

FEB 14 2012

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document has been entered electronically in the record of the United States Bankruptcy Court for the Northern District of Ohio.



Dated: February 6 2012

Mary Ann Whipple  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

_____	)	
In re:	)	Case No. 12-30214
	)	(Jointly Administered)
VALLE FOAM INDUSTRIES	)	
(1995) INC., <i>et al.</i> <sup>1</sup>	)	Chapter 15
	)	
Foreign Applicant in Foreign	)	Judge Mary Ann Whipple
Proceedings.	)	
_____	)	

**ORDER DESIGNATING CERTAIN COUNSEL AS AGENT FOR CERTAIN  
PLAINTIFFS FOR THE RECEIPT OF ALL NOTICES IN THIS CASE**

This matter is before the Court on the Motion to Designate Counsel for Certain Plaintiffs as the Agents for Those Plaintiffs for the Receipt of All Notices in This Case Until Such Time as the Monitor Is Provided With Complete Mailing Addresses and Determining that the Giving of Such Notice Is Adequate Under the

<sup>1</sup> The Foreign Applicants include Valle Foam Industries (1995) Inc., Domfoam International Inc., and A-Z Sponge & Foam Products Ltd.

Circumstances (the “**Motion**”)<sup>2</sup> filed by Deloitte & Touche Inc., the court appointed Monitor (the “**Monitor**”) and foreign representative of Valle Foam Industries (1995) Inc. (“**Valle Foam**”), Domfoam International Inc. (“**Domfoam**”), and A-Z Sponge & Foam Products Ltd. (“**A-Z**” and, together with Valle Foam and Domfoam, the “**Valle Foam Group**”) in proceedings (the “**Canadian Proceedings**”) under Canada’s *Companies’ Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended (the “**CCAA**”), pending before the Ontario Superior Court of Justice (Commercial List) (the “**Ontario Court**”). The Monitor commenced the above-captioned Chapter 15 cases (the “**Chapter 15 Cases**”) ancillary to the Canadian Proceedings.

The Court has considered and reviewed the Motion, the verified Chapter 15 Petitions filed in the Chapter 15 Cases (the “**Verified Petitions**”) including the certified copy of the Initial Order entered by the Ontario Court on January 12, 2012 (the “**Canadian Order for Relief**”), the Memorandum in Support of Chapter 15 Petitions for Recognition of Foreign Proceedings and *Ex Parte* Motion for Provisional Relief, and the entire record before the Court in the Chapter 15 Cases. Based on the foregoing, and after due deliberation,

**THE COURT HEREBY FINDS AND DETERMINES THAT:**

A. The findings and conclusions set forth herein constitute the Court’s findings of fact and conclusions of law pursuant to Bankruptcy Rule 7052, made applicable to this proceeding by Bankruptcy Rule 9014. To the extent that any of the following findings of fact constitute conclusions of law, they are adopted as such.

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<sup>2</sup> Capitalized terms not defined herein shall have the meanings given to them in the Motion.

To the extent that any conclusions of law constitute finds of fact, they are adopted as such.

B. This Court has jurisdiction over this matter pursuant to 11 U.S.C. §§ 1334 and 157(a) of the Bankruptcy Code and General Order No. 84 entered on July 16, 1984 by the United States District Court for the Northern District of Ohio. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(P). Venue is proper before this Court pursuant to 28 U.S.C. § 1410(2).

C. The Monitor has demonstrated that unless the relief requested in the Motion is granted, the plaintiffs who are described in the following paragraph will have little or no chance of receiving effective notice of and about the Chapter 15 Cases.

D. Included in the Monitor's Rule 1007 List [Docket no. 19] are a number of persons (a) who are plaintiffs in the U.S. Actions pending in the United States District Court for the Northern District of Ohio under the umbrella case known as Case No. 1:10-md-02196 (JZ), *In re: Polyurethane Foam Antitrust Litigation* and (b) for whom the Monitor does not have a complete mailing address (the "No-Notice Plaintiffs").

E. The Monitor's obligation to give notice to the No-Notice Plaintiffs arises solely because of the fact that the No-Notice Plaintiffs are plaintiffs in the U.S. Actions.

F. Each of the No-Notice Plaintiffs are represented by one or more attorneys (the "Notice Counsel") in the U.S. Actions.

G. There is no immediately available cost-effective way to get notice to the No-Notice Plaintiffs other than through their counsel in the U.S. Actions.

H. The Notice Counsel already have the professional obligation to keep their clients informed about the status of the U.S. Actions (*see* American Bar Association Model Rules of Professional Conduct, Rule 1.4(a)(3)); thus, there is already a mechanism in place for the Notice Counsel to give notice of appropriate things to the No-Notice Plaintiffs.

**NOW, THEREFORE, THE COURT HEREBY ORDERS, ADJUDGES, AND DECREES AS FOLLOWS:**

1. The Motion is GRANTED.
2. Each of the Notice Counsel—that is, those attorney whose names appear on the Schedule of Plaintiffs and Plaintiffs' Counsel as counsel for a plaintiff for whom there is not a complete mailing address—are hereby designated at the agent for their respective clients for the receipt of all notices in this Case until such time as the Monitor is provided with a complete mailing address for each of the No-Notice Plaintiffs.
3. The giving of notice to the Notice Counsel is determined to be adequate notice to those clients under the circumstances.
4. The Monitor shall provide and file for use by the Court and for any other party in interest who may be required to give notice to all parties in interest in this case a list of all Notice Counsel and the corresponding No-Notice Plaintiffs for which they are the agent for receipt of notice.

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Prepared and submitted by:

/s/ James W. Ehrman

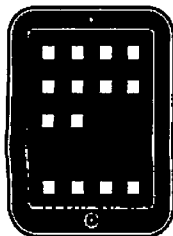
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