

**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)

Jointly Administered

**ORDER GRANTING MOTION OF FOREIGN REPRESENTATIVE
FOR ENTRY OF AN ORDER RECOGNIZING AN ORDER OF THE
CANADIAN COURT AND GRANTING RELATED RELIEF**

Upon the motion (the “Motion”)² of Richter Advisory Group Inc. (“Richter”), 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 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 recognizing and giving full force and effect in the United States to the E/B Settlement Order entered by the Canadian Court in approval of the E/B Settlement Agreement and granting related relief; and upon this Court’s review and consideration of the Motion; and this Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Motion 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,

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 All capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.

sufficient, and timely notice of the filing of the Motion and the hearing thereon having been given; and upon the record established at such hearing; and no objections or other responses having been filed that have not been overruled, withdrawn, or otherwise resolved; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The relief requested in the Motion is GRANTED as set forth herein.
2. The E/B Settlement Order is recognized and given full force and effect in the United States.
3. Pursuant to sections 1520(a)(2) and 363 of the Bankruptcy Code, the portion of the E/B Settlement Agreement constituting the sale of certain of the Debtors' inventory located within the territorial jurisdiction of the United States is approved.
4. Notwithstanding the relief granted herein and any actions taken hereunder, nothing in the Motion or in this Order shall be deemed or construed to be an admission as to the validity or priority of any claim against the Debtors or the Foreign Representative.
5. The relief granted herein is necessary to effectuate the purposes of chapter 15 and to protect the Debtors and the interests of their creditors and all parties in interest.
6. In accordance with section 1507(b) of the Bankruptcy Code, the relief granted will reasonably assure: (i) the just treatment of all holders of claims against or interests in the Debtors' property; (ii) the protection of claim holders in the United States against prejudice and inconvenience in the processing of claims in the Canadian Proceeding; and (iii) the prevention of preferential or fraudulent dispositions of property of the Debtors.
7. This Order shall be served on: (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; and (v) all parties that have filed a notice of appearance in these chapter 15 cases.

8. Service in accordance with this Order shall be deemed good and sufficient service and adequate notice for all purposes. The Foreign Representative, the Debtors, and their respective agents are authorized to serve or provide any notices required under the Bankruptcy Rules or Local Rules.

9. The Foreign Representative and its agents are authorized and empowered to take all actions necessary to effectuate the relief granted under this Order.

10. This Order shall be effective and enforceable immediately upon its entry.

11. This Court shall retain jurisdiction regarding the enforcement, amendment, or modification of this Order, any requests for additional relief, or any adversary proceeding related to these chapter 15 cases.

Dated: November 5th, 2020
New York, New York

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE