

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

	)	Chapter 15
In re:	)	
	)	Case No. 22-10934 (KBO)
XEBEC HOLDING USA INC., <i>et al.</i> ,	)	
	)	(Jointly Administered)
Debtors in a foreign proceeding. <sup>1</sup>	)	
	)	<b>Ref. Docket No. 54</b>
	)	
	)	

**ORDER GRANTING MOTION OF RCG USA FOR RELIEF FROM THE STAY  
AUTHORIZED PURSUANT TO SECTION 1520 OF THE BANKRUPTCY CODE  
TO COMMENCE MECHANIC’S LIEN FORECLOSURE ACTIONS  
AGAINST NON-DEBTOR PROPERTY OWNERS**

Upon consideration of the motion (the “**Motion**”)<sup>2</sup> of RCG USA, (the “**Movant**”), for entry of an Order pursuant to sections 105(a) and 362(d) of the Bankruptcy Code, Bankruptcy Rule 4001, and Local Rule 4001-1 modifying the stay authorized by section 1520(a)(1) of the Bankruptcy Code pursuant to the Recognition Order, to allow Movant to commence mechanic’s lien foreclosures against Non-Debtor Property Owners of Properties, as more fully set forth in the Motion; and the Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012; and this Court having found that this is a core proceeding

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<sup>1</sup> The Debtors in the chapter 15 proceedings and the last four digits of their federal tax identification numbers are: Xebec Adsorption Inc. (0228), Xebec RNG Holdings Inc. (N/A), Applied Compression Systems Ltd. (N/A), Compressed Air International Inc. (N/A), Xebec Holding USA Inc. (8495), Enerphase Industrial Solutions Inc. (1979), CDA Systems, LLC (6293), Xebec Adsorption USA, Inc. (0821), The Titus Company (9757), Nortekbelair Corporation (1897), XBC Flow Services – Wisconsin Inc. (7493), California Compression, LLC (4752), and Xebec Systems USA LLC (4156). The location of the Debtors’ corporate headquarters and the Debtors’ foreign representative is: 700-1130 Sherbrooke Street West, Montréal, Québec H3A 2M8.

<sup>2</sup> Capitalized terms not used but not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

pursuant to 28 U.S.C. § 157(b)(2); and that this Court may enter a final order consistent with Article III of the United States Constitution; and this Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that notice of the Motion and opportunity for a hearing on the Motion were appropriate under the circumstances and no other notice need be provided; and the Court having reviewed the Motion; and no objections to the relief requested in the Motion having been filed by the Debtors or any other party-in-interest; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefor,

**IT IS HEREBY ORDERED ADJUDGED, AND DECREED THAT:**

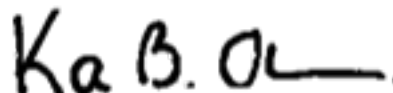
1. The Motion is GRANTED to the extent set forth herein.
2. The stay imposed by 11 U.S.C. § 1520(a)(1) pursuant to the Recognition Order is hereby modified to allow RCG USA to commence actions in the Iowa state court system (the “**Iowa Actions**”) to enforce its mechanic’s liens against the Non-Debtor Property Owners and their respective Properties.
3. Nothing contained in this Order shall, or is intended to, (a) except for RCG USA’s right to commence Iowa Actions, grant to any party, any liens, rights, or remedies against the Debtors or their property; (b) have any collateral estoppel or res judicata effect on any party’s rights in any Iowa Action; (c) constitute a waiver of any claims or defenses of any party in the Iowa Actions or in any action commenced as a result of such Iowa Actions; or (d) impair or limit (i) the validity, priority, and extent of any liens held by National Bank of Canada or Export Development Canada upon the Debtors’ property; or (ii) the rights asserted by RCG USA, in

respect of any receivables arising from the furnishing of labor or material for improvement, alteration, or repair of any of the subject Properties.

4. The 14-day stay imposed by Federal Rule of Bankruptcy Procedure 4001(a)(3) is hereby waived and this Order shall be effective immediately upon its entry.

5. This Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: January 10th, 2023  
Wilmington, Delaware

  
KAREN B. OWENS  
UNITED STATES BANKRUPTCY JUDGE