

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

In re:

NYGARD HOLDINGS (USA) LIMITED, et al.,¹

Debtors in a Foreign Proceeding.

Chapter 15

Case No. 20-10828 SMB

Joint Administration Requested

**ORDER SHORTENING NOTICE PERIOD FOR EMERGENCY
HEARINGS ON MOTIONS OF FOREIGN REPRESENTATIVE
FOR (I) ENTRY OF AN ORDER GRANTING PROVISIONAL RELIEF
PURSUANT TO SECTIONS 105(a) AND 1519 OF THE BANKRUPTCY CODE, (II)
JOINT ADMINISTRATION OF CHAPTER 15 CASES AND RELATED RELIEF, AND
(III) ENTRY OF AN ORDER SCHEDULING A HEARING ON CHAPTER 15
PETITION FOR RECOGNITION AND RELATED RELIEF AND SPECIFYING FORM
AND MANNER OF SERVICE**

Upon the motion (the “Motion to Shorten”)² of Richter Advisory Group Inc. (“Richter”), solely in its capacity as court-appointed receiver (and not in its personal or corporate capacity) (the “Receiver”) and authorized foreign representative (the “Foreign Representative”) of:

(a) Nygard Holdings (USA) Limited (“Holdings”); Nygard Inc. (“Inc.”); Nygard NY Retail, LLC (“NY Retail”); and Fashion Ventures, Inc. (“Fashion”) (collectively, the “U.S. Debtors”); and

(b) Nygard International Partnership (“International”); Nygard Properties Ltd. (“Properties”); Nygard Enterprises Ltd. (“Enterprises”); 4093887 Canada Ltd. (“4093887”); and 4093879 Canada Ltd. (“4093879”) (collectively, the “Canadian Debtors,” and together with the U.S. Debtors, the “Debtors”), each of which was placed in a receivership on March 18, 2020 by

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 Registration Number (“CRA”) , are: Nygard Holdings (USA) Limited (FEIN 3048), Nygard Inc. (FEIN 0509), Nygard NY Retail, LLC (FEIN 1672), Fashion Ventures, Inc. (FEIN 0956), Nygard International Partnership (FEIN 1535), Nygard Properties Ltd. (CRA 0003), Nygard Enterprises Ltd. (FEIN 7127), 4093887 Canada Ltd. (FEIN 1534), 4093879 Canada Ltd. (FEIN 1533).

² Capitalized terms not defined in this Order shall have the meaning ascribed to them in the Motion.

order (the “Receivership Order”) of the Court of Queen’s Bench Manitoba (the “Canadian Court”), Court File No. CI 20-01-26627 (the “Canadian Proceeding”), for entry of an order shortening the notice periods for an emergency hearing (the “Emergency Hearing”) on the (a) *Motion of the Receiver as Authorized Foreign Representative for Entry of an Order Granting Provisional Relief Pursuant to Sections 105(a) and 1519 of the Bankruptcy Code* (the “Provisional Relief Motion”), (b) *Motion of the Receiver as Authorized Representative for Joint Administration of Chapter 15 Cases and Related Relief* (the “Joint Administration Motion”), and (c) *Motion for Entry of an Order Scheduling a Hearing on Chapter 15 Petition for Recognition and Related Relief and Specifying Form and Manner of Notice of Service* (the “Scheduling and Notice Motion,” and collectively with the Emergency Motion and Joint Administration Motion, the “Motions”) and setting the date and time for the Emergency Hearing for March 19, 2020 at 10:00 a.m. (ET) or as soon thereafter as the Court may hear the Motions; and upon this Court’s review and consideration of the Motion to Shorten, the Verified Petition and the Benchaya Declaration; and this Court having jurisdiction to consider the Motion to Shorten and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Motion to Shorten and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(P); and venue being proper before this Court pursuant to 28 U.S.C. § 1410(1) and (3); and appropriate, sufficient, and timely notice of the filing of the Motion to Shorten having been given; and the Court having found and determined that the relief sought in the Motion to Shorten is in the best interest of the Debtors, their creditors, and parties in interest, and is in the interest of international comity and not inconsistent with United States policy, and that the legal and factual basis set forth in the Motion to Shorten establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The relief requested in the Motion to Shorten is GRANTED as set forth in this Order.

2. The Court shall consider the Motions at an Emergency Hearing on March 25, 2020 at 10:00 a.m. (ET).

3. All objections or other responses to the Motions may be made orally at the Emergency Hearing.

4. On March 20, 2020, the Foreign Representative shall serve a copy of this Order by email, facsimile transmission, or ~~regular~~ **overnight** mail, **Monday delivery**, to: (i) the United States Trustee for the Southern District of New York (Attn: Paul K. Schwartzberg, Esq.); (ii) the Debtors; (iii) Peter J. Nygard; (iv) all persons or bodies authorized to administer foreign proceedings of the Debtors, including the Canadian Proceeding; (v) all entities against whom provisional relief is being sought under section 1519 of the Bankruptcy Code; (vi) all parties to litigation pending in the United States to which any of the Debtors is a party at the time of the filing of the Petition; and (vii) all parties that have filed a notice of appearance in these chapter 15 cases. Under the circumstances, no other or further notice is necessary. **[SMB: 3/20/20]**

Dated: March 20, 2020
New York, New York

/s/ Stuart M. Bernstein
UNITED STATES BANKRUPTCY JUDGE