

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 (SMB)

In re:

NYGARD INC.,

Debtor in a Foreign Proceeding.

Chapter 15

Case No. 20-10829 (SMB)

In re:

NYGARD NY RETAIL, LLC,

Debtor in a Foreign Proceeding.

Chapter 15

Case No. 20-10830 (SMB)

In re:

FASHION VENTURES, INC.,

Debtor in a Foreign Proceeding.

Chapter 15

Case No. 20-10831 (SMB)

In re:

NYGARD INTERNATIONAL PARTNERSHIP,

Debtor in a Foreign Proceeding.

Chapter 15

Case No. 20-10832 (SMB)

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

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

Upon the Motion¹ 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

¹ 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 (SMB).

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

In re:	Chapter 15
NYGARD HOLDINGS (USA) LIMITED, et al., ²	Case No. 20-10828 (SMB)
Debtors in a Foreign Proceeding.	Jointly Administered

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. 20-10828 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.

² 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 20th, 2020
New York, New York

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