

AUGUST 24, 2020

RE RGN-NBC

- ① This Motion was heard by teleconference due to the Covid-19 Crisis.
- ② I am satisfied that the Motion should be granted for the following reasons.
- ③ The Chapter 11 Cases are Foreign Proceedings within the meaning of § 47(1) of the CCA. because they are judicial proceedings conducted pursuant to the United States Bankruptcy Code in the U.S. Court.

④ The Chapter 11 covers all Foreign Main Proceedings because the Chapter 11 Debtor "Centre of its Main interests" ("COMI") is in the United States because the registered head offices of all the Chapter 11 Debtors are in Delaware and their head offices and principal places of business are in Texas. They do not carry on business in Canada.

⑤ The applicant is a Foreign Representative because the U.S. Bankruptcy Court appointed it as the Foreign

(3)

Representation on August 20,  
2020.

⑥ I am prepared to make an order pursuant to S. 47(1) of the CCAA recognizing the foreign proceeding because the application for relief relates to a foreign proceeding and the Applicant is a foreign representative in respect of that foreign proceeding.

⑦ I am also satisfied that the requested stay of proceedings is required and appropriate to preserve the status quo in Canada.

- ⑧ I am also satisfied that I should recognize the First Day orders granted by the US Bankruptcy Court in furtherance of the principle of comity and for the reasons set out at para 43 of the Applicant's factum.
- ⑨ I agree with the Applicant that KSV should be appointed as Information Officer to assist the Court and keep it apprised of the status of the Foreign Proceedings.
- ⑩ These orders are effective today

(5)

and do not have to  
be entered.

Harvey J.