

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

In re

ANTAMEX INDUSTRIES ULC,¹

Debtor in a Foreign Proceeding.

Chapter 15

Case No. 24-10934 (JKS)

Related Docket No. 9

**ORDER SCHEDULING HEARING AND SPECIFYING FORM AND MANNER
OF SERVICE OF NOTICE PURSUANT TO SECTIONS 105(a), 1514, AND 1515
OF THE BANKRUPTCY CODE AND BANKRUPTCY RULES 2002 AND 9007**

Upon the (the “Motion”) ² of the Foreign Representative for entry of an order pursuant to sections 105(a), 1514 and 1515 of the Bankruptcy Code and Bankruptcy Rules 2002 and 9007, scheduling a hearing and specifying the form and manner of service of notice, all as more fully described in the Motion; and this Court having jurisdiction to consider the Motion 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 as of February 29, 2012; and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(P); and the Foreign Representative having consented to the Court’s authority to enter a final order consistent with Article III of the United States Constitution; and venue being proper before this Court pursuant to 28 U.S.C. § 1410; and due and proper notice of the Motion having been provided; and it appearing that no other or further notice need be provided; and a hearing having been held to consider the relief requested in the Motion (the “Hearing”); and upon the Foreign Representative Declaration, the Verified Petition, and other documents filed

¹ The chapter 15 debtor, along with the last four digits of the Debtor’s British Columbia Corporation Number is: Antamex Industries ULC (“Antamex” or “Debtor”) (6401). The Debtor’s executive headquarters are located at: 210 Great Gulf Drive, Concord, Ontario, Canada, L4K 5W1.

² Capitalized terms not defined herein are used as defined in the Motion.

contemporaneously with the Motion; and upon the record of the Hearing and all of the proceedings had before the Court; and it appearing that the relief requested by the Motion is in the best interest of the Debtor, its creditors, and other parties in interest; and after due deliberation thereon and sufficient cause appearing therefor; it is hereby ORDERED that:

1. The Motion is granted as set forth herein.
2. The Recognition Hearing Notice, substantially in the form attached hereto as **Exhibit 1**, is hereby approved.
3. Service of the Recognition Hearing Notice in accordance with this Order is hereby approved as adequate and sufficient notice and service on all interested parties.
4. Prior to mailing the Recognition Hearing Notice, the Foreign Representative may fill in any missing dates and other information, correct any typographical errors, conform the provisions thereof to the provisions of this Order and make such other and further changes as the Foreign Representative deems necessary or appropriate, provided that such changes do not materially abridge the substance of such notices.
5. All notice requirements specified in section 1514(c) of the Bankruptcy Code and Local Rule 9013-1(m) are hereby waived or otherwise deemed inapplicable to these cases.
6. The Court will hold a hearing on the relief requested by the Chapter 15 Petitions and the Verified Petition, including recognition of the Antamex Receivership as foreign main proceedings, on **June 5, 2024, at 1:00 p.m. (prevailing Eastern Time)**.
7. The Foreign Representative shall serve, or cause to be served, the Recognition Hearing Notice and the Notice Documents by electronic mail to the extent email addresses are available and otherwise by United States or Canadian mail, first-class postage-prepaid, on parties

on the Master Service List within three (3) business days following entry of this Order and the Provisional Order, or as soon thereafter as practicable.

8. Unless otherwise ordered by the Court, the Foreign Representative shall serve, or cause to be served, all other papers filed by the Foreign Representative after the date hereof by the Foreign Representative in these Chapter 15 Cases on the Core Notice Parties, including any party requesting to be a Core Notice Party, by electronic mail to the extent email addresses are available and otherwise by United States or Canadian mail, first-class postage-prepaid.

9. Responses or objections to recognition of the Antamex Receivership as foreign main proceedings, or the Verified Petition and the relief requested therein must (i) be in writing, (ii) detail the factual and legal basis for the response or objection, (iii) comply with the Bankruptcy Code, the Bankruptcy Rules, and the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware, (iv) be filed with the Office of the Clerk of the Court, 824 N. Market Street, Third Floor, Wilmington, Delaware 19801, and (v) served upon the following so as to be received **at least seven (7) days prior to the Recognition Hearing, i.e., on or before May 29, 2024, at 4:00 p.m. (prevailing Eastern Time)**: (a) the Foreign Representative: Deloitte Restructuring Inc., Attn: Richard Williams, Bay Adelaide East, 8 Adelaide Street West, Suite 200, Ontario MSH 0A9, Canada (richwilliams@deloitte.ca); (b) counsel for the Foreign Representative: (i) Perkins Coie LLP, 1155 Avenue of the Americas, 22nd Floor, New York, New York 10046-2711, Attn: Tina N. Moss, Esquire (TMoss@perkinscoie.com) and Perkins Coie LLP, 505 Howard Street, Suite 1000, San Francisco, California 94105-3204, Attn: Paul Jasper, Esquire (PJasper@perkinscoie.com) and (ii) Chipman, Brown, Cicero & Cole, LLP, Hercules Plaza, 1313 North Market Street, Suite 5400, Wilmington, Delaware 19801, Attn: Mark L. Desgrosseilliers, Esquire and Kristi J. Doughty, Esquire

(desgross@chipmanbrown.com and doughty@chipmanbrown.com); (c) counsel for Export Development Canada: Fasken Martineau DuMoulin LLP, 333 Bay Street, Suite 2400, Bay Adelaide Centre, Box 20, Toronto, Ontario M5H 2T6, Attn: Stuart Brotman, Esquire (sbrotman@fasken.com); and (d) counsel for the Receiver: Blake, Cassels & Graydon LLP, Suite 4000 Commerce Court West, 199 Bay Street, Toronto, Ontario M5L 1A9 Attn: Linc Rogers, Esquire (linc.rogers@blakes.com) and Caitlin McIntyre, Esquire (caitlin.mcintyre@blakes.com).

10. Notwithstanding any applicability of any Bankruptcy Rules, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

11. The Foreign Representative is authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Motion.

12. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation and/or enforcement of this Order.

Dated: May 6th, 2024
Wilmington, Delaware


J. KATE STICKLES
UNITED STATES BANKRUPTCY JUDGE

Exhibit 1

Notice of Recognition Hearing

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

In re

ANTAMEX INDUSTRIES ULC,

Debtor in a Foreign Proceeding.

Chapter 15

Case No. 24-10934 (JKS)

**NOTICE OF RECOGNITION HEARING AND
NOTICE OF ENTRY OF PROVISIONAL ORDER**

PLEASE TAKE NOTICE OF THE FOLLOWING:

On February 22, 2024, Export Development Canada (“EDC”) filed an application with the Ontario Superior Court of Justice (Commercial List) (the “Canadian Court”), pursuant to section 243(1) Bankruptcy and Insolvency Act, R.S.C. 1985, c. B-3, as amended (the “BIA”) and section 101 of the Courts of Justice Act, R.S.O. 1990, c. C.43, as amended (the “CJA”), seeking a appointment of a receiver (the “Antamex Receivership”) over the property and business of Antamex Industries ULC (the “Debtor”). On March 5, 2024, the Canadian Court entered an order appointing Deloitte Restructuring, Inc. as receiver and manager over a portion of the Debtor’s property located primarily in the United States. On March 13, 2024, the Canadian Court entered an order (the “Appointment Order”) appointing Deloitte Restructuring, Inc. as receiver and manager over all the Debtor’s property, and to act as foreign representative of the Debtor (the “Foreign Representative” or “Deloitte”).

On May 1, 2024, Deloitte, in its capacity as the Canadian Court-appointed and authorized Foreign Representative of the Debtor, filed a petition for recognition under chapter 15 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”).

Contemporaneously with filing the petition for recognition, the Foreign Representative filed (a) *Verified Petition for (I) Recognition of Foreign Main Proceedings, (II) Recognition of Foreign Representative, and (III) Related Relief Under Chapter 15 of the Bankruptcy Code* [D.I. 3] (the “Verified Petition”); (b) *Declaration of Foreign Representative Pursuant to 11 U.S.C. § 1515 and Rule 1007(a)(4) of the Federal Rules of Bankruptcy Procedure and in Support of Verified Petition for (I) Recognition of Foreign Main Proceedings, (II) Recognition of Foreign Representative, and (III) Recognition of Initial Order and Amended Initial Order, and (IV) Related Relief Under Chapter 15 of the Bankruptcy Code* [D.I. 4] (the “Foreign Representative Declaration”); and (c) *Declaration of Linc Rogers in Support of Verified Petition for (I) Recognition of Foreign Main Proceedings, (II) Recognition of Foreign Representative, and (III) Related Relief Under Chapter 15 of the Bankruptcy Code* [D.I. 6] (the “Rogers Declaration”) and the *Motion for Provisional Relief Pursuant to Section 1519 of the Bankruptcy Code* [D.I. 5] (the “Provisional Relief Motion”).

On May 6, 2024, the Bankruptcy Court entered the *Order Granting Provisional Relief* (D.I. 25) (the “Provisional Relief Order”), which granted, among other things:

- a. Recognition and enforcement in the United States, on a provisional basis, of the Appointment Order¹ providing for, among other things, (a) empowering and authorizing the Receiver to take necessary actions to conduct the Antamex Receivership, as outlined in paragraph 3 of the Appointment Order, (b) staying the commencement or continuation of any actions against the Debtor and its assets, and (c) granting relief with respect to executory contract and lease obligations of the Debtor. until the Court rules on the Debtor’s Chapter 15 Petitions to the same extent provided in the Appointment Order;
- b. Recognizing the Foreign Representative as the representative of the Debtor with full authority to administer the Debtor’s assets and affairs in the United States;
- c. Finding that, until the Court rules on the Debtor’s Chapter 15 Petition, Section 362 of the Bankruptcy Code shall apply with respect to the Debtor and the assets of the Debtor that are within the territorial jurisdiction of the United States. For the avoidance of doubt and without limiting the generality of the foregoing, the Provisional Relief Order shall impose a stay within the territorial jurisdiction of the United States of:
 - i. The commencement or continuation, including the issuance or employment of process, of any judicial, administrative, or any other action or proceeding against the Debtor, or to recover a claim against the Debtor, or enforce against the Debtor or its assets any judgment, or obtain possession of property of its estate or property of its estate, or to exercise any control over the Debtor’s assets located in the United States except as authorized by the Foreign Representative in writing;
 - ii. The creation, perfection, or enforcement of liens against the Debtor’s assets in the United States without the express consent of the Foreign Representative;
 - iii. Any act to collect, assess, or recover a claim against the Debtor or its assets that arose before the commencement of the Debtor’s Chapter 15 Case; and

¹ Capitalized terms used in this section but not otherwise defined herein shall have the meanings ascribed to them in the Appointment Order.

- iv. The setoff of any debt owing to the Debtor that arose before the commencement of the Debtor's Chapter 15 Case against any claim against the Debtor;
- d. Finding that for counterparties to the Debtor's executory contracts and unexpired leases, section 365(e) of the Bankruptcy Code shall apply with respect to the Debtor and the property of the Debtor that is within the territorial jurisdiction of the United States; and
- e. Finding that, until the Court rules on the Verified Petition, any and all counterparties to executory contracts, or landlords or lessors, are hereby prohibited from taking any steps to terminate or modify any executory contract, license, or lease to which the Debtor is a party for any reason, including non-payment of royalties and/or due to any *ipso facto* clause described by Section 365(e)(1) of the Bankruptcy Code.

Responses or objections to recognition of the Antamex Receivership as foreign main proceedings or foreign nonmain proceedings, or the Verified Petition and the relief requested therein must (i) be in writing, (ii) detail the factual and legal basis for the response or objection, (iii) comply with the Bankruptcy Code, the Bankruptcy Rules, and the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the "Local Rules"), and (iv) be filed with the Office of the Clerk of the Court, 824 N. Market Street, Third Floor, Wilmington, Delaware 19801, and (v) served upon the following so as to be received **at least seven (7) days prior to the Recognition Hearing, on or before May 29, 2024, at 4:00 p.m. (prevailing Eastern Time)**: (a) the Foreign Representative: Deloitte Restructuring, Inc., Attn: Richard Williams, Bay Adelaide East, 8 Adelaide Street West, Suite 200, Ontario MSH 0A9, Canada (richwilliams@deloitte.ca); (b) counsel for the Foreign Representative: (i) Perkins Coie LLP, 1155 Avenue of the Americas, 22nd Floor, New York, New York 10046-2711, Attn: Tina N. Moss, Esquire (TMoss@perkinscoie.com) and Perkins Coie LLP, 505 Howard Street, Suite 1000, San Francisco, California 94105-3204, Attn: Paul Jasper, Esquire (PJasper@perkinscoie.com) and (ii) Chipman, Brown, Cicero & Cole, LLP, Hercules Plaza, 1313 North Market Street, Suite 5400, Wilmington, Delaware 19801, Attn: Mark L. Desgrosseilliers, Esquire and Kristi J. Doughty, Esquire (desgross@chipmanbrown.com and doughty@chipmanbrown.com); (c) counsel for Export Development Canada: Fasken Martineau DuMoulin LLP, 333 Bay Street, Suite 2400, Bay Adelaide Centre, Box 20, Toronto, Ontario M5H 2T6, Attn: Stuart Brotman, Esquire (sbrotman@fasken.com); and (d) counsel for the Receiver: Blake, Cassels & Graydon LLP, Suite 4000 Commerce Court West, 199 Bay Street, Toronto, Ontario M5L 1A9 Attn: Linc Rogers, Esquire (linc.rogers@blakes.com) and Caitlin McIntyre, Esquire (caitlin.mcintyre@blakes.com).

The Bankruptcy Court has scheduled a hearing on **June 5, 2024, at 1:00 p.m. (prevailing Eastern time)** to consider recognition of the Antamex Receivership as foreign main proceedings, or, in the alternative, foreign nonmain proceedings, on a final basis and certain related relief (the "Recognition Hearing"). This proceeding will be conducted in-person. All counsel and witnesses are expected to attend unless permitted to appear remotely via Zoom. Please refer to Judge Stickles' Chambers Procedures and the Court's website (<http://www.deb.uscourts.gov/ecourt-appearances>) for information on the method of allowed participation (video or audio), Judge

Stickles; expectations of remote participants, and the advance registration requirements. Registration, if applicable, is required by 4:00 p.m. (*prevailing* Eastern Time) the business day before the hearing, unless otherwise noticed, using the *eCourtAppearances* tool available on the Court's website. At the same time, you must notify the counsel listed above of your intent to appear by Zoom or telephone at the Recognition Hearing.

The Recognition Hearing may be adjourned from time to time without further notice other than a notice on the docket in these cases or an announcement in open court of the adjourned date or dates of any adjourned hearing.

PLEASE TAKE FURTHER NOTICE THAT IF NO RESPONSE OR OBJECTION IS TIMELY FILED OR SERVED AS PROVIDED ABOVE, THE BANKRUPTCY COURT MAY GRANT THE RELIEF REQUESTED BY THE FOREIGN REPRESENTATIVE WITHOUT FURTHER NOTICE OR HEARING.

The Foreign Representative does not currently intend to conduct a claims process in this Chapter 15 Case. **Accordingly, there is no need to file proofs of claim in this Chapter 15 Case. Parties are directed to the Antamex Receivership, Court File No. CV-24-00713128-0000, at <https://www.insolvencies.deloitte.ca/en-ca/Pages/AntamexIndustriesULC.aspx?searchpage=Search-Insolvencies.aspx> for information on filing proofs of claim.**

Copies of documents filed in this Chapter 15 Case are available and may be examined by interested parties: (i) free of charge at the webpage maintained by the Foreign Representative in connection with the Antamex Receivership at <https://www.insolvencies.deloitte.ca/en-ca/Pages/AntamexIndustriesULC.aspx?searchpage=Search-Insolvencies.aspx> or (ii) downloaded from the Court's electronic docket at www.deb.uscourts.gov and (d) provide a telephone number, address, and email address by which parties on the Master Service List may obtain documents filed in this Chapter 15 Case from undersigned counsel.

Please note that prior registration with the PACER service center and payment of a fee may be required to access such documents. Parties-in-interest may sign up for a PACER account by visiting the PACER website at pacer.psc.uscourts.gov or by calling (800) 676-6856.

Dated: May 6, 2024
Wilmington, Delaware

CHIPMAN BROWN CICERO & COLE, LLP

/s/ Draft

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