

**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 FED. R. BANKR. P. 2002(q) AND LOCAL BANKRUPTCY
RULE 9013-1 OF REQUEST PURSUANT TO 11 U.S.C. § 1515 OF TITLE 11 OF THE
UNITED STATES BANKRUPTCY CODE FOR ENTRY OF AN ORDER
RECOGNIZING THE CANADIAN PROCEEDING AS A FOREIGN MAIN
PROCEEDING PURSUANT TO 11 U.S.C. §§ 1517, 1520 AND 1521 OR, IN THE
ALTERNATIVE, RECOGNITION OF THE CANADIAN PROCEEDING
AS A FOREIGN NONMAIN PROCEEDING PURSUANT TO
11 U.S.C. §§ 1502(b) AND 1521 OF THE BANKRUPTCY CODE
AND NOTICE OF HEARING**

OBJECTION DEADLINE: (Friday, January 6, 2023)

YOU ARE HEREBY NOTIFIED that KSV Restructuring Inc. (“KSV”), as the Proposal Trustee and authorized foreign representative of Nilex USA Inc. (“Nilex USA”) in the proceeding pending in the Court of King’s Bench of Alberta, Canada (the “**Canadian Proceeding**”) under the Bankruptcy and Insolvency Act (the “**BIA**”), by and through its undersigned counsel, Lewis Roca Rothgerber Christie LLP, pursuant to Section 1515 of Title 11 of the United States Code (the “**Bankruptcy Code**”), seeks the entry of an order recognizing the Canadian Proceeding, as more fully described in the Petition for Recognition as Foreign Main Proceeding Pursuant to Sections 1515 and 1517 of the United States Bankruptcy Code and Related Relief filed in the above-captioned bankruptcy case on December 2, 2022 (Docket

No. 8) (the “**Petition for Recognition**”),¹ thereby requesting related relief pursuant to 11 U.S.C. § 1520 and additional relief pursuant to 11 U.S.C. § 1521 of the Bankruptcy Code.

In the alternative, should the Court fail to recognize the Canadian Proceeding as a foreign main proceeding (either in whole or in part), KSV seeks recognition of the Canadian Proceeding as a foreign nonmain proceeding, as defined in 11 U.S.C. § 1502(b) of the Bankruptcy Code, and seeks additional relief available under 11 U.S.C. § 1521 of the Bankruptcy Code.

If you oppose the Petition for Recognition 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 Petition for Recognition 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 Brent R. Cohen, 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 Petition for Recognition 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.

¹ The Petition for Recognition 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 Petition for Recognition 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,

LEWIS ROCA ROTHGERBER CHRISTIE LLP

s/ Chad S. Caby

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