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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),)		Case No. 20-10712
)		
Debtor in a Foreign Proceeding. ¹)		Chapter 15
)		

**APPLICATION PURSUANT TO FEDERAL RULES OF BANKRUPTCY PROCEDURE
2002(M) AND (Q) AND 9007 FOR ORDER SCHEDULING EVIDENTIARY HEARING
AND APPROVING FORM AND MANNER OF SERVICE OF NOTICE**

Eleanor Fisher (the “Petitioner” or the “Foreign Representative”), in her capacity as the duly-authorized foreign representative of the provisional liquidation proceeding (the “BVI Proceeding”) of Olinda Star Ltd. (“Olinda” or the “Debtor”) pending in the BVI Commercial

¹ 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).

Court (the “BVI Court”) pursuant to section 170 of the BVI Insolvency Act, 2003 (the “BVI Act”) of the laws of the British Virgin Islands (“BVI”), by and through her undersigned counsel, respectfully submits this application (this “Application”) for entry of an order substantially in the form annexed hereto as Exhibit A (the “Proposed Order”) (i) scheduling March 30, 2020 at 2:00 p.m. (ET) (the “Recognition Hearing Date”) as the evidentiary hearing (the “Recognition Hearing”) on the relief sought in the *Petitioner’s Declaration and Verified Petition for Recognition of the BVI Proceeding and Motion for Order Granting Related Relief Pursuant to 11 U.S.C. §§ 105(A), 1507(A), 1521(A), and 1525(A)* (the “Verified Petition”)² [ECF No. 2] and the Form of Voluntary Petition [ECF No. 1] filed concurrently therewith (together, the “Petitions”), each filed on March 6, 2020, (ii) setting March 23, 2020 at 5:00 p.m. (ET) as the deadline by which any responses or objections to the Verified Petition must be filed with the Court and received by the Debtor (the “Objection Deadline”), (iii) approving the form and manner of notice of the Petitions, Recognition Hearing Date, and Objection Deadline (the “Notice Procedures”), including the form of notice (the “Recognition Hearing Notice”) that is attached as Exhibit 1 to the Proposed Order, (iv) granting related relief as provided herein and (v) granting such other relief as the Court deems just and proper. In support of this Application, the Petitioner respectfully represents as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction to consider this Application pursuant to 28 U.S.C. §§ 157 and 1334, and the Amended Standing Order of Reference dated January 31, 2012, Reference M-431, In re Standing Order of Reference Re: Title 11, 12 Misc. 00032 (S.D.N.Y. Feb. 2, 2012) (Preska, C.J.). Venue is proper in this Court pursuant to 28 U.S.C. § 1410.

² Capitalized terms used but not otherwise defined shall have the meanings ascribed to such them in the Verified Petition.

BACKGROUND

2. The relevant factual background with respect to the relief sought in this Application is set forth in the Verified Petition. The Court may find therein a description of the BVI Proceeding of the Debtor and the Debtor's activities, business, corporate and capital structures, and the circumstances leading to the commencement of the BVI Proceeding.

RELIEF REQUESTED

3. By this Application, the Petitioner seeks the entry of an order, substantially in the form of the Proposed Order annexed hereto as Exhibit A, (i) setting March 30, 2020 at 2:00 p.m. (ET) as the Recognition Hearing Date, (ii) setting March 23, 2020 at 5:00 p.m. (ET) as the Objection Deadline, (iii) approving the Notice Procedures, including the Recognition Hearing Notice attached to the Proposed Order as Exhibit 1, (iv) granting related relief as provided herein, and (v) granting such other and further relief as the Court deems just and proper.

BASIS FOR RELIEF

4. Rule 2002(q)(1) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") provides that the parties identified therein (together with certain other parties, all as identified in Exhibit B annexed hereto (the "Chapter 15 Notice Parties")) and "such other entities as the Court may direct" must be given at least 21 days' notice of the hearing on the Verified Petition. Fed. R. Bankr. P. 2002(q)(1). Bankruptcy Rules 2002(m) and 9007 provide, among other things, that when notice is to be given under the Bankruptcy Rules, the Court shall designate the form and manner in which such notice shall be given (provided the Bankruptcy Rules do not otherwise specify the appropriate form and manner of such notice). Fed. R. Bankr. P. 2002(m), 9007.

5. The Petitioner proposes to (i) serve (a) the Recognition Hearing Notice, (b) the Petitions and (c) the *Declaration of Grant Carroll Pursuant to 28 U.S.C. § 1746* (the "Carroll

Declaration") (collectively, the "Notice Documents") by U.S. mail, first-class postage prepaid, upon the Chapter 15 Notice Parties, in accordance with Bankruptcy Rules 2002(k) and (q) and Rules 2002-1, 9006-1(b) and 9013-1(b) of the Local Rules for the Southern District of New York (the "Local Rules")³ and (ii) provide the Notice Documents to Wilmington Trust with instructions to forward the Notice Documents on behalf of the Petitioner to the Depository Trust Company (the "DTC"), in its capacity as the record holder of the Prior 2024 Notes and the Restructured 2024 Notes, and to instruct DTC to disseminate the same according to DTC's customary practices. The Petitioner will complete service of such notice on or before March 7, 2020 and respectfully submits that such notice constitutes adequate and sufficient notice of this Chapter 15 Case, the relief sought in the Petitions, the time fixed for filing objections to such relief, and the time, date, and place of the Recognition Hearing.⁴

6. Additionally, the Petitioner proposes supplementing the notice required by the Bankruptcy Rules by publishing the Recognition Hearing Notice in the national edition of the New York Times. Such supplemental notice ensures that sufficient notice of the Recognition Hearing is provided to persons who might not otherwise receive it. Bankruptcy Rule 2002(l) permits the Court to "order notice by publication if it finds that notice by mail is impracticable or that it is desirable to supplement the notice." Fed. R. Bankr. P. 2002(l).

7. Accordingly, the Petitioner respectfully requests that this Court approve the foregoing Notice Procedures pursuant to Bankruptcy Rules 2002(m) and (q) and 9007 and publication of the Recognition Hearing Notice pursuant to Bankruptcy Rule 2002(l).

³ Parties who receive notice by email in connection with *In re Serviços de Petróleo Constellation S.A.*, 18-13952 (MG) (Bankr. S.D.N.Y.) will receive the notice described herein by email rather than first class mail.

⁴ The Petitioner will also serve the Proposed Order on the Chapter 15 Notice Parties once such order is entered by the Court.

8. Bankruptcy Rule 1012(b) provides, among other things, that a party objecting to a chapter 15 petition must present such objection no later than seven days before the date set for the hearing on the petition. Fed. R. Bankr. P. 1012(b). In light of this requirement, the Petitioner respectfully submits that setting (i) March 30, 2020 at 2:00 p.m. (ET) as the Recognition Hearing Date and (ii) March 23, 2020 at 5:00 p.m. (ET) as the Objection Deadline is appropriate.

9. Section 1514(c) of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (the “Bankruptcy Code”) provides that when notice of the commencement of a case under the Bankruptcy Code is given to foreign creditors, such notification shall indicate the time period and place for filing proofs of claim as well as whether such filing is necessary for secured creditors. 11 U.S.C. § 1514(c). It is generally accepted, however, that section 1514 does not apply in a chapter 15 ancillary case. As explained in Collier on Bankruptcy, section 1514 is the “last in a series of sections dealing with the international aspects of cases under chapters other than chapter 15 that began with section 1511.” 8 Alan N. Resnick & Henry J. Sommer, Collier on Bankruptcy ¶ 1514.01 (16th ed. rev. 2016) (emphasis added). As such, courts routinely find inapplicable and/or waive the requirements of section 1514 in chapter 15 cases. See, e.g., In re Oi S.A., Case No. 16-11791 (SHL) (Bankr. S.D.N.Y. June 22, 2016), ECF No. 21; In re OAS S.A., Case No. 15-10937 (SMB) (Bankr. S.D.N.Y. Apr. 17, 2015), ECF No. 24. Given that section 1514(c) does not apply with respect to this Chapter 15 Case (as the Petitioner has not sought to commence a case under any other chapter of the Bankruptcy Code), the Petitioner respectfully submits that the requirements contained therein are inapplicable or, alternatively, respectfully requests that such requirements be waived by this Court.

NOTICE

10. Notice of this Application will be provided to the Chapter 15 Notice Parties enumerated in Exhibit B annexed hereto.

NO PRIOR REQUEST

11. No previous request for the relief requested herein has been made by the Petitioner to this Court or any other court.

CONCLUSION

12. WHEREFORE, the Petitioner respectfully requests that this Court: (i) enter an order, substantially in the form of the Proposed Order annexed hereto as Exhibit A, granting the relief requested herein; and (ii) grant such other and further relief as the Court may deem just and proper.

Dated: March 6, 2020
New York, New York

Respectfully submitted,

WHITE & CASE LLP

By: /s/ John K. Cunningham
John K. Cunningham

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New York, New York 10020-1095
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Richard S. Kebrdle (*pro hac vice pending*)

*Attorneys for Eleanor Fisher,
as Petitioner and Foreign Representative*

Exhibit A

Proposed Order

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

In re)	
)	
Olinda Star Ltd. (In Provisional Liquidation))	Case No. 20-10712
)	
Debtor in a Foreign Proceeding. ¹)	Chapter 15
)	

**ORDER PURSUANT TO FEDERAL RULES OF BANKRUPTCY PROCEDURE
2002(M) AND (Q) AND 9007 SCHEDULING EVIDENTIARY HEARING AND
APPROVING FORM AND MANNER OF SERVICE OF NOTICE**

Upon the Petitioner’s *Application Pursuant to Federal Rules of Bankruptcy Procedure 2002(m) and (q) and 9007 for Order Scheduling Evidentiary Hearing and Approving Form and Manner of Service of Notice* (the “Application”),² requesting, in her capacity as the duly-authorized Foreign Representative of the BVI Proceeding of the Debtor, the entry of this order (this “Order”) (i) scheduling the Recognition Hearing on the relief sought in the Petitions, (ii) scheduling the Objection Deadline; (iii) approving the Notice Procedures, including the form of Recognition Hearing Notice; (iv) granting related relief as provided in the Application; and (v) granting such other and further relief as the Court deems just and proper; and the Court having considered the Application; and the Court having found good cause for granting the relief requested therein; and the Court having found that the Court has jurisdiction to consider the Application and the relief requested therein pursuant to sections 157 and 1334 of title 28 of the United States Code and the Amended Standing Order of Reference dated January 31, 2012, Reference M-431, In re Standing Order of Reference Re: Title 11, 12 Misc. 00032 (S.D.N.Y.

¹ 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).

² Capitalized terms used but not otherwise defined shall have the meanings ascribed to them in the Application.

Feb. 1, 2012) (Preska, C.J.); and the Court having found that this is a core proceeding pursuant to section 157(b)(2)(P) of title 28 of the United States Code; and the Court having found that venue of this proceeding is proper before this Court pursuant to sections 1409 and 1410 of title 28 of the United States Code; and the Court having found adequate and sufficient notice of the Application having been provided; and no other or further notice being required; it is hereby

ORDERED, that the Recognition Hearing shall be held before this Court in Room 523 of the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York, March 30, 2020 at 2:00 p.m. (ET); and it is further

ORDERED that the Objection Deadline shall be March 23, 2020 at 5:00 p.m. (ET); and it is further

ORDERED, that the Notice Procedures set forth in the Application constitute due and sufficient notice of the Petitions and the relief requested therein, and are hereby approved; and it is further

ORDERED, that the form of Recognition Hearing Notice annexed hereto as Exhibit 1 is hereby approved; and it is further

ORDERED, that the notice requirements set forth in section 1514(c) of the Bankruptcy Code are inapplicable in the context of these Chapter 15 Cases or, to the extent applicable, are hereby waived; and it is further

ORDERED, that copies of Notice Documents shall be served upon the Chapter 15 Notice Parties in the manner set forth in the Application on or before March 7, 2020; and it is further

ORDERED, that copies of the Notice Documents shall be provided to Wilmington Trust with instructions to forward the Notice Documents on behalf of the Petitioner to DTC and to instruct DTC to disseminate the same according to DTC's customary practices; and it is further

ORDERED, that the Petitioner shall cause the Recognition Hearing Notice to be published in the national edition of the New York Times; and it is further

ORDERED, that responses or objections, if any, to the Petitions be made in writing and set forth the basis therefor, and such responses or objections must be (i) 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 flash drive, preferably in Portable Document Format (PDF) or Microsoft Word, which USB flash drive shall be sent to the Office of the Clerk of the Court, One Bowling Green, New York, New York 10004-1408), and a hard copy of such response or objection to be sent to the Chambers of the Honorable Martin Glenn, United States Bankruptcy Judge, and (ii) served upon White & Case LLP, 1221 Avenue of the Americas New York, New York 10020-1095 (Attn: John K. Cunningham, Esq. and Thomas E. MacWright, Esq.), counsel to the Petitioner; and it is further

ORDERED, that service pursuant to this Order shall be good and sufficient service and adequate notice of the filing of the Petitions and the Recognition Hearing.

Dated: _____, 2020
New York, New York

THE HONORABLE MARTIN GLENN
UNITED STATES BANKRUPTCY JUDGE

Exhibit 1

Recognition Hearing Notice

WHITE & CASE LLP
1221 Avenue of the Americas
New York, New York 10020-1095
(212) 819-8200
John K. Cunningham
Thomas E. MacWright
Samuel P. Hershey

111 South Wacker Drive
Chicago, IL 60606
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Jason N. Zakia (*pro hac vice pending*)

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Richard S. Kebrdle (*pro hac vice pending*)

*Attorneys for Eleanor Fisher,
as Petitioner and Foreign Representative*

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

<hr/>)
In re))
Olinda Star Ltd. (In Provisional Liquidation))) Case No. 20-10712
))
Debtor in a Foreign Proceeding. ¹)) Chapter 15
<hr/>)

**NOTICE OF FILING AND HEARING ON PETITION UNDER CHAPTER 15
OF THE UNITED STATES BANKRUPTCY CODE AND
MOTION FOR RELATED RELIEF**

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-

¹ 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).

1532 (the “Bankruptcy Code”) of the BVI Proceeding (as defined below) of Olinda Star Ltd. (“Olinda” or the “Debtor”), 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 “Bankruptcy Court”)² in furtherance of the provisional liquidation proceeding (the “BVI Proceeding”) of the Debtor pending before the BVI Commercial Court (the “BVI Court”) pursuant to section 170 of the BVI Insolvency Act, 2003 (the “BVI Act”) of the laws of the British Virgin Islands (the “BVI”).

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; and (iii) 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 “Recognition Hearing”) to consider the relief requested in the Verified Petition for **March 30, 2020 at 2:00 p.m. (New York Time)** in Room 523 of the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York.

² 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, and 1520 1521(A), and 1525(A)* (the “Verified Petition”) [ECF No. 2] and the form of voluntary petition (the “Form of Voluntary Petition”) [ECF No. 1] filed concurrently therewith.

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:

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

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 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 Hearing at the time and place set forth above.

PLEASE TAKE FURTHER NOTICE that, at the Recognition 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 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.

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Dated: March 6, 2020
New York, New York

Respectfully submitted,

WHITE & CASE LLP

By: /s/ John K. Cunningham
John K. Cunningham

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New York, New York 10020-1095
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