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

In re:

NYGARD HOLDINGS (USA) LIMITED,

Debtor in a Foreign Proceeding.

Chapter 15

Case No. 20-10828 (\_\_\_)

In re:

NYGARD INC.,

Debtor in a Foreign Proceeding.

Chapter 15

Case No. 20-10829 (\_\_\_)

In re:

NYGARD NY RETAIL, LLC,

Debtor in a Foreign Proceeding.

Chapter 15

Case No. 20-10830 (\_\_\_)

In re:

FASHION VENTURES, INC.,

Debtor in a Foreign Proceeding.

Chapter 15

Case No. 20-10831 (\_\_\_)

Chapter 15

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| In re:<br><br>NYGARD INTERNATIONAL PARTNERSHIP,<br><br>Debtor in a Foreign Proceeding. | Case No. 20-10832 (____)               |
| In re:<br><br>NYGARD PROPERTIES LTD.,<br><br>Debtor in a Foreign Proceeding.           | Chapter 15<br>Case No. 20-10833 (____) |
| In re:<br><br>NYGARD ENTERPRISES LTD.,<br><br>Debtor in a Foreign Proceeding.          | Chapter 15<br>Case No. 20-10834 (____) |
| In re:<br><br>4093879 CANADA LTD.<br><br>Debtor in a Foreign Proceeding.               | Chapter 15<br>Case No. 20-10835 (____) |
| In re:<br><br>4093887 CANADA LTD.<br><br>Debtor in a Foreign Proceeding.               | Chapter 15<br>Case No. 20-10836 (____) |

**MOTION OF THE RECEIVER AS AUTHORIZED FOREIGN REPRESENTATIVE  
FOR JOINT ADMINISTRATION OF CHAPTER 15 CASES  
AND RELATED RELIEF**

Richter Advisory Group Inc. (“Richter”) is acting 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”);  
4093879 Canada Ltd. (“4093879”); and  
4093887 Canada Ltd. (“4093887”) (collectively, the “Canadian Debtors,”  
and together with the U.S. Debtors, the “Debtors”).

Each of the Debtors was placed in a receivership on March 18, 2020 by 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”).

The Foreign Representative respectfully submits this motion (the “Motion”) for entry of an order, substantially in the form attached as **Exhibit A**, (i) directing the joint administration of these cases for procedural purposes only pursuant to section 105(a) of title 11 of the United States Code (the “Bankruptcy Code”) and Rule 1015(b) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), (ii) authorizing the filing of a consolidated list pursuant to Bankruptcy Rule 1007(a)(4), and (iii) granting related relief.

In support of the Motion, the Foreign Representative respectfully incorporates the following herein by reference: (a) the *Verified Petition Under Chapter 15 for Recognition of a Foreign Main Proceeding and Related Relief* (the “Verified Petition”) and (b) the *Declaration of Gilles Benchaya in Support of (i) Verified Petition Under Chapter 15 for Recognition of a Foreign Main Proceeding and Related Relief and (ii) Motion of the Foreign Representative for Provisional*

*Relief* (the “Benchaya Declaration”).<sup>1</sup> In further support of the relief requested, the Foreign Representative represents as follows:

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the Amended Standing Order of Reference to Bankruptcy Judges of the District Court for the Southern District of New York, dated January 31, 2012 (Preska, C.J.). This matter is a core proceeding pursuant to 28 U.S.C. § 157(b).

2. Venue is proper in this District pursuant to 28 U.S.C. § 1410(1) and (3).

3. The statutory bases for relief are Bankruptcy Code section 101(2), and Bankruptcy Rules 1015(b) and 1007(a)(4).

4. The Foreign Representative seeks entry of an order substantially in the form attached as **Exhibit A** directing joint administration of the Debtors’ chapter 15 cases for procedural purposes only.

5. The Foreign Representative also requests that the caption of the Debtors’ chapter 15 cases be modified to reflect joint administration of the chapter 15 cases as follows:

In re:  
NYGARD HOLDINGS (USA) LIMITED, et al.,<sup>2</sup>  
Debtors in a Foreign Proceeding.

Chapter 15  
Case No. 20-10828(\_\_\_\_)  
Jointly Administered

<sup>1</sup> Capitalized terms not otherwise defined herein shall have the meanings given to them in the Benchaya Declaration.

<sup>2</sup> 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), 4093879 Canada Ltd. (FEIN 1533), 4093887 Canada Ltd. (FEIN 1534).

6. The Foreign Representative requests that the Court find that the proposed caption satisfies the requirements of section 342(c)(1) of the Bankruptcy Code and Bankruptcy Rule 1005.

7. The Foreign Representative also requests that the following notation be entered on the dockets of the chapter 15 cases of the Debtors to reflect the joint administration of these cases:

An Order has been entered in this case in accordance with Rule 1015(b) of the Federal Rules of Bankruptcy Procedure directing the procedural consolidation and joint administration of the chapter 15 cases of Nygard Holdings (USA) Limited, Nygard Inc., Nygard NY Retail, LLC , Fashion Ventures, Inc., Nygard International Partnership, Nygard Properties Ltd., Nygard Enterprises Ltd., 4093887 Canada Ltd., and 4093879 Canada Ltd. The docket in *In re Nygard Holdings (USA) Limited*, case no. 20-[•] (•) should be consulted for all matters affecting this case.

8. Further, the Foreign Representative requests that the Court authorize the Foreign Representative to file and use a combined list under Bankruptcy Rule 1007(a)(4) for these jointly-administered chapter 15 cases and that combined notices may be sent to the Debtors' creditors and other parties in interest where appropriate.

9. Bankruptcy Rule 1015(b) provides that if two or more petitions for relief are pending in the same court by or against a debtor and its affiliate, the court may order joint administration of the cases. The Debtors are "affiliates" as that term is defined under section 101(2) of the Bankruptcy Code, as all are 100% owned, directly or indirectly, by Peter J. Nygard.

10. Entry of an order directing joint administration of the Debtors' chapter 15 cases will avoid duplicative notices, applications, and orders, thereby saving the Foreign Representative and parties-in-interest considerable time and expense and easing the administrative burden on the Court and the parties. The rights of creditors will not be adversely affected because this Motion requests only administrative consolidation of the chapter 15 cases. By aggregating all papers related to the Debtors under the same case caption and docket, creditors and parties-in-interest will be able to access and review relevant information

concerning the Debtors in one place, which will better enable parties to keep apprised of the matters before this Court.

11. Additionally, filing a consolidated list under Bankruptcy Rule 1007(a)(4) is appropriate in these cases. As the provisional and final relief sought in each of these cases is identical, and any additional relief sought is likely to impact most or all of the Debtors, the Foreign Representative anticipates that most if not all motions, notices, hearings, orders, and other papers filed in these cases will affect most or all of the Debtors. Under these circumstances, filing and maintaining separate lists under Bankruptcy Rule 1007(a)(4) would result in unnecessary confusion and wasteful duplication of effort and service.

12. Notice of this Motion has been provided 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. The Foreign Representative submits that no other or further notice of this Motion is necessary or required.

13. No prior request for the relief sought in this Motion has been made to this or to any other Court.

[Remainder of page left intentionally blank.]

**CONCLUSION**

**WHEREFORE**, the Receiver respectfully requests entry of an order, substantially in the form attached as **Exhibit A**, granting the relief requested and such other and further relief as is just and proper.

Dated: March 18, 2020  
New York, New York

Respectfully submitted,

/s/ Steven J. Reisman

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**Exhibit A**

**Proposed Order**



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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| In re:<br><br>NYGARD HOLDINGS (USA) LIMITED,<br><br>Debtor in a Foreign Proceeding.    | Chapter 15<br><br>Case No. 20-10828 (___) |
| In re:<br><br>NYGARD INC.,<br><br>Debtor in a Foreign Proceeding.                      | Chapter 15<br><br>Case No. 20-10829 (___) |
| In re:<br><br>NYGARD NY RETAIL, LLC,<br><br>Debtor in a Foreign Proceeding.            | Chapter 15<br><br>Case No. 20-10830 (___) |
| In re:<br><br>FASHION VENTURES, INC.,<br><br>Debtor in a Foreign Proceeding.           | Chapter 15<br><br>Case No. 20-10831 (___) |
| In re:<br><br>NYGARD INTERNATIONAL PARTNERSHIP,<br><br>Debtor in a Foreign Proceeding. | Chapter 15<br><br>Case No. 20-10832 (___) |

|   |   |
|---|---|
| In re:<br><br>NYGARD PROPERTIES LTD.,<br><br>Debtor in a Foreign Proceeding.  | Chapter 15<br><br>Case No. 20-10833 (___) |
| In re:<br><br>NYGARD ENTERPRISES LTD.,<br><br>Debtor in a Foreign Proceeding. | Chapter 15<br><br>Case No. 20-10834 (___) |
| In re:<br><br>4093879 CANADA LTD.<br><br>Debtor in a Foreign Proceeding.      | Chapter 15<br><br>Case No. 20-10835 (___) |
| In re:<br><br>4093887 CANADA LTD.<br><br>Debtor in a Foreign Proceeding.      | Chapter 15<br><br>Case No. 20-10836 (___) |

**ORDER DIRECTING JOINT ADMINISTRATION  
OF CHAPTER 15 CASES AND GRANTING RELATED RELIEF**

Upon the Motion<sup>1</sup> 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

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<sup>1</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.

(b) Nygard International Partnership (“International”); Nygard Properties Ltd. (“Properties”); Nygard Enterprises Ltd. (“Enterprises”); 4093879 Canada Ltd. (“4093879”); and 4093887 Canada Ltd. (“4093887”) (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 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 (i) directing the joint administration of these cases for procedural purposes only pursuant to section 105(a) of title 11 of the United States Code (the “Bankruptcy Code”) and Rule 1015(b) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), (ii) authorizing the filing of a consolidated list pursuant to Bankruptcy Rule 1007(a)(4), and (iii) granting related relief; and the Court having found that it has jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334 and the Amended Standing Order of Reference from the United States District Court for the Southern District of New York dated as of January 31, 2012, Reference M-431, *In re Standing Order of Reference Re: Title 11, 12 Misc. 00032* (S.D.N.Y. Feb. 1, 2012) (Preska, C.J.); and considering the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue of this proceeding being proper before the Court pursuant to 28 U.S.C. § 1410(1) and (3); and the Court having determined that the relief requested in the Motion is necessary and beneficial to the Debtors; and after due deliberation and sufficient cause appearing therefor,

**IT IS HEREBY ORDERED:**

1. The Motion is granted as set forth herein.

2. Pursuant to Bankruptcy Rule 1015(b), the Debtors’ chapter 15 cases shall be, and hereby are, consolidated for procedural purposes only and shall be jointly administered by the Bankruptcy Court under the docket of Nygard Holdings (USA) Limited, Case No. 20-10828 (\_\_\_).

3. All pleadings and other papers filed in these chapter 15 cases shall bear a consolidated caption in the following form:

|   |  |
|---|--|
| <p>In re:</p> <p>NYGARD HOLDINGS (USA) LIMITED, et al.,<sup>2</sup></p> <p>Debtors in a Foreign Proceeding.</p> | <p>Chapter 15</p> <p>Case No. 20-10828 (___)</p> <p>Jointly Administered</p> |
|---|--|

4. The foregoing caption satisfies the requirements set forth in section 342(c)(1) of the Bankruptcy Code and Bankruptcy Rule 1005 in all respects.

5. The following notation shall be entered on the dockets of the chapter 15 cases of the Debtors, to reflect the joint administration of these cases:

An Order has been entered in this case in accordance with Rule 1015(b) of the Federal Rules of Bankruptcy Procedure directing the procedural consolidation and joint administration of the chapter 15 cases of Nygard Holdings (USA) Limited, Nygard Inc., Nygard NY Retail, LLC, Fashion Ventures, Inc., Nygard International Partnership, Nygard Properties Ltd., Nygard Enterprises Ltd., 4093879 Canada Ltd., and 4093887 Canada Ltd. The docket in *In re Nygard Holdings (USA) Limited*, case no. 20-[•] (•) should be consulted for all matters affecting this case.

6. Nothing contained in this Order shall be deemed or construed as directing or otherwise effecting the substantive consolidation of any of the above-captioned cases.

<sup>2</sup> 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), 4093879 Canada Ltd. (FEIN 1533), 4093887 Canada Ltd. (FEIN 1534).

7. If these chapter 15 cases were initially assigned to different judges, these chapter 15 cases shall be transferred to the judge to whom the lowest numbered case was assigned.

8. The Foreign Representative shall maintain, and the Clerk of the United States Bankruptcy Court for the Southern District of New York shall keep, one consolidated docket, one file and one consolidated service list in these chapter 15 cases.

9. The Foreign Representative is authorized to file and utilize a combined list under Bankruptcy Rule 1007(a)(4) for the Debtors' jointly-administered cases and may send combined notices to creditors of the Debtors and other parties in interest where appropriate.

10. The Foreign Representative is authorized to take all actions necessary to effectuate the relief granted pursuant to this Order.

11. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry, and the Clerk is hereby directed to enter this Order on the docket in the chapter 15 case of each of the Debtors.

12. This Court shall retain jurisdiction with respect to all matters relating to the interpretation or implementation of this Order.

Dated: March \_\_\_\_, 2020  
New York, New York

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UNITED STATES BANKRUPTCY JUDGE