

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
IN RE: : **Chapter 11**
ARCAPITA BANK B.S.C.(c), *et al.*, : **Case No. 12-11076 (SHL)**
Debtors. : **Jointly Administered**
-----X

**AFFIDAVIT OF PUBLICATION OF ANDREW SOLLINGER
IN THE FINANCIAL TIMES**

AFFIDAVIT OF PUBLICATION

**IN THE MATTER OF: ARCAPITA BANK B.S.C., et al.,
STATE OF NEW YORK:**

ss:

COUNTY OF NEW YORK:

I, Andrew Sollinger, being duly sworn, hereby certify that (a) I am the Managing Director, US Advertising of FT Publications, Inc., Publisher of the FINANCIAL TIMES, a daily newspaper published and of general circulation in the City and County of New York, and (b) that the Notice of which the annexed is a copy was published in ALL EDITIONS OF THE FINANCIAL TIMES ON THE 6th DAY OF MAY 2013.



ANDREW SOLLINGER, MANAGING DIRECTOR, US ADVERTISING:

SWORN TO BEFORE ME THIS:

Hope Kaye

NOTARY PUBLIC

HOPE KAYE
Notary Public, State of New York
No. 01KA4944197
Qualified in New York County
Commission Expires Feb 3 2015

COMPANIES

US studios seek inroads into Bollywood

MEDIA
News analysis

Indian cinema dates back to 1913. A management revolution is now being played out in the business, writes **James Crabtree**

Bollywood films are known for their upbeat finales, but the industry behind them also has plenty to celebrate. India's Hindi-language film business marks its centenary this month, while a new feature toasting the nation's cinematic heritage, *Bombay Talkies*, premiered at the Cannes Film Festival last week.

Indian filmmakers are in fine financial fettle too, as a boom in multiplex screens brings record audiences in to see their song-and-dance spectacles, making last year the sector's most successful ever by sales.

But a management revolution is brewing in a business that dates its birth to the first screening of a silent film in Bombay in May 1913, and one brought about by the arrival of some of the biggest names in the global entertainment business.

US-based studios such as Disney, Viacom and Fox are attempting to win a larger share of the Indian film market, which is the world's most productive and popular, making more than 1,000 films annually and selling more than 3bn tickets last year.

Money is one motivation: Indian film revenues are projected to increase by more than half to \$3.6bn over the next four years, according to consultants KPMG, helping the country surpass Britain as the fifth-largest film market by sales.

Openness to outsiders is as important, however, especially to international participants seeking growth across the developing world.

"Which of the large emerging film markets is as free of regulation as India? Here there are no restrictions. Anyone can come and make what they want," says Ronnie Screwvala, the head of Disney UTV, India's largest film producer by revenue.

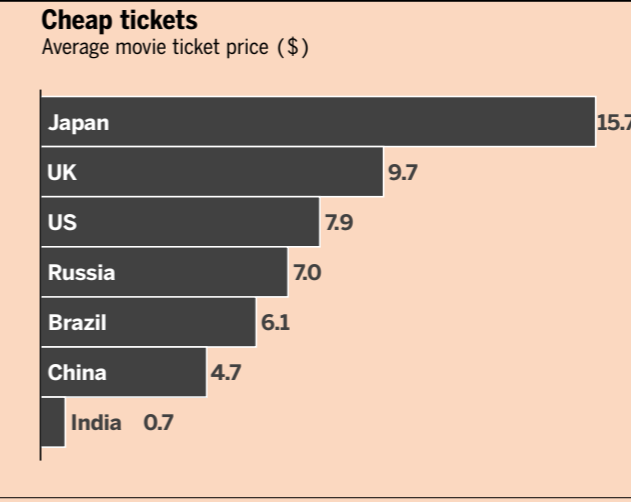
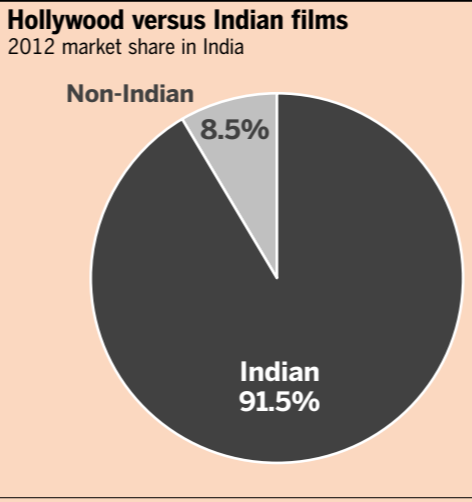
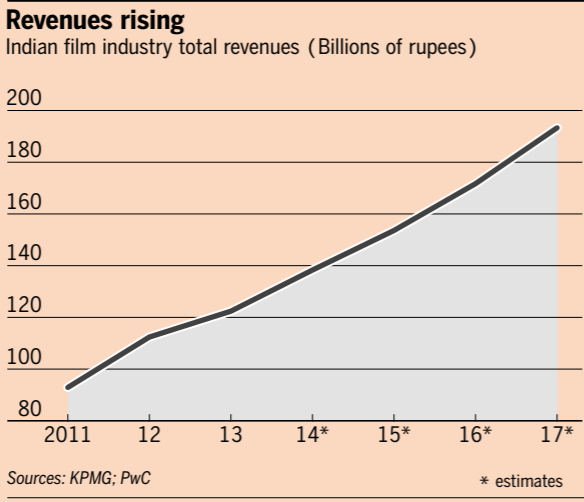
"The only other potentially really large market, China, is full of limits on how many films foreign groups can make and distribute."

Disney is the most prominent of the foreign arrivals, following its acquisition last year of UTV, a large Indian film and television group, in a deal worth \$454m.

Viacom may follow suit as industry observers expect the US conglomerate to buy out the remainder of its 50-50 joint venture with Network 18, an Indian media company.



Shahrukh Khan in 'Ra.One' from 2011. Indian film revenues are projected to increase by more than half to \$3.6bn over the next four years



'India is the only place where [Hollywood studios] have been forced to go local'

Rupert Murdoch's News Corp is increasingly prominent, with its Fox Star Studios division building on the success of the company's larger and more established Star India cable television business.

Hollywood's biggest names have nonetheless had to grapple with an unusual challenge as they attempt to crack the Indian market, says Jehli Thakkar, head of media entertainment at KPMG in Mumbai, namely the unusual reluctance of local filmgoers to warm to their main product.

India has proved almost uniquely resistant to imported English-language films, with foreign efforts taking only 9 per cent of the country's box office last year compared with about half of the market in China.

Consequently only a few dozen English-language films are released

Drive to reel in Indian movie audiences

Indian film star Amitabh Bachchan stages his debut in a Hollywood feature this year, playing underworld businessman Meyer Wolfsheim in Baz Luhrmann's adaptation of *The Great Gatsby*, writes **James Crabtree**.

But while his casting has attracted attention from fans in his home country, the move is also part of a strategy in which US studios are attempting to adapt their offerings to suit the tastes of audiences in emerging markets.

China is typically the target. Western films have cast Chinese characters or featured Chinese locations, including Disney's *Iron Man 3*.

But the same approach is being

used to woo Indian audiences, for instance with the appearance of Bollywood star Anil Kapoor in the fourth instalment of the *Mission Impossible* franchise.

Hollywood films face stiff competition in India's film market, and US studios are using other approaches to win over sceptical audiences.

Iron Man 3 has performed well in India since its release last week, in part because its promoters decided to dub the film not just into Hindi, but Telugu and Tamil.

Bigger marketing campaigns help, as do early release dates: some Hollywood films open in India well before they reach screens in the US.

MORE ON FT.COM
India boasts a \$2bn film industry. The Financial Times' Jyotsna Singh looks at what lies ahead for the sector
www.ft.com/bollywood/

Ouya earns Kickstarter kudos by cranking out the consoles on time

TECHNOLOGY HARDWARE
News analysis

A rare distinction, says **Tim Bradshaw**. But an even bigger challenge awaits: the mass market

In March, the Ouya games console achieved something almost unprecedented among its Kickstarter-funded peers: it started shipping on schedule.

The Android-based console, which raised \$8.5m on the crowdfunding platform last summer, began sending out its first units to Kickstarter backers just in time to meet its deadline.

That earns Ouya a rare distinction among Kickstarter technology hardware projects that raise millions of dollars from the public. Others, such as the Pebble smart watch and the Oculus Rift virtual-reality headsets, missed their deadline by several months, risking the ire of backers who had stumped up \$99 or more.

However, now that backers of Ouya, Pebble, Oculus and other graduates of Kickstarter's boisterous "class of 2012" are finally receiving their devices, an even more demanding constituency awaits these hardware start-ups: the mass market.

Selling to regular consumers beyond the few thousand early adopters can require further funding, retail distribution agreements, and more, says Yves Behar, founder of the Fuse-project design consultancy in San Francisco.

"While Kickstarter has helped people make things, everything else still needs to be figured out," he says.

Fuseproject designed and branded the Ouya, as well as other Kickstarter projects such as the GAME golf-shot monitoring device,

but Mr Behar is picky about which entrepreneurs he invests time and capital into.

"What Steve Jobs said is: 'Great artists ship,'" he says. "I tell [potential partners]: great CEOs, great entrepreneurs ship. So what I'm looking for is not just people with great ideas, but people who can build and run a business."

For many hardware entrepreneurs, Kickstarter and other crowdfunding sites such as Indiegogo provide an opportunity to test the market demand for a product before taking the costly risk of manufacturing.

"There is a tense relationship between demand and supply and a lot of risk. Kickstarter has changed a lot of that," says Ben Redford of Mint Digital, a London-based design agency that launched Projecto, a miniature projector for Instagram photos, on the crowdfunding site. A previous product submission failed to reach its funding goal - "which is brilliant", Mr Redford says, "because I didn't make something that nobody wants".



Eric Migicovsky, chief executive of Pebble, agrees. A previous smart watch the company had worked on sold only a few thousand units.

"The most important thing at the beginning of the start-up is to get feedback from your customers," says Mr Migicovsky.

"The tools that are available now on the hardware

'The most important thing at the beginning of the start-up is to get feedback'

side mean that you can get to the point where you're getting feedback from customers much sooner and much cheaper than before. That's probably why there are so many hardware companies that are starting up right now."

But despite the falling costs of launching, only a third of technology projects that pitch for backing on Kickstarter reach the target

required to receive their funds. Of those that succeed, only a minority ship their initial product out on time, even before they start thinking about larger production runs.

Even hardware start-ups that raise funding the traditional way, through venture capital, can suffer delays. Leap Motion, which is developing a hotly anticipated motion controller for PCs, said last month that it was putting back by two months its consumer release into stores such as Best Buy, while it fixed last-minute bugs. Such traumas are easier to manage for internet businesses, which can control their own distribution.

"People are realising what has been true in hardware for a long time - that it is complicated and difficult and there are a lot of challenges to overcome," says Travis Boward, head of product at Jawbone, now a veteran member of Silicon Valley's hardware start-up scene after producing Bluetooth headsets, speakers and health-monitoring wristbands for seven years.

Factories are likely to charge smaller companies more for their early production runs, due to lower volumes and higher risk. But because PCH has existing relationships with these manufacturers, they are more prepared to work with them - especially as small technology companies can grow fast.

"With start-ups, you can go from year one to year four and become a billion-dollar business," Mr Forrest says. "We hold their hand and spend more time with them."

Such partnerships can also help build trust with larger investors, whose funds may be required to scale up beyond Kickstarter. Mr Migicovsky tried unsuccessfully to raise funds for Pebble early last year, which is why he turned to crowdfunding.

But rather than think about financing, Mr Migicovsky says that improving his product through software updates will be his main focus now that shipping the hardware is almost complete.

"A lot of people view that the bar to hardware has gone down," he says. "The bar to doing great hardware has not changed at all."

More experienced hardware companies are now looking to help the start-ups out. Accelerator programmes in Silicon Valley work with selected "indie electronics" companies to ensure they meet their shipping targets and can scale up to meet consumer demand.

Examples include those run by Haxlr8r, an early-stage venture investor, and PCH, which manages outsourced manufacturing in China for many big-name gadget makers.

"There is a big difference between being a product and being a company," says Brady Forrest, who runs PCH's start-up accelerator in San Francisco.

This document contains important and time sensitive legal information. Your rights may be affected. To obtain a translation of this document, go to <http://www.goginc.com/cases/arcapita>.

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

IN RE: ARCAPITA BANK B.S.C.(c), et al., Debtors. Chapter 11, Case No. 12-11076 (SHL) Jointly Administrated

NOTICE OF (I) APPROVAL OF DISCLOSURE STATEMENT, (II) DEADLINE FOR VOTING ON THE PLAN, (III) CONFIRMATION HEARING DATE, AND (IV) DEADLINE FOR FILING OBJECTIONS TO THE CONFIRMATION OF THE PLAN

PLEASE TAKE NOTICE OF THE FOLLOWING:

The Debtors have filed their Second Amended Joint Plan of Reorganization of Arcapita Bank B.S.C.(c) and Related Debtors Under Chapter 11 of the Bankruptcy Code (including all exhibits thereto and as amended, modified or supplemented, the "Plan").

APPROVAL OF THE DISCLOSURE STATEMENT AND THE RECORD DATE

By order dated April 26, 2013 (the "Disclosure Statement Approval Order") (Docket No. 1045), the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court") approved the Second Amended Disclosure Statement in Support of the Plan and the Record Date of the Plan, the date of the entry of the Disclosure Statement Approval Order is the record date of the Plan.

WHO MAY VOTE ON THE PLAN

Claimants who, as of the Record Date, hold Claims or Interests in Classes 2(a)-(f), 4(a)-(b), 5(a)-(b), 5(g), 6(a), 7(a)-(b), 7(g), 8(a), 8(g) and 9(g) of the Plan are entitled to vote on the Plan, subject to the following conditions:

(a) Holders, as of the Record Date, of Claims in the Voting Classes and listed on the Debtors' Schedules are entitled to vote on the Plan provided that the Claims (i) are listed in an amount greater than zero and are not identified as contingent, unliquidated or disputed, or in an unknown amount, and (ii) have not been superseded by a timely filed Proof of Claim;

(b) Holders, as of the Record Date, of Claims or Interests in the Voting Classes that have timely filed a Proof of Claim or Proof of Interest are entitled to vote on the Plan provided that (i) the Claim or Interest is in an amount greater than zero, (ii) that as of the Record Date the Claim or Interest has not been disclaimed, expunged, or disqualified by an order of the Bankruptcy Court, and (iii) as of the Voting Purposes Objection Deadline (defined below), no objection to the Claim or Interest has been filed, including an objection pursuant to section 502(d) of the Bankruptcy Code; and

(c) With respect to Syndicated Facility Claims and Arcsukuk Claims, only Holders of the Syndicated Facility and/or the Arcsukuk Claims (as applicable) as of the Record Date are entitled to vote on the Plan. Any transferee of a Syndicated Facility Claim and/or Arcsukuk Claim acquired through a participation agreement will not be entitled to vote the Syndicated Facility Claim and/or Arcsukuk Claim acquired, but the transferee may direct the Holder as of the Record Date to vote the Syndicated Facility Claim and/or Arcsukuk Claim as and, to the extent permitted, in the applicable participation agreement.

DEADLINE FOR VOTING ON THE PLAN

The Bankruptcy Court has set **May 30, 2013 at 12:00 p.m. (prevailing Eastern Time) (the "Voting Deadline")** as the deadline by which all Ballots accepting or rejecting the Plan must be **actually** received by GCG or its agent, unless the Debtor, its agent, or the Debtor's agent, to be counted, Ballots must be **actually** received by GCG on or before the Voting Deadline and should be sent as follows:

(a) If by first class mail: Arcapita Bank B.S.C.(c) - Ballot Processing, c/o GCG, P.O. Box 9881, Dublin, Ohio 43017-5781; Toll Free: (800) 762-7029; International: +1 (440) 389-7311.

(b) If by overnight courier or hand delivery: Arcapita Bank B.S.C.(c) - Ballot Processing, c/o GCG, 5151 Blazer Parkway, Suite A, Dublin, Ohio 43017-5781; Toll Free: (800) 762-7029; International: +1 (440) 389-7311.

(c) If by electronic mail: ArcapitaBallotProcessing@goginc.com.

Subject Line: Attention: Arcapita Bank, B.S.C.(c) Ballot Processing; Toll Free: (800) 762-7029; International: +1 (440) 389-7311. Ballots cast by facsimile will not be counted unless voting by facsimile has been approved in advance and in writing by the Debtors.

Parties submitting a Ballot have the responsibility for insuring that the Ballot is **actually** received by GCG as provided above.

PARTIES NOT ENTITLED TO VOTE ON THE PLAN

Holders of Claims or Interests in Classes 1(a)-(g), 3(a)-(g), 5(c)-(f), 7(c)-(f), 9(a)-(f), 10(a) and 10(g) are either presumed to have accepted the Plan or are deemed to have rejected the Plan and are not entitled to vote. Holders of Claims and equity interests not entitled to vote will not receive a Ballot and, instead, will receive a Notice of Non-Voting Status.

If the Debtors or another party in interest has filed or files an objection to your Claim or Interest, then you are not entitled to vote on the Plan unless you obtain an order of the Bankruptcy Court pursuant to Bankruptcy Rule 3018(a), entered not later than the Voting Deadline, temporarily allowing your Claim or Interest for voting purposes (as described below).

If you are entitled to vote on the Plan, a Ballot(s) will accompany this Notice. The Ballot(s) will set forth the amount that the Debtors believe is the correct amount of your Claim and the Class in which your Claim or Interest is placed in the Plan. If you do not receive a Ballot and instead received a Notice of Non-Voting Status, (ii) you disagree with the amount of your Claim reflected in a Ballot or (iii) you disagree with the classification of your Claim or Interest and you believe you should be allowed to vote your Claim or Interest, or vote your Claim or Interest in a different amount, then, to be able to vote on the Plan, you must obtain an order of the Bankruptcy Court entered not later than the Voting Deadline temporarily allowing your Claim or Interest for voting purposes (as described below).

A Ballot received from any Claimant that is not entitled to vote on the Plan will not be counted unless an order temporarily allowing the Claim or Interest has been entered by the Bankruptcy Court on or before the Voting Deadline.

TEMPORARY ALLOWANCE OF CLAIMS FOR VOTING PURPOSES

If you hold a Claim or Interest not otherwise entitled to vote on the Plan as described above, to be able to vote on the Plan, you must obtain the entry of an order temporarily allowing your Claim or Interest on or before **May 30, 2013 at 12:00 p.m. (prevailing Eastern Time)** or as may be otherwise ordered by the Bankruptcy Court.

A motion for an order pursuant to Rule 3018(a) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") temporarily allowing your Claim or Interest for purposes of voting on the Plan ("Temporary Allowance Motion") must be filed with the Bankruptcy Court (with a copy to the chambers of the Honorable Sean H. Lane, United States Bankruptcy Judge, One Bowling Green, New York, New York 10004-1408, Room 701) and served on the Notice Parties (defined below).

All Temporary Allowance Motions must be filed on or before the 14th day after the later of either (i) the date of service of this Notice or (ii) the date of service of an objection to your Claim or Interest, but in no event, not later than **May 15, 2013 at 4:00 p.m. (prevailing Eastern Time)**. Temporary Allowance Motions not complying with the foregoing will not be considered by the Bankruptcy Court, except as otherwise ordered by the Bankruptcy Court, and may be denied without a hearing.

If an order granting a Temporary Allowance Motion is entered, the Claimant may contact GCG toll free: (800) 762-7029 or international: +1 (440) 389-7311 to request a Ballot.

CONFIRMATION HEARING

The hearing to consider the confirmation of the Plan shall occur on **June 11, 2013 at 11:00 a.m. (prevailing Eastern Time)**, or as otherwise ordered by the Bankruptcy Court, (the "Confirmation Hearing") before the Honorable Sean H. Lane, United States Bankruptcy Judge, One Bowling Green, New York, New York 10004-1408, Room 701. The Confirmation Hearing may be adjourned from time to time without further notice other than by an announcement of the adjournment in open court at the Confirmation Hearing or by the filing of a notice of adjournment with the Bankruptcy Court. The Plan may be modified without further notice in accordance with the Bankruptcy Code, the Bankruptcy Rules, the Plan, the Disclosure Statement and the Confirmation Hearing Order.

If an order granting a Temporary Allowance Motion is entered, the Claimant may contact GCG toll free: (800) 762-7029 or international: +1 (440) 389-7311 to request a Ballot.

PROCEDURE AND DEADLINE FOR OBJECTING TO CONFIRMATION OF THE PLAN

The deadline to file any objection to the confirmation of the Plan (a "Plan Objection"), must (i) be in writing, (ii) conform to the Bankruptcy Rules, the Local Rules and the order of the Bankruptcy Court dated March 22, 2012, establishing certain case management procedures for the Chapter 11 Cases (the "Case Management Order"), (iii) state the name and address of the party asserting the Plan Objection and the amount of the party's claim or the nature of its interest in the Debtors' chapter 11 estates, and (iv) state the grounds for the Plan Objection or provisions of the Plan to which an objection pertains and the legal and factual basis for the Plan Objection.

(b) Plan Objections must be filed electronically with the Bankruptcy Court on the docket of In re Arcapita Bank B.S.C.(c), et al., Ch. 11 Case No. 12-11076 (SHL) pursuant to the Case Management Order approved by the Bankruptcy Court and the Bankruptcy Court's General Order M-399 (available at <http://www.nys.uscourts.gov/sites/default/files/m399.pdf>) by registered users of the Bankruptcy Court's case filing system and by all others on a 3.5 inch disk or flash drive, preferably in portable document format, Microsoft Word, or another Windows-based word processing program. A hard copy delivered directly to the chambers of the Honorable Sean H. Lane, United States Bankruptcy Judge, One Bowling Green, New York, New York 10004-1408, Room 701) in accordance with the customary practices of the Bankruptcy Court and General Order M-399, to the extent applicable, be filed with proof of service with the Clerk of the Bankruptcy Court.

(c) Plan Objections must be served in accordance with General Order M-399 on (i) counsel for the Debtors, Gibson, Dunn & Crutcher LLP, 200 Park Avenue, New York, New York 10166 (Attn: Michael A. Rosenthal, Esq., Craig H. Millet, Esq., and Matthew K. Kelley, Esq.); (ii) the Office of the United States Trustee for the Southern District of New York, 33 Whitehall Street, 21st Floor, New York, New York 10004 (Attn: Richard Morrissey, Esq.); (iii) Sidley Austin LLP, Woolgate Exchange, 25 Basinghall Street, London, EC2V 5HA (Attn: Patrick Corr and Benjamin Klingler as counsel for Gordon MacRae and Simon Appel of Zolfo Cooper (Cayman) Limited as joint provisional liquidators of AHL in its Cayman Island provisional liquidation proceedings); and (iv) counsel for the Official Committee of Unsecured Creditors, Milbank, Tweed, Hadley & McCloy LLP, 1 Chase Manhattan Plaza, New York, New York 10005 (Attn: Dennis F. Dunne, Esq. and Evan R. Fleck, Esq.) (collectively the "Notice Parties").

Plan Objections must be served so that they are actually received by the Notice Parties on or before the Plan Objection Deadline.

IF ANY PLAN OBJECTION IS NOT FILED AND SERVED AS STRICTLY PRESCRIBED HEREIN, THE OBJECTING PARTY MAY BE BARRED FROM OBJECTING TO THE CONFIRMATION OF THE PLAN AND THE OBJECTION MAY BE OVERRULED WITHOUT THE OBJECTING PARTY BEING HEARD AT THE CONFIRMATION HEARING.

ADDITIONAL INFORMATION

Any party in interest wishing to obtain a copy of the Disclosure Statement and the Plan may request a copy, in writing, from: **ARCAPITA BANK B.S.C.(c) - BALLOT PROCESSING, C/O GCG, P.O. BOX 9881, DUBLIN, OHIO 43017-5781; TOLL FREE: (800) 762-7029; INTERNATIONAL: +1 (440) 389-7311; EMAIL: ARCAPITABANKINFO@GCGINC.COM**

Interested parties may also examine the Plan and Disclosure Statement free of charge at <http://www.goginc.com/cases/arcapita>. The Plan, Disclosure Statement and Disclosure Statement Approval Motion may also be viewed on the Bankruptcy Court's website (<http://www.nys.uscourts.gov>) by following the directions for accessing the ECF system on the website.

*Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Plan and the Uniform Glossary of Defined Terms for Plan Documents annexed to the Plan as Appendix A.

(*) Order of the Requirement that Each Debtor File a List of Creditors and Equity Security Holders and Authorizing Maintenance of Consolidated List of Top 50 Unsecured Creditors; and (c) Approving Case Management Procedures, dated March 22, 2012 (Docket No. 21).

The Android-based console raised \$8.5m on the crowdfunding platform