

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

In re	:	Chapter 15
ARCTIC GLACIER INTERNATIONAL INC., <i>et al.</i> , ¹	:	Case No. 12-10605 (KG)
Debtors in a Foreign Proceeding.	:	(Jointly Administered)
		Ref. Docket Nos. 81 and 86

**CERTIFICATION OF COUNSEL SUBMITTING CONSENSUAL
ORDER FOR THE MOTION OF NESTOR H. IRIZARRY AND
PATRICIA IRIZARRY FOR RELIEF FROM THE AUTOMATIC
STAY TO PROCEED WITH AND CONSUMMATE SETTLEMENT
OF STATE COURT PERSONAL INJURY ACTION**

Alvarez & Marsal Canada Inc., in its capacity as the court-appointed monitor and authorized foreign representative (the “Monitor”) for the above-captioned debtors (collectively, the “Debtors”), in a proceeding commenced under Canada’s *Companies’ Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended, and pending before the Court of Queen’s Bench of Winnipeg Centre, hereby certifies as follows:

1. On April 2, 2012, Nestor H. Irizarry and Patricia Irizarry (the “Movants”) filed the *Motion of Nestor H. Irizarry and Patricia Irizarry for Relief from the Automatic Stay to Proceed with and Consummate Settlement of State Court Personal Injury Action* [Docket No. 81]

¹ The last four digits of the United States Tax Identification Number or Canadian Business Number, as applicable, follow in parentheses: (i) Arctic Glacier California Inc. (7645); (ii) Arctic Glacier Grayling Inc. (0976); (iii) Arctic Glacier Inc. (4125); (iv) Arctic Glacier Income Fund (4736); (v) Arctic Glacier International Inc. (9353); (vi) Arctic Glacier Lansing Inc. (1769); (vii) Arctic Glacier Michigan Inc. (0975); (viii) Arctic Glacier Minnesota Inc. (2310); (ix) Arctic Glacier Nebraska Inc. (7790); (x) Arctic Glacier New York Inc. (2468); (xi) Arctic Glacier Newburgh Inc. (7431); (xii) Arctic Glacier Oregon, Inc. (4484); (xiii) Arctic Glacier Party Time Inc. (0977); (xiv) Arctic Glacier Pennsylvania Inc. (9475); (xv) Arctic Glacier Rochester Inc. (6989); (xvi) Arctic Glacier Services Inc. (6657); (xvii) Arctic Glacier Texas Inc. (3251); (xviii) Arctic Glacier Vernon Inc. (3211); (xix) Arctic Glacier Wisconsin Inc. (5835); (xx) Diamond Ice Cube Company Inc. (7146); (xxi) Diamond Newport Corporation (4811); (xxii) Glacier Ice Company, Inc. (4320); (xxiii) Ice Perfection Systems Inc. (7093); (xxiv) ICESurance Inc. (0849); (xxv) Jack Frost Ice Service, Inc. (7210); (xxvi) Knowlton Enterprises Inc. (8701); (xxvii) Mountain Water Ice Company (2777); (xxviii) R&K Trucking, Inc. (6931); (xxix) Winkler Lucas Ice and Fuel Company (0049); (xxx) Wonderland Ice, Inc. (8662). The Debtors’ executive headquarters is located at 625 Henry Avenue, Winnipeg, Manitoba, R3A 0V1, Canada.



(the “Irizarry Motion”) pursuant to which the Movants requested relief from the automatic stay to permit the Movants to proceed with and consummate the settlement of a state court personal injury action brought against certain of the Debtors to the extent of available insurance proceeds (the “Settlement”).

2. On April 13, 2012, the Monitor and the Debtors jointly filed the *Response of the Monitor and the Debtors to Motion of Nestor H. Irizarry and Patricia Irizarry for Relief from the Automatic Stay* [Docket No. 86] (the “Response”) pursuant to which the Monitor and the Debtors set forth that the Monitor and the Debtors do not oppose the relief requested in the Irizarry Motion, provided that the Settlement is implemented strictly in accordance with its terms, under which the Debtors’ payment performance shall be borne in its entirety by the Debtors’ insurers (the “Insurers”).

3. After the Response was filed, the Debtors, the Monitor, the Movants, and the Insurers entered into discussions and agreed upon a proposed form of consensual order (the “Agreed Order”), attached hereto as Exhibit A. For the Court’s convenience, a blackline of the Agreed Order compared against that originally filed with the Irizarry Motion is attached hereto as Exhibit B.

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WHEREFORE, based on the foregoing, the Monitor respectfully requests that the Court enter the Agreed Order at its earliest convenience.

Dated: Wilmington, Delaware
April 18, 2012

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Matthew B. Lunn

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*Co-Counsel to the Monitor and
Foreign Representative*

EXHIBIT A

Agreed Order

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

In re	:	Chapter 15
	:	
ARCTIC GLACIER INTERNATIONAL INC.,	:	Case No. 12-10605 (KG)
<i>et al.</i> , ¹	:	
	:	(Jointly Administered)
	:	
Debtors in a Foreign Proceeding.	:	
	:	Ref. Docket Nos. 70, 81 & 86

**ORDER GRANTING MOTION OF NESTOR H. IRIZARRY AND PATRICIA
IRIZARRY FOR RELIEF FROM THE AUTOMATIC STAY TO PROCEED
WITH AND CONSUMMATE SETTLEMENT OF STATE COURT
PERSONAL INJURY ACTION**

Upon consideration of the motion (the “Motion”)² of Nestor H. Irizarry and Patricia Irizarry (together, the “Movants”) for the entry of an order granting relief from the stay to proceed with and consummate the Settlement of the State Court Liability Action; and upon the *Response of the Monitor and the Debtors to Motion of Nestor H. Irizarry and Patricia Irizarry for Relief from the Automatic Stay* [Docket No. 86], containing representations by the Debtors

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² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion

and Alvarez & Marsal Canada Inc. (the “Foreign Representative” or the “Monitor”), in its capacity as the duly appointed foreign representative of the Debtors, that the relief requested in the Motion is consistent with and not prohibited by any relevant order of the Court of Queen’s Bench of Winnipeg Centre (the “Canadian Court”); and it appearing that this Court has jurisdiction over this matter; and it appearing that due and adequate notice of the Motion having been given; and that no other or further notice need be provided; and it further appearing that cause exists to grant the relief requested in the Motion; and upon all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. The Motion is granted.
2. The stay imposed pursuant to sections 1521(a)(1) and 362(a) of the Bankruptcy Code is lifted to the extent necessary and for the sole purpose of permitting the Movants to consummate the Settlement of the State Court Liability Action and to collect proceeds of available insurance coverage of the Debtors in satisfaction of the Settlement.
3. The Movants shall not collect on or enforce the Settlement of the State Court Liability Action against assets subject to this Court’s jurisdiction (other than from available proceeds of insurance policies of the Debtors as provided in paragraph 2) of any of the Debtors, the Debtors’ subsidiaries, affiliates, successors, or assigns, or the Debtors’ current or former shareholders or unitholders, directors, officers, agents, employees, attorneys, consultants, or professional advisors, or the Foreign Representative or the Monitor.
4. Other than as explicitly set forth herein, any and all protections and benefits afforded by this Court’s *Order Granting Recognition of Foreign Main Proceeding and Certain*

Related Relief [Docket No. 70] shall remain in full force and effect, unless subsequently modified by an Order of this Court.

5. This Court shall retain jurisdiction with respect to all matters arising from or in relation to the implementation of this Order. Any motion or application brought before this Court to resolve any dispute arising under or related to this Order shall be brought on proper notice in accordance with the relevant Federal Rules of Bankruptcy Procedure and the Local Rules.

Dated: April ____, 2012
Wilmington, Delaware

The Honorable Kevin Gross
United States Bankruptcy Judge

EXHIBIT B

Blackline

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

In re	:	Chapter 15
ARCTIC GLACIER INTERNATIONAL INC.,	:	Case No. 12-10605 (KG)
<i>et al.</i> , ¹	:	(Jointly Administered)
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**ORDER GRANTING MOTION OF NESTOR H. IRIZARRY AND PATRICIA
IRIZARRY FOR RELIEF FROM THE AUTOMATIC STAY TO PROCEED
WITH AND CONSUMMATE SETTLEMENT OF STATE COURT
PERSONAL INJURY ACTION**

Upon consideration of the motion (the "Motion")² of Nestor H. Irizarry and Patricia Irizarry (together, the "Movants") for the entry of an order granting relief from the ~~automatic~~ stay to proceed with and consummate the Settlement of the State Court Liability Action; and upon the Response of the Monitor and the Debtors to Motion of Nestor H. Irizarry and Patricia Irizarry for Relief from the Automatic Stay [Docket No. 86], containing representations by the Debtors and Alvarez & Marsal Canada Inc. (the "Foreign Representative" or the "Monitor"), in its capacity as the duly appointed foreign representative of the Debtors, that

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² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion

the relief requested in the Motion is consistent with and not prohibited by any relevant order of the Court of Queen's Bench of Winnipeg Centre (the "Canadian Court"); and it appearing that this Court has jurisdiction over this matter; and it appearing that due and adequate notice of the Motion having been given; and that no other or further notice need be provided; and it further appearing that cause exists to grant the relief requested in the Motion; and upon all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing therefore; it is hereby therefor.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. ORDERED that the The Motion is granted in its entirety; and it is further.
2. ORDERED that the Movants are granted relief from the automatic stay to proceed with and The stay imposed pursuant to sections 1521(a)(1) and 362(a) of the Bankruptcy Code is lifted to the extent necessary and for the sole purpose of permitting the Movants to consummate the Settlement of the State Court Liability Action; and it is further and to collect proceeds of available insurance coverage of the Debtors in satisfaction of the Settlement.
3. The Movants shall not collect on or enforce the Settlement of the State Court Liability Action against assets subject to this Court's jurisdiction (other than from available proceeds of insurance policies of the Debtors as provided in paragraph 2) of any of the Debtors, the Debtors' subsidiaries, affiliates, successors, or assigns, or the Debtors' current or former shareholders or unitholders, directors, officers, agents, employees, attorneys, consultants, or professional advisors, or the Foreign Representative or the Monitor.
4. Other than as explicitly set forth herein, any and all protections and benefits afforded by this Court's Order Granting Recognition of Foreign Main Proceeding and Certain

Related Relief [Docket No. 70] shall remain in full force and effect, unless subsequently modified by an Order of this Court.

5. ~~ORDERED that this~~ This Court shall retain jurisdiction with respect to all matters arising from or in relation to the implementation of this Order. Any motion or application brought before this Court to resolve any dispute arising under or related to this Order shall be brought on proper notice in accordance with the relevant Federal Rules of Bankruptcy Procedure and the Local Rules.

Dated: April __, 2012
Wilmington, Delaware

The Honorable Kevin Gross
Chief United States Bankruptcy Judge

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