

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF COLORADO**

In re:)
) Chapter 15
NILEX USA INC.) Case No. 22-14719 (KHT)
)
Debtor in Foreign Proceeding.)

**NOTICE PURSUANT TO LOCAL BANKRUPTCY RULE 9013-1
OF PROPOSAL TRUSTEE’S, AS THE AUTHORIZED FOREIGN REPRESENTATIVE
OF NILEX USA INC., MOTION, PURSUANT TO SECTIONS 105(a), 363, 1501, 1520
AND 1521 OF THE BANKRUPTCY CODE AND RULES 2002, 6004 AND 9013, FOR
ENTRY OF AN ORDER APPROVING SALE OF ASSETS FREE AND CLEAR OF
LIENS, CLAIMS AND INTERESTS AND GRANTING RELATED RELIEF**

OBJECTION DEADLINE: (Friday, January 6, 2023)

YOU ARE HEREBY NOTIFIED KSV Restructuring Inc. (“KSV”), in its capacity as Proposal Trustee (the “**Proposal Trustee**”) and authorized foreign representative (the “**Foreign Representative**”) of Nilex USA Inc. (“Nilex USA”) (together with Nilex Inc. the “**Nilex Debtors**”) in the proceeding (the “**Canadian Nilex USA Proceeding**”)¹, commenced by the filing of a notice of intention to make a proposal (an “**NOI**”) pursuant to section 50.4 of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3 (the “**BIA**”) on November 24, 2022 and currently pending in the Court of King’s Bench of Alberta, Canada (the “**Alberta Court**”) by and through its undersigned counsel, Lewis Roca Rothgerber Christie LLP, filed its Motion, Pursuant to Sections 105(a), 363, 1501, 1520 and 1521 of the Bankruptcy Code and Rules 2002, 6004 and 9014, For Entry of An Order Approving and Authorizing Sale of Assets Free and Clear of Liens, Claims and Interest (the “**U.S. Sale Motion**”) with the Bankruptcy Court, requesting an

¹ The Canadian Nilex USA Proceeding, together with similar proceedings commenced by Nilex Inc. on October 27, 2022, are collectively referred to herein as the “**Canadian Proceedings.**”

order authorizing the Proposal Trustee as Foreign Representative to sell substantially all of Nilex USA's U.S. Assets to Hanes Companies, Inc. (the "**Purchaser**") in a sale process taking place in the Canadian Proceedings. A copy of the U.S. Sale Motion is served herewith.²

If you oppose the U.S. Sale Motion or object to the requested relief, your objection and request for hearing must be filed on or before the objection deadline stated above. Objections, if any, submitted for the purpose of opposing the U.S. Sale Motion or requested relief must be made in writing and shall be **filed with the United States Bankruptcy Court for the District of Colorado electronically by registered users of the Court's ECF System** and served upon Chad S. Caby, Esq., Lewis Roca Rothgerber Christie LLP, 1601 19th St., Suite 1000, Denver, CO 80202, and must state clearly all objections and any legal basis for the objections. The court will not consider general objections.

An evidentiary hearing on the U.S. Sale Motion is scheduled for January 12, 2023, at 9:30 a.m. before the Honorable Kimberley H. Tyson, U.S. Custom Building, 721 19th Street, Denver, Colorado 80202. The evidentiary hearing will be held via videoconference. Counsel and/or parties should not appear in person. Information regarding video appearances is available on the Court's website at: www.cob.uscourts.gov/content/chief-judgekimberley-h-tyson-kht.

² The U.S. Sale Motion and the Declaration of Robert Kofman in Support of: (I) Petition for Recognition as a Foreign Mail Proceeding; (II) Motion for Order to Show Cause with Temporary Restraining Order and Preliminary Injunctive Relief; and (III) Motion for Order Approving Sale of Assets Free and Clear of Liens, Claims and Interests and Granting Related Relief are included with this Notice. Because the exhibits to the U.S. Sale Motion are voluminous, any party seeking to review the exhibits may go to the Court's CM/ECF website or contact undersigned counsel who will provide copies of the exhibits.

In the absence of a timely, substantiated objection and request for hearing by an interested party, the Court may approve or grant the requested relief without any further notice to creditors or other interested parties.

Dated: December 13, 2022.

Respectfully submitted,

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s/ Chad S. Caby

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