

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:	)	Chapter 15
	)	
	)	
MOTORCYCLE TIRES & ACCESSORIES	)	Case No. 19-12706 (KBO)
LLC, <i>et al.</i> , <sup>1</sup>	)	Jointly Administered
	)	
Debtors in a Foreign Proceeding	)	<b>Re: Docket Nos. 9, 23</b>
	)	

**ORDER GRANTING FINAL RELIEF IN RECOGNITION OF  
A FOREIGN MAIN PROCEEDING PURSUANT TO SECTIONS  
105(a), 1519, 1520 AND 1521 OF THE BANKRUPTCY CODE**

Upon consideration of the motion (the “Motion”)<sup>2</sup> of KPMG, Inc. (“KPMG” or the “Foreign Representative”), in its capacity as the court-appointed monitor and duly authorized foreign representative for the above-captioned debtors (collectively, the “Debtors”) in the Canadian proceedings (the “Canadian Proceeding”) commenced under the Companies’ Creditors Arrangement Act, R.S.C. 1985, c. C-36, as amended (the “CCAA”), pending before the Superior Court in Commercial Division in the District of Montreal (the “Canadian Court”) seeking (i) entry of a provisional order on an interim basis, (a) enforcing the CCAA Order and (b) staying any collection activity by creditors against the Debtors’ assets in the United States; (ii) entry of this final order (the “Recognition Order”), after notice and a hearing, (a) granting recognition of the Canadian Proceeding as a foreign main proceeding under section 1517 of the Bankruptcy Code and (b) enforcing the CCAA Order on a permanent basis in the United States; and (iii) such other and further relief as this Court deems just and proper; and upon the Codère Declaration and

---

<sup>1</sup> The Debtors in these chapter 15 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Motorcycle Tires & Accessories LLC (8629); Moncy Holding Company, Inc. (6755); Moncy Financial Services Company, Inc. (7515); Moncy LLC (3654); and Nichols Motorcycle Supply, Inc. (4371). The Debtors’ mailing address is 1550 Melissa Court, Corona, CA 92879.

<sup>2</sup> Capitalized terms not otherwise defined herein shall have the meaning ascribed to such terms in the Motion.

the Memorandum of Law; and upon the Order Granting Provisional Relief Pursuant to Sections 105(a), 1519, 1520 and 1521 of the Bankruptcy Code [D.I. 23] (the “Provisional Relief Order”) previously entered by this Court; and it appearing that this Court has jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that venue of the Chapter 15 Cases and the Motion in this District is proper pursuant to 28 U.S.C. § 1410; and it appearing that this matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and it appearing that notice of the Motion has been given as set forth in the Motion and that such notice is adequate and no other or further notice need be given under the circumstances; and upon the record of the hearing on the Motion; and the Court having found and determined that the relief sought in the Motion is consistent with the purpose of chapter 15 of the Bankruptcy Code and that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, the Court finds and concludes as follows:

- (i) The Foreign Representative is a person within the meaning of section 101(41) of the Bankruptcy Code and is the duly appointed foreign representative of each of the Debtors within the meaning of section 101(24) of the Bankruptcy Code.
- (ii) The Chapter 15 Cases were properly commenced pursuant to sections 1504 and 1515 of the Bankruptcy Code.
- (iii) The Chapter 15 Petitions meet the requirements of section 1515 of the Bankruptcy Code.
- (iv) The Canadian Proceeding is entitled to recognition by this Court pursuant to section 1517 of the Bankruptcy Code.
- (v) The Canadian Proceeding pending in the Canadian Court in Quebec, Canada, which is the location of the Debtors’ center of main interest, constitutes a foreign main proceeding pursuant to section 1502(4) of the Bankruptcy Code and is entitled to recognition as a foreign main proceeding pursuant to section 1517(b)(1) of the Bankruptcy Code.
- (vi) The Foreign Representative as a foreign representative is entitled, without limitation, to all of the relief provided pursuant to section 1520 of the Bankruptcy Code.

- (vii) The relief granted herein is necessary and appropriate, in the interest of the public and international comity, consistent with the public policy of the United States, warranted pursuant to section 1521 of the Bankruptcy Code, and will not cause any hardship to any parties-in-interest that is not outweighed by the benefits of the relief granted.

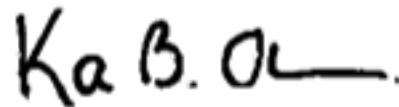
**NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

1. The Motion is Granted.
2. The Canadian Proceeding is hereby recognized as a “foreign main proceeding” pursuant to section 1517 of the Bankruptcy Code.
3. All provisions of section 1520 of the Bankruptcy Code apply in these Chapter 15 Cases, including, without limitation, sections 361, 362 and 363 of the Bankruptcy Code, with respect to the Debtors and the Debtors’ assets within the United States; *provided, however*, that nothing in this Order shall prevent disbursement of funds to BMO for application to the obligations owed to the Senior Lenders.
4. The CCAA Order is hereby given full force and effect in the United States.
5. Pursuant to section 1521(a)(6) of the Bankruptcy Code, all other prior relief granted pursuant to the Provisional Relief Order pursuant to section 1519(a) of the Bankruptcy Code is hereby extended on a final basis.
6. The Chapter 15 Petitions, the Motion, the Provisional Relief Order and this Recognition Order shall be made available by the Foreign Representative upon request to its counsel, Potter, Anderson & Corroon, LLP, R. Stephen McNeill, at (302) 984-6000 or [rmcneill@potteranderson.com](mailto:rmcneill@potteranderson.com).
7. Notwithstanding any provision in the Bankruptcy Rules to the contrary: (i) this Recognition Order shall be effective immediately and enforceable upon its entry; (ii) the Foreign Representative is not subject to any stay in the implementation, enforcement or realization of the

relief granted in this Recognition Order; and (iii) the Foreign Representative is authorized and empowered, and may in its discretion and without further delay, take any action and perform any act necessary to implement and effectuate the terms of this Recognition Order.

8. This Court shall retain jurisdiction with respect to any matters, claims, rights or disputes arising from or related to the Motion or the implementation of this Recognition Order.

Dated: January 22nd, 2020  
Wilmington, Delaware



4

KAREN B. OWENS  
UNITED STATES BANKRUPTCY JUDGE