

THE HONORABLE SAMUEL J. STEINER

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UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re
DELOITTE & TOUCHE, INC.
as Foreign Representative of
EVERGREEN GAMING CORP., et al.
Debtors in a Foreign Proceeding,

Chapter 15
Case No. 09-13567 (SJS)
SECOND STIPULATED ORDER
(1) EXTENDING INTERIM ORDER
GRANTING FOREIGN
REPRESENTATIVE’S EMERGENCY
REQUEST FOR RELIEF UNDER 11 U.S.C.
§§ 1519, 105 AND 362(a)
AND
(2) CONTINUING HEARING ON
APPLICATION FOR RECOGNITION OF
FOREIGN MAIN PROCEEDING

THIS MATTER came before the Court upon the Emergency Motion of the Foreign Representative for Interim Relief Under 11 U.S.C. §§1519, 105(a), 361, and 362 (the “Emergency Motion”) filed by Deloitte & Touche, Inc., the court-appointed Monitor in the CCAA Proceeding¹ commenced by the Debtors in British Columbia, Canada on April 15, 2009. The Emergency Motion seeks entry of an order granting interim relief under

¹ Capitalized Terms not defined herein shall have the same meaning as in the Emergency Motion.

STIPULATED ORDER EXTENDING INTERIM
RELIEF AND RESCHEDULING HEARING – 1

LEGAL16171310.1

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1 11 U.S.C. §§ 105, 362 and 1519 staying actions of creditors affecting the Debtors' assets
2 located in the United States. The Monitor filed Chapter 15 petitions in this Court and an
3 Application for Recognition of Foreign Main Proceeding (the "Application") seeking
4 recognition of the CCAA Proceeding as a foreign main proceeding, as that term is defined in
5 §1502(4).
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10 An emergency hearing was held on April 16, 2009 and appearances were made and
11 noted on the record. The Court set the Application for hearing on May 20, 2009 at 1:30 p.m.
12 and on April 17, 2009, entered an interim order (the "First Interim Order") granting the
13 relief requested in the Emergency Motion on an interim basis. The parties subsequently
14 stipulated to the extension of the First Interim Order through May 4, 2009.
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20 A subsequent hearing was held on May 4, 2009 and appearances were made and
21 noted on the record, at which time the Court entered a final order (the "Final Interim Order")
22 granting the relief requested in the Emergency Motion through May 20, 2009.
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26 On May 20, 2009, the parties presented a Stipulated Order (1) Extending Interim
27 Order Granting Foreign Representative's Emergency Request for Relief Under 11 U.S.C.
28 §§1519, 105(a) 361 And 362, And (2) Continuing Hearing On Application For Recognition
29 Of Foreign Main Proceeding (the "May 20, 2009 Stipulated Order"), which modified and
30 extended the term of the Final Interim Order through June 24, 2009 or as subsequently
31 extended by the Court, and continued the hearing on the Application to 1:30 p.m. June 24,
32 2009.
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40 Fortress, the Debtors, Old 99 Property Group LLC and the Monitor now HEREBY
41 STIPULATE FURTHER AS FOLLOWS:
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STIPULATED ORDER EXTENDING INTERIM
RELIEF AND RESCHEDULING HEARING – 2

LEGAL16171310.1

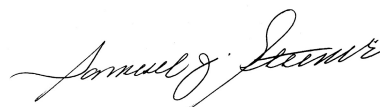
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1 1. The hearing on the Application is continued to 1:30 p.m. July 6, 2009.
2
3 Objections, if any, to the Application shall be filed and served no later than 4:30 p.m. June
4
5 29, 2009;

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7 2. The effective term of the Final Interim Order is extended through July 6,
8
9 2009, or as may be subsequently extended by this Court;

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11 3. Except as expressly modified herein, the relief granted and the adequate
12
13 protection provisions established under the Final Interim Order, as modified by the May 20,
14
15 2009 Stipulated Order, shall continue in full force and effect as provided therein.

16 SO ORDERED this 2 ^{July} day of June, 2009.



Honorable Samuel J. Steiner
United States Bankruptcy Court Judge

24 Stipulated and Approved as to form.

26 PERKINS COIE LLP

28 By: /s/ Bruce G. MacIntyre
29 Bruce G. MacIntyre, WSBA No. 18984
30 Attorneys for Foreign Representative
31 Deloitte & Touche, Inc.
32
33

34 CAIRNCROSS & HEMPELMANN, P.S.

36 By: /s/ John R. Rizzardi
37 John R. Rizzardi, WSBA No. 9388
38 Attorneys for Debtors
39
40

41 K & L GATES LLP

43 By: /s/ Michael J. Gearin
44 Michael J. Gearin, WSBA No.20982
45 Attorneys for Fortress Credit Corp.
46
47

RONALD G. BROWN

/s/ Ronald G. Brown
Ronald G. Brown, WSBA # 8816
Attorney for Old 99 Property Group LLC

STIPULATED ORDER EXTENDING INTERIM
RELIEF AND RESCHEDULING HEARING – 3

LEGAL16171310.1

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