

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA**

In re

**ASPEN AIR CORPORATION
and ASPEN AIR U.S. CORP,**

Debtor.

Case No. **18-60662-15**

ORDER

At Butte in said District this 31st day of August, 2018.

The Foreign Representative of the Aspen Air Corporation and Aspen Air U.S. Corp. (“Aspen Companies”) have filed on August 16, 2018, a Second Motion for Supplemental Recognition (ECF No. 39) which included a Notice of Opportunity to Respond and Request a Hearing as required by Mont. LBR 9013-1(e). No party filed a timely objection to the Second Motion for Supplemental Recognition, which under LBR 9013-1(f) is deemed an admission by the parties that the relief requested should be granted.

From the Second Motion for Supplemental Recognition, and considering the absence of any objection thereto, this Court enters the following:

FINDINGS OF FACT

1. The Foreign Representative of the Aspen Companies filed its Petition for Recognition on July 9, 2018.
2. The Foreign Representative of the Aspen Companies filed its Motion for Supplemental Order Recognizing Court of Queen’s Bench Order on July 12, 2018.
3. This Court entered an Order dated August 1, 2018, recognizing the Foreign Proceeding as a foreign main proceeding and paragraphs 2, 3, 4, 5, 6, 7, 8,9, 10, 11, 12, 13, 14, 15, 16, 17, 18,

19, 20, 21, 28, 29, and 30 of the June 27, 2018, Order of the Court of Queen's Bench of Alberta in Bankruptcy and Insolvency, *In the matter of the Division I Proposal Proceedings of Aspen Air Corporation and Aspen Air U.S. Corp.*, case nos. 25-2368427 and 25-68434 (ECF No. 32).

4. Since the entry of the August 1, 2018, Order, certain events have occurred and rulings issued by the Court of Queen's Bench that impact property of the Aspen Companies in the United States, namely the Court of Queen's Bench (I) extended the period of time within which the Aspen Companies are required to file a proposal under section 50.4 of the Bankruptcy and Insolvency Act, RSC 1982, c B-3, until October 4, 2018, and (ii) authorized the assignment of the Aspen Companies' indebtedness from C.F. Capital Management, LLC ("CF") to Invico Diversified Income Fund Limited Partnership including the assignment of the CF's rights and benefits as the DIP Lender.

5. The recognition of recent orders of the Court of Queen's Bench as requested by the Foreign Representative of the Aspen Companies does not unreasonably impact the interests of the creditors whose rights remain sufficiently protected.

6. The Second Motion for Supplemental Recognition was served upon all creditors, foreign and domestic. No objection to the motion was filed within the time specified in LBR 9013-(f).

From the foregoing findings, the fact the Court enters the following:

CONCLUSIONS OF LAW

7. This Court adopts as a Conclusion of Law, any finding of fact which may also constitute a conclusion of law.

8. The creditors in this case are sufficiently protected through this Court's recognition of the Court of Queen's Bench dated August 15, 2018, in the Aspen Companies proceedings.

9. The creditors of the Aspen Companies have been deemed to admit the Second Motion for Supplemental Recognition should be granted.

From the foregoing facts of conclusions of law the Court enters the following:

IT IS ORDERED:

1. The Second Motion for Supplemental Recognition, filed August 16, 2018 (ECF No. 39) is **GRANTED**; and

2. The August 15, 2018, Order of the Court of Queen's Bench of Alberta in Bankruptcy and Insolvency, *In the matter of the Division I Proposal Proceedings of Aspen Air Corporation and Aspen Air U.S. Corp.*, case nos. 25-2368427 and 25-2368434, is hereby recognized.

BY THE COURT:



Hon. Benjamin P. Hursh
United States Bankruptcy Court
District of Montana