



ORDERED in the Southern District of Florida on May 31, 2023.

A handwritten signature in black ink, appearing to read "Erik P. Kimball".

Erik P. Kimball, Judge  
United States Bankruptcy Court

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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION

In re:

ORIGINAL TRADERS ENERGY LTD.,

Debtor.

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Case No. 23-13519-EPK

Chapter 15

**ORDER GRANTING MOTION FOR  
RECOGNITION OF FOREIGN MAIN PROCEEDING**

**THIS MATTER** came before the Court for a hearing at 1:30 P.M. on May 25, 2023 upon consideration of the *Motion for Recognition of Foreign Main Proceeding* [ECF No. 2] (the "Motion"), filed by Paul van Eyk, of the firm of KPMG Inc., in its capacity as the duly appointed monitor (the "Monitor") of ORIGINAL TRADERS ENERGY LTD. ("OTE"), 2496750 ONTARIO INC., ORIGINAL TRADERS ENERGY LP and OTE LOGISTICS LP (collectively, the "OTE Group") in restructuring proceedings under the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended (the "CCAA"), in the Ontario Superior Court of Justice (Commercial List) (the "Canadian Court"), Case No. CV-23-00693758-00CL (the "Foreign Proceeding") seeking recognition of the Foreign Proceeding as a "foreign main proceeding." The

Court, having reviewed the Motion and the case file, and being otherwise fully advised, finds that good cause exists to grant the Motion. Accordingly, it is

**ORDERED**, as follows:

1. The Motion is **GRANTED**.
2. Pursuant to 11 U.S.C. § 1517, the Foreign Proceeding is hereby recognized as a “foreign main proceeding” within the meaning of 11 U.S.C. § 1502.
3. The Foreign Proceeding commenced by (i) the Order of the Canadian Court dated January 30, 2023 (the “Initial Order”), and (ii) the February 9, 2023 Order amending and restating the Initial Order (the “Amended and Restated Initial Order”) is recognized by this Court pursuant to 11 U.S.C. § 1517 as a foreign main proceeding, and, accordingly, the provisions of 11 U.S.C. § 1520 shall apply.
4. Pursuant to 11 U.S.C. § 1521(a)(3), and to the extent not provided for under 11 U.S.C. § 1520(a), the Mareva Injunction Order<sup>1</sup> entered on March 15, 2023, as supplemented by all endorsements entered by the Canadian Court, is recognized and will be enforced to the extent permitted by the provisions of Chapter 15 and applicable law.<sup>2</sup>
5. Pursuant to 11 U.S.C. § 1521(a)(1), and to the extent not stayed under 11 U.S.C. § 1520(a), the action in the United States District Court for the Eastern District of Michigan styled *OTE USA LLC v. ORIGINAL TRADERS ENERGY LP*, Case No. 2:23-cv-10152, is hereby stayed pending further order of the Court.
6. Pursuant to 11 U.S.C. § 1521(a)(2), and to the extent not stayed under 11 U.S.C. § 1520(a), any and all actions in the United States to execute against the assets of OTE and/or its

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<sup>1</sup> Capitalized terms not defined herein are as defined in the Motion.

<sup>2</sup> Notwithstanding the relief granted in paragraph 7 of the Mareva Injunction Order, this Order is without prejudice to the Monitor requesting relief available under 11 U.S.C. § 1521(a)(4).

affiliates are subject to the automatic stay pursuant to 11 U.S.C. § 362(a), and any attempted sale, transfer, or disposition of any assets located within the jurisdiction of the United States is prohibited absent further order of this Court.

7. Pursuant to 11 U.S.C. § 1521(a)(6), all provisional relief granted in this Court's Order Granting Motion for Provisional Relief [ECF #8] (the "Provisional Order") is hereby extended and continued in effect, subject to further Order of the Court.

8. The relief granted herein, including the relief granted in the Provisional Order, is without prejudice to the rights of the Monitor, OTE, the Mareva Respondents, or any entity affected by the relief herein to seek to modify or terminate any relief granted herein or to seek additional relief authorized by applicable provisions of Chapter 15 of the United States Bankruptcy Code.

9. Pursuant to 11 U.S.C. § 1521(a)(5), the Monitor is hereby entrusted with monitoring the United States assets of OTE and its affiliates and is authorized to take actions reasonably necessary and required to carry out the intent and purpose of this Order without further Order of this Court.

10. Pursuant to 11 U.S.C. § 306 and § 1510, the appearance of the Monitor in this proceeding does not submit the Monitor to jurisdiction for any other purpose other than the maintenance of this Chapter 15 proceeding and compliance with all orders entered herein.

11. Nothing herein shall be construed to modify or limit the relief granted by any orders entered by the Canadian Court in the Foreign Proceeding.

12. This Court retains jurisdiction over the interpretation and/or any dispute relating or arising under this Order and to enforce the provisions of this Order.

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Submitted by:

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*Counsel for the Monitor*

Attorney Peter H. Levitt is directed to serve a copy of this order on interest parties who are non-CM/ECF users and file a proof of service within 3 days of entry of this order.