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

In re:

OAK AND FORT CORP., *et al.*,¹

Debtors in a Foreign Proceeding.

Chapter 15

Case No. 25-11282 (MG)

Joint Administration Requested

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

KSV Restructuring Inc. (“KSV”), in its capacity as the Canadian Court-appointed monitor and duly authorized foreign representative (the “Foreign Representative”) of the above-captioned debtors (the “Debtors” or the “Company”), which are the subject of jointly-administered proceedings under Canada’s *Companies’ Creditors Arrangement Act*, R.S.C. 1985, c. C-36 (as amended, the “CCAA”) in the Supreme Court of British Columbia, in Vancouver, British Columbia, Canada (the “Canadian Proceedings” and such court, the “Canadian Court”), respectfully submits this motion (the “Motion”) for entry of an order (i) scheduling a hearing on the relief sought in the *Verified Petition for Entry of Order Recognizing Foreign Main Proceeding*

¹ The Debtors in these Chapter 15 cases, along with the last four digits of each Debtor’s U.S. Federal Employer Identification Number (“FEIN”) or Canada Revenue Agency Business Number (“BN”), are: Oak and Fort Corp. (BN 0003); 1282339 B.C. Ltd. (BN 0001); Oak and Fort US Group, Inc. (FEIN 1236); Oak and Fort Enterprise (U.S.), Inc. (FEIN 0468), NYM Merger Holdings LLC (FEIN 6949), and Oak and Fort California, LLC (FEIN 6937). The Debtors’ headquarters are located at 100-7 East 6th Ave, Vancouver, British Columbia, Canada.

and Granting Additional Relief (the “Verified Petition”), and (ii) specifying the form and manner of service of notice thereof. In support of this Motion, the Foreign Representative respectfully represents:

BACKGROUND

1. On June 6, 2025, the Foreign Representative filed chapter 15 petitions for each of the Debtors (the “Chapter 15 Petitions”).

2. Filed contemporaneously herewith, the Foreign Representative filed the Verified Petition, and the *Declaration of Min Gyoung Kang in Support of Verified Petition for Entry of an Order Recognizing Foreign Main Proceedings and Granting Additional Relief* (the “Kang Declaration”). A further description of the Debtors’ business and the events leading up to the commencement of the Canadian Proceedings and these chapter 15 cases is included in the Kang Declaration, which is incorporated herein by reference.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This is a core proceeding under 28 U.S.C. § 157(b)(2)(P). Venue is proper in this district pursuant to 28 U.S.C. §§ 1410(1), (3).

RELIEF REQUESTED

4. The Foreign Representative respectfully requests entry of an order, substantially in the form attached hereto as **Exhibit A**, (i) scheduling a hearing on or about twenty-one days after the date of service of the Notice Documents (defined below), or as soon thereafter as this Court’s calendar permits, on the relief sought in the Verified Petition (the “Recognition Hearing”), (ii) setting the deadline by which any responses to the Verified Petition must be received (the “Objection Deadline”) on or about seven days prior to the date of the Recognition Hearing, (iii) approving the form of notice of the Recognition Hearing and Objection Deadline attached hereto

as **Exhibit B** (the “Hearing Notice”), and (iv) approving the manner of service of the Hearing Notice described herein.

BASIS FOR RELIEF REQUESTED

5. Rule 2002(q)(1) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) provides that the debtor, all persons or bodies authorized to administer the Canadian Proceedings of the debtor, all entities against whom provisional relief under title 11 of the United States Code (the “Bankruptcy Code”) section 1519 is sought, all parties to litigation pending in the United States in which the debtor is a party at the time of the filing of the petition, and such other entities as the court may direct must be given at least twenty-one days’ notice of the Recognition Hearing.

6. Further, Bankruptcy Rules 2002(m) and 9007 provide, among other things, when notice is to be given under the Bankruptcy Rules, the presiding court shall designate the form and manner in which such notice shall be given, if the appropriate form and manner of notice is not specified by the Bankruptcy Code or Bankruptcy Rules. Although Bankruptcy Rule 2002(q)(1) provides that the parties specified must receive at least 21 days’ notice of the Recognition Hearing, it does not specify the form or manner in which such notice must be given. Therefore, pursuant to Bankruptcy Rules 2002(m) and 9007, this Court may specify such form and manner of notice.

7. The Foreign Representative has compiled a service list, annexed hereto as **Exhibit C**, which will be further supplemented, containing (i) all parties required to be served with notice of the Recognition Hearing pursuant to Bankruptcy Rule 2002(q)(1) and (ii) additional parties whom the Foreign Representative proposes to serve with notice of the Recognition Hearing (collectively, the “Notice Parties”). The Foreign Representative respectfully submits that service of (i) the Hearing Notice, (ii) the Chapter 15 Petitions, (iii) the Verified Petition (including the proposed form of order), and (iv) the Kang Declaration (including all exhibits thereto) (together,

the “Notice Documents”) (a) by United States mail, overnight or first-class postage prepaid, upon the Notice Parties in accordance with Bankruptcy Rule 2002(q)(1) within two (2) business days following entry of an order approving this Motion and (b) by posting on the website maintained by the Foreign Representative constitutes adequate and sufficient notice of the commencement of these cases and the relief sought in the Verified Petition. Accordingly, the Foreign Representative respectfully requests that this Court approve the foregoing manner of service of the Notice Documents pursuant to Bankruptcy Rules 2002(m), 2002(q)(1), and 9007.

8. In addition, if any party files a notice of appearance in this case, the Foreign Representative proposes to serve the Notice Documents and subsequent notices upon such party within three (3) business days of the filing of such notice of appearance if such documents have not already been served on such party (or its counsel).

9. Bankruptcy Rule 1012(b) provides, among other things, that objections and other responses to a petition for recognition of a foreign proceeding shall be presented no later than seven days before the date set for the hearing on the petition, unless the court prescribes some other time or manner for responses. The Foreign Representative respectfully requests, pursuant to Bankruptcy Rule 1012(b), that this Court set the Objection Deadline at least seven days prior to the Recognition Hearing.

10. Bankruptcy Code section 1514(c) provides that when notice of the commencement of a case is to be given to foreign creditors, such notice shall, among other things, indicate the time period for filing proofs of claim, specify the place for filing such proofs of claim, and indicate whether secured creditors need to file proofs of claim. The Foreign Representative submits, however, that Bankruptcy Code section 1514 only applies in plenary cases and does not apply in the context of a chapter 15 case. *See Collier on Bankruptcy* ¶ 1514.01 (section 1514 is the “last in

a series of sections dealing with the international aspects of cases under chapters other than chapter 15 that begin with section 1511”). Accordingly, the Foreign Representative requests that the requirements contained therein be waived in this instance. Courts in this district have regularly granted this request.

NO PRIOR REQUEST

11. No prior request for the relief requested herein has been made to this or any other court.

DATED: June 7, 2025

Respectfully submitted,

COLE SCHOTZ P.C.

By: /s/ Warren A. Usatine
Warren A. Usatine
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Counsel to the Foreign Representative

EXHIBIT A

Proposed Order

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

In re:

OAK AND FORT CORP., *et al.*,¹

Debtors in a Foreign Proceeding.

Chapter 15

Case No. 25-11282 (MG)

Jointly Administered

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

Upon the motion (the “Motion”)² of KSV Restructuring Inc., as the Canadian Court-appointed monitor and duly authorized foreign representative (the “Foreign Representative”) of the above-captioned debtors (the “Debtors”) for entry of an order (i) scheduling a hearing on the relief sought in the Verified Petition, filed June 7, 2025, and (ii) specifying the form and manner of service of notice thereof, it is hereby ORDERED:

1. The Recognition Hearing shall be held before this Court on _____, **2024 at __m. (Eastern Time)** or as soon thereafter as counsel may be heard, before the Honorable Chief Judge Martin Glenn, in Room 523 of the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York 10004-1408.

2. Objections, if any, to the Verified Petition shall be made in writing and shall set forth the basis therefor, and such objections must be filed with this Court and served upon the Foreign Representative’s counsel, Cole Schotz, P.C., 1325 Avenue of the Americas, New York,

¹ The Debtors in these Chapter 15 cases, along with the last four digits of each Debtor’s U.S. Federal Employer Identification Number (“FEIN”) or Canada Revenue Agency Business Number (“BN”), are: Oak and Fort Corp. (BN 0003); 1282339 B.C. Ltd. (BN 0001); Oak and Fort US Group, Inc. (FEIN 1236); Oak and Fort Enterprise (U.S.), Inc. (FEIN 0468), NYM Merger Holdings LLC (FEIN 6949), and Oak and Fort California, LLC (FEIN 6937). The Debtors’ headquarters are located at 100-7 East 6th Ave, Vancouver, British Columbia, Canada.

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

New York 10019, Attn: Warren A. Usatine and Mark Tsukerman so as to be received by : .m.
(Eastern Time) on June [•], 2025, with a courtesy copy served upon the Chambers of the
Honorable Martin Glenn, United States Chief Bankruptcy Judge, United States Bankruptcy Court
for the Southern District of New York, One Bowling Green, New York, New York 10004-1408.

3. The form of Hearing Notice attached to the Motion as **Exhibit B** is approved.

4. Copies of the Notice Documents shall be served by (i) United States mail, first-
class postage prepaid, upon the Notice Parties within two (2) business days following entry of an
order approving the Motion and (ii) by posting on the Foreign Representative's web site at
<https://www.ksvadvisory.com/experience/case/oakandfort>.

5. If any party files a notice of appearance in these cases, the Foreign Representative
shall serve a copy of the Notice Documents on such party or its counsel within three (3) business
days following the filing of such notice of appearance if such documents have not already been
served on such party (or its counsel).

6. The notice requirements in Bankruptcy Code section 1514(c) are inapplicable in
the context of these cases.

7. Service pursuant to this order shall be good and sufficient service and adequate
notice of the Recognition Hearing.

Dated: June [•], 2025
New York, New York

Honorable Martin Glenn
United States Bankruptcy Chief Judge

EXHIBIT B

Hearing Notice

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

In re:

OAK AND FORT CORP., *et al.*,¹

Debtors in a Foreign Proceeding.

Chapter 15

Case No. 25-11282 (MG)

Jointly Administered

**NOTICE OF FILING AND HEARING ON PETITIONS
UNDER CHAPTER 15 OF THE BANKRUPTCY CODE**

PLEASE TAKE NOTICE that on June 7, 2025, KSV Restructuring, Inc., as the foreign representative (the “Foreign Representative”) of the above-captioned debtors (the “Debtors”), which are the subject of jointly-administered proceedings under Canada’s *Companies’ Creditors Arrangement Act*, R.S.C. 1985, c. C-36 (as amended, the “CCAA”) in the Supreme Court of British Columbia, in Vancouver, British Columbia, Canada (the “Canadian Proceedings” and such court, the “Canadian Court”), filed a verified petition (the “Verified Petition”) with the U.S. Bankruptcy Court for the Southern District of New York (the “Court”).

PLEASE TAKE FURTHER NOTICE that, among other things, the Verified Petition requests entry of an order recognizing the Canadian Proceedings as foreign main proceedings pursuant to section 1517 of title 11 of the U.S. Code (the “Bankruptcy Code”), granting related relief pursuant to Bankruptcy Code section 1520, and granting certain additional relief pursuant to Bankruptcy Code section 1521.

PLEASE TAKE FURTHER NOTICE that the Court has scheduled a hearing to consider the relief requested in the Verified Petition (the “Recognition Hearing”) at [: .m. (E.T.) on , 2025]. The Recognition Hearing will be held before the Honorable Chief Judge Martin Glenn in Room 523 of the U.S. Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, N.Y. 10004-1408. At the Recognition Hearing, the Court may order the scheduling of a case management conference to consider the efficient administration of the Debtors’ cases.

PLEASE TAKE FURTHER NOTICE that any objection to the Verified Petition must be made in accordance with the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, the Local Rules of the U.S. Bankruptcy Court for the Southern District of New York, and any rules of the Honorable Chief Judge Martin Glenn in a writing that sets forth the basis for such objection with specificity. Any such objection must be filed with the Court electronically by registered users

¹ The Debtors in these Chapter 15 cases, along with the last four digits of each Debtor’s U.S. Federal Employer Identification Number (“FEIN”) or Canada Revenue Agency Business Number (“BN”), are: Oak and Fort Corp. (BN 0003); 1282339 B.C. Ltd. (BN 0001); Oak and Fort US Group, Inc. (FEIN 1236); Oak and Fort Enterprise (U.S.), Inc. (FEIN 0468), NYM Merger Holdings LLC (FEIN 6949), and Oak and Fort California, LLC (FEIN 6937). The Debtors’ headquarters are located at 100-7 East 6th Ave, Vancouver, British Columbia, Canada.

of the Court's case filing system and served upon the Foreign Representative's counsel, Cole Schotz, P.C., 1325 Avenue of the Americas, New York, New York 10019, Attn: Warren A. Usatine and Mark Tsukerman, so as to be received no later than [:_ .m. (E.S.T.) on June [•] 2025], with two courtesy copies served upon the Chambers of the Honorable Martin Glenn, U.S. Bankruptcy Chief Judge, U.S. Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, N.Y. 10004-1408.

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

PLEASE TAKE FURTHER NOTICE that any party in interest objecting to the Verified Petition or the relief requested therein must appear at the Recognition Hearing at the time and place set forth above.

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.

PLEASE TAKE FURTHER NOTICE that copies of the Verified Petition and all other documents filed in this case can be accessed at:

(i) <https://www.ksvadvisory.com/experience/case/oakandfort> or (ii) from the Court's web site, <http://ecf.nysb.uscourts.gov> (a PACER login and password are required to retrieve documents).

DATED: June 7, 2025

Respectfully submitted,

COLE SCHOTZ P.C.

By: /s/Warren A. Usatine

Warren A. Usatine

Mark Tsukerman

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Counsel to the Foreign Representative

EXHIBIT C

Service List

Service List

ADT Security Services	PO Box 371878 Pittsburgh PA 15250-7878
AT&T	PO Box 5014 Carol Stream IL 60197-5014
Beatriz Gutierrez	Azar Mouzari, Esq. c/o Beverly Hills Trial Attorneys, P.C. 9350 Wilshire Blvd., Suite 203 Beverly Hills, California 90212
California Franchise Tax Board	3321 Power Inn Road, Suite 250 Sacramento, California 95826
ConEdison	4 Irving Place New York New York 10003-3598
Frooogal LLC	1966 A Broadhollow Rd Farmingdale NY 11791
Nevada Department of Taxation	3850 Arrowhead Drive Carson City, Nevada 89706
New York State Department of Taxation and Finance	W.A. Harriman State Office Campus, Building 9 Albany, New York 12227
PG&E	Box 997300 Sacramento CA 95899-7300
PSEG Long Island	Business Solution Center 15 Park Drive Melville NY 11747
Roslyn Perry	David C. Wims, Esq. c/o Law Office of David Wims 1430 Pitkin Ave., 2nd Floor Brooklyn, NY 11233
Spectrum Business	Time Warner Cable PO Box 7186 Pasadena CA 91109-7186

ThredUp Inc.	969 Broadway, Ste 200 Oakland, CA 94607
Tiger Finance, LLC	60 State Street Boston, MA 02109
WebBank (Shopify)	100 Shockoe Slip, 2nd Floor Richmond, VA 23219