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Attorneys for Eleanor Fisher, as Petitioner and Foreign Representative

### UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re

Olinda Star Ltd. (In Provisional Liquidation)

Debtor in a Foreign Proceeding.<sup>1</sup>

Case No. 20-10712 (MG)

Chapter 15

# NOTICE OF FILING AND HEARING ON PETITION UNDER CHAPTER 15 OF THE UNITED STATES BANKRUPTCY CODE AND <u>MOTION FOR RELATED RELIEF</u>

PLEASE TAKE NOTICE that on March 6, 2020, Eleanor Fisher (the "Petitioner" or

)

the "Foreign Representative"), in her capacity as the duly-authorized foreign representative (as

such term is defined in section 101(24) of title 11 of the United States Code, 11 U.S.C. §§ 101-

<sup>&</sup>lt;sup>1</sup> The Debtor in this Chapter 15 case, and the last four identifying digits of the tax number of the jurisdiction in which it pays taxes, is Olinda Star Ltd. (in Provisional Liquidation) (BVI - 9761).

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1532 (the "<u>Bankruptcy Code</u>")) of the BVI Proceeding (as defined below) of Olinda Star Ltd. ("<u>Olinda</u>" or the "<u>Debtor</u>"), commenced the above-captioned case under chapter 15 of the Bankruptcy Code with the United States Bankruptcy Court for the Southern District of New York (the "<u>Bankruptcy Court</u>")<sup>2</sup> in furtherance of the provisional liquidation proceeding (the "<u>BVI Proceeding</u>") of the Debtor pending before the BVI Commercial Court (the "<u>BVI Court</u>") pursuant to section 170 of the BVI Insolvency Act, 2003 (the "<u>BVI Act</u>") of the laws of the British Virgin Islands (the "<u>BVI</u>").

**PLEASE TAKE FURTHER NOTICE** that, among other things, the Petitioner seeks the entry of an order: (i) granting recognition of the BVI Proceeding pursuant to section 1517 of the Bankruptcy Code as the "foreign main proceeding" (as defined in section 1502(4) of the Bankruptcy Code) of the Debtor, and all relief included therewith as provided in section 1520 of the Bankruptcy Code; (ii) recognizing the Petitioner as the "foreign representative" (as defined in section 101(24) of the Bankruptcy Code) of the BVI Proceeding for the Debtor for purposes of this Chapter 15 Case; (iii) granting full force and effect and comity to the Debtor's BVI scheme of arrangement and additional relief pursuant to sections 105(a), 1507(a), and 1521(a) of the Bankruptcy Code, and (iv) granting such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that the Bankruptcy Court has scheduled an evidentiary hearing (the "<u>Recognition and Enforcement Hearing</u>") to consider the relief requested in the Verified Petition for March 30, 2020 at 2:00 p.m. (New York Time) in Room

<sup>&</sup>lt;sup>2</sup> The Foreign Representative commenced this Chapter 15 Case with respect to the Debtor by filing the *Petitioner's Declaration and Verified Petition for Recognition of the Brazilian RJ BVI Proceeding and Motion for Order Granting Related Relief Pursuant to 11 U.S.C. §§ 105(a), 1507(a), 1515, 1517, 1520, 1521(a), and 1525(a) (the "<u>Verified Petition</u>") [ECF No. 2] and the form of voluntary petition (the "<u>Form of Voluntary Petition</u>") [ECF No. 1] filed concurrently therewith.* 

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523 of the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York.

**PLEASE TAKE FURTHER NOTICE** that copies of the Verified Petition and all accompanying documentation are available to parties in interest on the Bankruptcy Court's Electronic Case Filing System, which can be accessed from the Bankruptcy Court's website at http://www.nysb.uscourts.gov (a PACER login and password are required to retrieve a document) or upon written request to the Petitioner's counsel (including by facsimile or e-mail) addressed to:

or

White & Case LLP 1221 Avenue of the Americas New York, New York 10020-1095 Telephone:(212) 819-8200 Facsimile: (212) 354-8113 jcunningham@whitecase.com tmacwright@whitecase.com

Attn: John K. Cunningham, Esq. and Thomas E. MacWright, Esq.

PLEASE TAKE FURTHER NOTICE that any party in interest wishing to submit a response or objection to the Verified Petition or the relief requested therein must do so in writing and in accordance with the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and the Local Rules for the United States Bankruptcy Court for the Southern District of New York, setting forth the basis therefor, which response or objection must be filed electronically with the Court on the Court's electronic case filing system in accordance with and except as provided in General Order M-399 and the Court's Procedures for the Filing, Signing and Verification of Documents by Electronic Means (copies of each of which may be viewed on the Court's website at www.nysb.uscourts.gov) (and otherwise, on a USB drive, preferably in Portable Document Format (PDF) or Microsoft Word, which USB drive shall be sent to the Office of the Clerk of the Court, One Bowling Green, New York, New York 10004-1408). A hard copy of any response or objection shall be sent to the Chambers of the Honorable Martin Glenn, United States

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Bankruptcy Judge, One Bowling Green, New York, New York 10004-1408 and served upon White & Case LLP (Attn: John K. Cunningham, Esq. and Thomas E. MacWright, Esq.), counsel to the Petitioner, so as to be received no later than March 23, 2020 at 5:00 p.m. (New York Time).

**PLEASE TAKE FURTHER NOTICE** that all parties in interest opposed to the Verified Petition or the request for relief contained therein must appear at the Recognition and Enforcement Hearing at the time and place set forth above.

**PLEASE TAKE FURTHER NOTICE** that, at the Recognition and Enforcement Hearing, the Court may order the scheduling of a case management conference to consider the efficient administration of the case.

PLEASE TAKE FURTHER NOTICE that if no response or objection is timely filed and served as provided above, the Court may grant the relief requested in the Verified Petition without further notice.

PLEASE TAKE FURTHER NOTICE that the Recognition and Enforcement Hearing may be adjourned from time to time without further notice other than an announcement in open court, or a notice of adjournment filed with the Court, of the adjourned date or dates at the hearing or any other further adjourned hearing.

[Remainder of page intentionally left blank.]

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Dated: March 10, 2020 New York, New York

Respectfully submitted,

WHITE & CASE LLP

By: <u>/s/ John K. Cunningham</u> John K. Cunningham

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