

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

In re:

NEXII BUILDING SOLUTIONS INC., et al.,¹

Debtors in a Foreign Proceeding.

Chapter 15

Case No. 24-10026 (JKS)

(Jointly Administered)

**ORDER SCHEDULING RECOGNITION HEARING AND
SPECIFYING FORM AND MANNER OF SERVICE OF NOTICE**

Upon the motion (the “Motion”) of Nexii Building Solutions Inc. as the authorized foreign representative (the “Foreign Representative”) of the above-captioned debtors (collectively, the “Debtors”), seeking entry of an order (this “Order”): (a) scheduling a hearing on the relief sought in the Verified Petition; (b) setting the deadline by which any responses or objections to the Verified Petition must be received; and (c) specifying the form and manner of service of notice of the hearing on the relief sought in the Verified Petition; the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334, and 11 U.S.C. §§ 109 and 1501 and the Amended Standing Order; and that this Court may enter a final order consistent with Article III of the United States Constitution; venue being proper before the Court pursuant to 28 U.S.C. § 1410(1) and (3); adequate and sufficient notice of the filing of the Motion having been given by the Foreign Representative; it appearing that the relief requested in the Motion is necessary and beneficial to the Debtors; and no objections or other responses having

¹ The Debtors in these chapter 15 cases (the “Chapter 15 Cases”), along with the last four digits of each Debtor’s unique identifier, are Nexii Building Solutions Inc. (0911), Nexii Construction Inc. (1333), NBS IP Inc. (9930), and Nexii Holdings Inc. (5873). The Debtors’ service address for purposes of these Chapter 15 Cases is 1455 West Georgia Street, #200, Vancouver, British Columbia V6G 2T3.

been filed that have not been overruled, withdrawn, or otherwise resolved; and after due deliberation and sufficient cause appearing therefor, it is hereby ORDERED that:

1. The Motion is granted as set forth herein.
2. A hearing on the relief requested in the Verified Petition is scheduled for **February 9, 2024, at 2:00 p.m. (prevailing Eastern Time)** in Courtroom 6 of the United States Bankruptcy Court for the District of Delaware, Delaware, 824 N. Market Street, Fifth Floor, Wilmington, Delaware 19801.
3. The form of notice of the Recognition Hearing in substantially the form attached hereto as **Exhibit 1** (the “Recognition Hearing Notice”) is hereby approved.
4. The Publication Notice, substantially in the form attached hereto as **Exhibit 2**, is hereby approved.
5. 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.
6. Prior to mailing the Recognition Hearing Notice and publishing the Publication 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.
7. All notice requirements specified in section 1514(c) of the Bankruptcy Code and Local Rule 9013-1(m)(iii), with respect to the service of the Notice Documents, are hereby waived or otherwise deemed inapplicable to these cases.
8. The Foreign Representative shall serve, or cause to be served, the Recognition Hearing Notice by electronic mail to the extent email addresses are available and by United States

or Canadian mail, first-class postage-prepaid, on parties on the Master Service List within two (2) business days following entry of this Order and the Provisional Order, or as soon thereafter as practicable. To the extent email addresses are available, the Foreign Representative shall serve copies of the Notice Documents with the Recognition Hearing Notice by electronic mail on parties on the Master Service List.

9. Unless otherwise ordered by the Court, the Foreign Representative shall serve, or cause to be served, the Notice Documents and 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 by United States or Canadian mail, first-class postage-prepaid.

10. Responses or objections to recognition of the CCAA Proceedings 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 (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 served upon the following counsel so as to be received on or before 4:00 p.m. (prevailing Eastern Time) on February 2, 2024: (i) Barack Ferrazzano Kirschbaum & Nagelberg LLP, 200 West Madison Street, Suite 3900 Chicago, Illinois 60606, Attn: Nathan Rugg; and (ii) Pachulski Stang Ziehl & Jones LLP, 919 North Market Street, 17th Floor, Wilmington, Delaware 19801, Attn: Steven Golden and Colin Robinson.

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

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

13. 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: January 17th, 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:

NEXII BUILDING SOLUTIONS INC., et al.,¹

Debtors in a Foreign Proceeding.

Chapter 15

Case No. 24-10026 (JKS)

(Jointly Administered)

**NOTICE OF RECOGNITION HEARING
ON FOREIGN RECOGNITION PROCEEDINGS**

PLEASE TAKE NOTICE that on January 11, 2024, Nexii Building Solutions Inc., as the authorized foreign representative (the “Foreign Representative”) of the above-captioned debtors (collectively, the “Debtors”), which are the subject of jointly-administered proceedings (the “CCAA Proceedings”) under the *Companies’ Creditors Arrangement Act*, R.S.C. 1985, c. C-36 (as amended, the “CCAA”) in the Supreme Court of British Columbia (the “Canadian Court”), 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* (the “Verified Petition”) pursuant to sections 1504, 1515, and 1517 of title 11 of the United States Code (the “Bankruptcy Code”) with the United States Bankruptcy Court for the District of Delaware (the “Court”).

PLEASE TAKE FURTHER NOTICE that, among other things, the Debtors seek entry of an order recognizing the CCAA Proceedings as foreign main proceedings pursuant to section 1517 of title 11 of the Bankruptcy Code and granting certain additional relief pursuant to sections 105(a), 1507, 1510, 1515, and 1521 of the Bankruptcy Code.

¹ The Debtors in these chapter 15 cases (the “Chapter 15 Cases”), along with the last four digits of each Debtor’s unique identifier, are Nexii Building Solutions Inc. (0911), Nexii Construction Inc. (1333), NBS IP Inc. (9930), and Nexii Holdings Inc. (5873). The Debtors’ service address for purposes of these Chapter 15 Cases is 1455 West Georgia Street, #200, Vancouver, British Columbia V6G 2T3.

PLEASE TAKE FURTHER NOTICE that the Court has scheduled a hearing with respect to the Verified Petition (the “Recognition Hearing”) for [●] [a./p.]m. (prevailing Eastern Time) on [●], 2024.

PLEASE TAKE FURTHER NOTICE that contemporaneously with filing the petitions for recognition, the Foreign Representative filed the *Motion for Provisional Relief Pursuant to Section 1519 of the Bankruptcy Code* [Docket No. __] (the “Provisional Relief Motion”).

PLEASE TAKE FURTHER NOTICE that on January [●], 2024, the Bankruptcy Court entered the *Order Granting Provisional Relief Pursuant to Section 1519 of the Bankruptcy Code* [Docket No. __] (the “Provisional Order”), which granted, on a provisional basis, recognition of the CCAA Proceedings and gives effect in the United States to the initial order entered in the CCAA Proceedings (the “Initial CCAA Order”), which, among other things:

- authorizes the Foreign Representative to operate the Debtors’ businesses and administer the Debtors’ assets on a provisional basis;
- prohibits contract and lease counterparties from terminating their contracts or agreements with the Debtors solely because of the Debtors’ bankruptcy; and
- prevents parties from taking actions against the Debtors and their assets.

PLEASE TAKE FURTHER NOTICE that responses or objections to recognition of the CCAA Proceedings 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 (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 served upon the following **so as to be received on or before 4:00 p.m. (prevailing Eastern Time) on February 2, 2024**: counsel for the Foreign Representative (a) Barack Ferrazzano Kirschbaum & Nagelberg LLP, 200 West

Madison Street, Suite 3900 Chicago, Illinois 60606, Attn: Nathan Rugg; and (b) Pachulski Stang Ziehl & Jones LLP, 919 North Market Street, 17th Floor, Wilmington, Delaware 19801, Attn: Steven Golden and Colin Robinson.

PLEASE TAKE FURTHER NOTICE that copies of the Verified Petition, the Provisional Relief Motion, the Provisional Relief Order, and other documents filed by the Foreign Representative may be obtained by visiting the Court's website at <http://www.ecf.deb.uscourts.gov> (a PACER login and password are required to retrieve a document) or upon written request to the Foreign Representative's United States counsel addressed to: (i) Barack Ferrazzano Kirschbaum & Nagelberg LLP, 200 West Madison Street, Suite 3900 Chicago, Illinois 60606, Attn: Nathan Rugg; and (ii) Pachulski Stang Ziehl & Jones LLP, 919 North Market Street, 17th Floor, Wilmington, Delaware 19801, Attn: Steven Golden and Colin Robinson.

PLEASE TAKE FURTHER NOTICE that hearings in this matter, including the Recognition Hearing, shall take place at the United States Bankruptcy Court for the District of Delaware, 824 N. Market Street, [●] Floor, Wilmington, Delaware 19801.

PLEASE TAKE FURTHER NOTICE that at such hearing the Court may order the scheduling of a case management conference to consider the efficient administration of these Chapter 15 Cases.

PLEASE TAKE FURTHER NOTICE that your rights may be affected. You should read the Verified Petition carefully and discuss it with your attorney, if you have one in connection with these Chapter 15 Cases. If you do not have an attorney, you may wish to consult one.

PLEASE TAKE FURTHER NOTICE that if you do not want the Court to grant the relief requested by the Foreign Representative, or if you want the Court to consider your views on any

matter requested at the Recognition Hearing, then you or your attorney must attend such hearing. If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought by the Foreign Representative and may enter an order granting the relief requested.

PLEASE TAKE FURTHER NOTICE that the Foreign Representative does not currently intend to conduct a claims process in these Chapter 15 Cases. To the extent there is a claims process established in the CCAA Proceedings, parties are directed to the CCAA Proceedings, Vancouver Registry No. [●]. Accordingly, there is no need to file proofs of claim in these Chapter 15 Cases. Parties are directed to the Monitor's website for the CCAA Proceedings at www.ksvadvisory.com/experience/case/Nexii for information on filing proofs of claim and the CCAA Proceedings.

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Dated: January __, 2024

PACHULSKI STANG ZIEHL & JONES LLP

/s/ Steven W. Golden

Steven W. Golden (DE Bar No. 6807)
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Attorneys for Foreign Representative

EXHIBIT 2

Publication Notice

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

In re:

NEXII BUILDING SOLUTIONS INC., et al.,¹

Debtors in a Foreign Proceeding.

Chapter 15

Case No. 24-10026 (JKS)

(Jointly Administered)

**NOTICE OF RECOGNITION HEARING
ON FOREIGN RECOGNITION PROCEEDINGS**

PLEASE TAKE NOTICE that on January 11, 2024, Nexii Building Solutions Inc. and the above-captioned debtors (collectively, the “Debtors”) commenced proceedings (the “CCAA Proceedings”) under the *Companies’ Creditors Arrangement Act* (the “CCAA”) in the Supreme Court of British Columbia (the “Canadian Court”). On January 11, 2024, Nexii Building Solutions Inc., as authorized Foreign Representative (the “Foreign Representative”) for the Debtors, filed petitions for relief (the “Petitions”) under chapter 15 of the United States Bankruptcy Code. **Parties can obtain a copy of all documents filed electronically** in the Chapter 15 Cases by visiting the Court’s website at <http://www.ecf.deb.uscourts.gov> (a PACER login and password are required to retrieve a document) and in the CCAA Proceedings by visiting www.ksvadvisory.com/experience/case/Nexii.

PLEASE TAKE FURTHER NOTICE THAT contemporaneously with filing the Petitions, the Foreign Representative filed a verified petition seeking recognition of the Canadian Proceeding as foreign main proceedings [Docket No. ___] (the “Verified Petition”).

PLEASE TAKE FURTHER NOTICE that on [●], 2024, the Bankruptcy Court entered the *Order Granting Provisional Relief Pursuant to Section 1519 of the Bankruptcy Code* [Docket No. ___], granting provisional, injunctive, and related relief.

PLEASE TAKE FURTHER NOTICE that the Bankruptcy Court has scheduled a hearing for [:] **a.m./p.m. on [___, 2024]** to consider approval of the Verified Petition and related relief on a final basis (the “Recognition Hearing”).

PLEASE TAKE FURTHER NOTICE that any party in interest wishing to submit a response or objection to the Verified Petition must do so in accordance with the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware, and such response or objection must be in writing and set forth the basis therefor, which response or objection must

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be filed with the Office of the Clerk of the Bankruptcy Court, 824 North Market Street, 3rd Floor, Wilmington, Delaware 19801, and shall be served upon the following counsel **so as to be actually received on or before 4:00 p.m. (prevailing Eastern Time) on [___], 2024**: (i) Barack Ferrazzano Kirschbaum & Nagelberg LLP, 200 West Madison Street, Suite 3900 Chicago, Illinois 60606, Attn: Nathan Rugg; and (ii) Pachulski Stang Ziehl & Jones LLP, 919 North Market Street, 17th Floor, Wilmington, Delaware 19801, Attn: Steven Golden and Colin Robinson.

PLEASE TAKE FURTHER NOTICE that all parties in interest opposed and wishing to object to the Verified Petition must appear at the Recognition Hearing as set forth herein.

PLEASE TAKE FURTHER NOTICE that 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 all parties wishing to appear at the Recognition Hearing remotely must, in accordance with the *eCourt Appearances Effective January 2, 2024*, register using the eCourtAppearances tool found on the court's website at <https://www.deb.uscourts.gov/ecourt-appearances> **by no later than 4:00 p.m. (prevailing Eastern Time) one business day prior to the Recognition Hearing** for remote attendance. At the same time, you must notify the counsel listed above of your intent to appear remotely at the Recognition Hearing.

PLEASE TAKE FURTHER NOTICE that, if no response or objection is timely filed and served as provided above, the Bankruptcy Court may grant the relief requested by the Foreign Representative without further notice or hearing.

Dated: January __, 2024

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