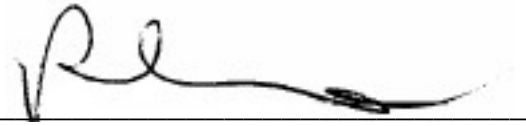


So Ordered.

Signed this 22 day of May, 2020.



Robert E. Littlefield, Jr.

United States Bankruptcy Judge

Chapter 15

Case No.: 20-10638

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

In re:
FERREX ENGINEERING LTD.

Debtor in a Foreign Proceeding.

**ORDER RECOGNIZING FOREIGN MAIN
PROCEEDING AND GRANTING RELATED RELIEF**

This matter was brought by Ferrex Engineering Ltd. (the “Debtor”) as the debtor and authorized foreign representative as defined by section 101(24) of title 11 of the United States Code (the “Bankruptcy Code”)¹ upon its filing, on behalf of the Debtor, of the Verified Chapter 15 Petition for Recognition of Foreign Main Proceeding (the “Verified Petition”) pursuant to sections 1504 and 1515 of title 11 of the Bankruptcy Code, commencing the above-captioned Chapter 15 case (the “Chapter 15 Case”).

This Court has reviewed the Verified Petition along with the other papers, pleadings and exhibits submitted by the Debtor in support of the Verified Petition (collectively, the “Supporting Papers”), including, among other things: (a) the Declaration of Tom Clarkson in Support of (I) Verified Chapter 15 Petition for Recognition of Foreign Main Proceeding and Related Relief; (II) Application to Approve Notice Procedures; and (III) Ex Parte Application for Temporary Restraining Order and Relief Pursuant to Sections 1519 and 105(A) of the Bankruptcy Code; (b) the Declaration of Sheldon Title; and (c) the Memorandum of Law in support of the Verified Petition.

¹ Capitalized terms not defined herein shall have the meaning ascribed to them in the Verified Petition.

Upon agreement by Micro Fines and the Debtor that the Verified Petition and the relief requested therein may be granted without a hearing, and upon there being no objection filed by any of the Notice Parties or any other person to the relief requested in the Verified Petition, and for good cause shown, the Court finds and concludes as follows:

A. This Court has jurisdiction over this matter pursuant to 29 U.S.C. §§ 157 and 1334.

B. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(P).

C. Venue is proper before this Court pursuant to 28 U.S.C. § 1410(a)(2).

D. Good, sufficient, appropriate and timely notice of the filing of the Verified Petition and the hearing on the Verified Petition has been given pursuant to Local Rule 2002-1 and Rule 2002(q)(1) of the Federal Rules of Bankruptcy Procedure.

E. The Chapter 15 Case was properly commenced pursuant to sections 1504 and 1515 of the Bankruptcy Code.

F. Pursuant to section 1517(a)(2) of the Bankruptcy Code, the Debtor is a “person” within the meaning of section 101(41) of the Bankruptcy Code, and the Debtor is the duly appointed and authorized “foreign representative” within the meaning of section 101(24) of the Bankruptcy Code.

G. The Canadian Proceeding, bearing Court and Estate File No. 31-2636073, is a “foreign proceeding” within the meaning of section 101(23) of the Bankruptcy Code.

H. The Canadian Proceeding is pending in Canada, where the Debtor’s “center of main interests”, as that term is used in section 1517(b)(1) of the Bankruptcy Code, is located and, accordingly, the Canadian Proceeding is a “foreign main proceeding” pursuant to section

1502(4) of the Bankruptcy Code and is entitled to recognition pursuant to sections 1517(a) and 1517(b)(1) of the Bankruptcy Code.

I. The Debtor is entitled to all of the relief provided under sections 1520 and 1521(a)(1) and (2) of the Bankruptcy Code, without limitation, because those protections are necessary to effectuate the purposes of the Bankruptcy Code and to protect the assets of the Debtor and the interests of the Debtor's creditors.

Therefore, it is hereby **ORDERED** that:

1. The Verified Petition is **GRANTED**.
2. The Verified Petition meets the requirements of section 1515 of the Bankruptcy Code and Bankruptcy Rule 1007(a)(4).
3. The Canadian Proceeding is recognized as a "foreign main proceeding" (as defined in section 1502(a)(4) of the Bankruptcy Code) pursuant to sections 1517(a) and 1517(b)(1) of the Bankruptcy Code.
4. The Debtor is recognized, on a final basis, as the "foreign representative" as defined in section 101(24) of the Bankruptcy Code.
5. The Debtor is entitled to all of the relief provided under sections 1520 and 1521 of the Bankruptcy Code, without limitation.
6. Pursuant to sections 1520 and 1521 of the Bankruptcy Code, and, as necessary, sections 105(a) and 1507 of the Bankruptcy Code, the Certificate of Filing of a Notice of Intention to Make a Proposal Subsection 50.4(1) and the Canadian Stay are hereby given full force and effect in the United States.
7. The Debtor is authorized to maintain its United States' assets pursuant to section 1520(a) of the Bankruptcy Code.

8. The relief granted hereby is necessary and appropriate, in the interests of the public and of international comity, not inconsistent with any public policy of the United States, warranted pursuant to sections 1507(a), 1509(b)(2)-(3), 1520, 1521(a) and 1522 of the Bankruptcy Code, and will not cause hardship to creditors of the Debtor, or to any parties in interest, in each case that is not outweighed by the benefits of granting such relief.

9. Pursuant to section 1521(a)(6), any additional relief granted under section 1519(a) is hereby extended, including the injunctive relief granted by the Court's Order Granting Adjournment and Continuation of Temporary Restraining Order dated May 4, 2020 (Doc. No. 19);

10. Any actions to interfere with the Debtor's assets are hereby barred, enjoined, and stayed, pursuant to sections 362, 1520(a), and 1521(a)(1) and (2) of the Bankruptcy Code, including, but not limited to, any actions to enforce the New York Judgment in the Micro Fines Litigation or otherwise to prosecute any claims against the Debtor in the Micro Fines Litigation.

11. This Court shall retain jurisdiction with respect to the enforcement, amendment or modification of this Order, any requests for additional relief, any adversary proceeding in and through this Chapter 15 Case, and any request by an entity for relief from the provisions of this Order, for cause shown, that is properly commenced within the jurisdiction of this Court.

12. The Debtor shall provide service and notice of this Order by first class mail, postage prepaid, upon the Chapter 15 Notice Parties as defined in the Notice Application.

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