptcy Rules, and the Local Rules.

6 B. Approval of the Materials and Timeline for Soliciting Votes

7 **i. Approval of the Solicitation Packages and Non-Voting Status**  
8 **Notices**

9 5. In addition to the Disclosure Statement and exhibits thereto, including the Plan,  
10 the Solicitation Packages to be transmitted on or before the Solicitation Deadline to  
11 those holders of Claims in the Voting Class as of the Voting Record Date shall include  
12 the following, the form of each of which is hereby approved:

- 13 a. The Confirmation Hearing Notice;
- 14 b. The Ballots; and
- 15 c. Information on how to access the Disclosure Statement through the  
16 Bankruptcy Court website.

17 6. The Solicitation Packages provide holders of Claims entitled to vote on the  
18 Plan with adequate information to make informed decisions with respect to voting on  
19 the Plan in accordance with Bankruptcy Rules 2002(b) and 3017(d), the Bankruptcy  
20 Code and the Local Rules.

21 7. The Debtors shall distribute by mailing or causing to be mailed by first-class  
mail the Solicitation Packages to all holders of Claims entitled to vote on the Plan on

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1 or before the Solicitation Deadline in accordance with the Motion in satisfaction of the  
2 requirements of the Bankruptcy Code, the Bankruptcy Rules and the Local Rules.

3 8. Any party who receives a solicitation package but would prefer paper format  
4 for the Disclosure Statement, may contact the Debtor Attorney's office prior to the  
5 Voting Deadline and request paper copies of the corresponding, which shall then be  
6 provided at the Debtors' expense.

7 9. Except to the extent the Debtors determine otherwise, the Debtors are not  
8 required to provide Solicitation Packages to holders of Claims or Equity Interests in  
9 Non-Voting Classes, as such holders are not entitled to vote on the Plan. Instead, on  
10 or before the Solicitation Deadline, the Debtor's Attorney shall mail to parties who are  
11 not entitled to vote on the Plan the applicable Non-Voting Status Notice.

12 ***(ii) Approval of the Voting Record Date, Solicitation Deadline and***  
13 ***Voting Deadline***

14 10. The following dates are hereby established (subject to modification as needed)

15 with respect to the solicitation of votes to accept the Plan and voting on the

16 Plan:

- 17 a. Voting Record Date as August 8, 2012;
- 18 b. Solicitation Deadline as August 13, 2012; and
- 19 c. Voting Deadline as September 21, 2012 at 5:00 p.m., prevailing Pacific  
20 Time.

21 11. The Debtors are authorized to make non-substantive changes to the Plan, the  
Confirmation Hearing Notice, the Solicitation Packages, the Non-Voting Status

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1 Notices, the Ballots, and related documents without further order of this Court,  
2 including, without limitation, changes to correct typographical and grammatical errors  
3 and to make conforming changes to the Plan and any other materials in the Solicitation  
4 Packages before distribution.

5 12. Objections to the Plan shall not be considered by the Court unless such  
6 objections are timely filed and properly served in accordance with this Disclosure  
7 Statement Order. Specifically, all objections to confirmation of the Plan or requests  
8 for modifications to the Plan must: (a) be in writing; (b) conform to the Bankruptcy  
9 Rules, the Local Rules and any orders of this Court; (c) state the name and address of  
10 the objecting party and the amount and nature of such party's Claim or Equity Interest;  
11 (d) state with particularity the basis and nature of any objection to the Plan and, if  
12 practicable, a proposed modification to the Plan that would resolve such objection;  
13 and (e) be filed, contemporaneously with a proof of service, with the Court and served  
14 so that it is actually received on or before the Plan Objection Deadline by the  
15 following party: Dallas Jolley, Jr. 4704 South Junett St Ste B Tacoma, WA 98407.

16 13. The terms and conditions of this Order shall be immediately effective and  
17 enforceable upon its entry.

18 //END OF ORDER//

19 Presented by:

20 /s/Dallas W. Jolley, Jr.  
Dallas W. Jolley, Jr., WSBA No. 22957  
21 Attorney for Debtor

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