

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE

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

**APPELLANTS' (CLASS REPS.) DESIGNATION OF ITEMS TO BE INCLUDED  
IN THE RECORD ON APPEAL AND STATEMENT OF ISSUES**

Pursuant to Rule 6 of the Federal Rules of Civil Procedure and Rule 8006 of the Federal Rules of Bankruptcy Procedure, putative class action representatives - indirect purchaser plaintiffs<sup>1</sup> - in the pending class action litigation titled *In re Packaged Ice Antitrust Litig.*, (Case Number: 08-MD-01952 (E.D. Mich.)) (the "Appellants" & "Class Reps."), hereby list the following items for inclusion in the record and designate the statement of issues to be presented, with respect to the Notice of Appeal filed on March 23, 2012 from the Order of the Bankruptcy Court for the District of Delaware dated March 16, 2012.

**DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

1. Transcript of Hearing Before Honorable Kevin Gross. Hearing held March 16, 2012.

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<sup>1</sup> The individual indirect purchaser plaintiffs are: Lawrence J. Acker, Brian W. Buttars, James Feeney, Lehoma Goode, Ainello Mancusi, Ron Miastkowski, Brandi Palombella, Patrick Simasko, Wayne Stanford, Joe Sweeney, Beverly Herron, Nathan Croom, Robert DeLoss, Ian Groves, Karen Prentice, John Spellmeyer, Rich Aust, Brian Rogers, Wilton E. Spencer, Jr. and Samuel Winnig.



2. Order Granting Recognition of Foreign main Proceeding and Certain Related Relief. Dated March 16, 2012. (Dkt. 70)
3. Petition for Recognition of Foreign Administration. (Dkt 1.)
4. Declaration of Philip J. Reynolds (Dkt. 2)
5. Ex-Parte Motion of the Monitor For an Order Directing The Joint Administration of the Debtors' Chapter 15 Cases (Dkt. 3)
6. Motion of Alvarez & Marsal Canada Inc., As Foreign Representative of Arctic Glacier International Inc. and Certain of Its Affiliates, For an Order Granting Certain Provisional Relief (Dkt. 4)
7. Motion for Order Scheduling Hearing and Specifying the Form and Manner of Service (Dkt. 5)
8. Motion for an Order Authorizing the Monitor to File a Consolidated List of Foreign Proceeding Administrators, Litigation Parties and Entities Against Whom Provisional Relief is Sought (Dkt. 6)
9. Verified Petition of Alvarez & Marsal Canada Inc., As Foreign Representative of Arctic Glacier International Inc. and Certain of Its Affiliates, For (I) Recognition of Foreign main Proceeding and (II) Certain Related Relief (Dkt. 7)
10. Statement of Philip J. Reynolds In Support of Chapter 15 Petitions for Recognition of Foreign Proceeding (Dkt. 8)
11. Notice of Agenda of Matters Scheduled For The Hearing on February 23, 2012 at 12 Noon (ET) (Dkt. 9)
12. Notice of Hearing to Consider First Day Pleadings (Dkt. 10)

13. Order Directing The Joint Administration of the Debtors' Chapter 15 Cases (Dkt. 27)
14. Order granting provisional relief. (Dkt. 28)
15. Notice of Corrected Exhibit B to the Declaration of Philip. J. Reynolds In Support of Verified Petition of Alvarez & Marsal Canada Inc., as Foreign Representative of Arctic Glacier Inc. and Certain of Its Affiliates, for Recognition of Foreign Main Proceeding and (II) Certain Related Relief (Dkt. 34)
16. Notice of Hearings on Petition Under Chapter 15 of the United States Bankruptcy Code. (Dkt. 35)
17. List Pursuant to Rule 1007(a)(4) of the Federal Rules of Bankruptcy Procedure (Dkt. 36)
18. Transcript of a Hearing Held on February 23, 2012. (Dkt. 38)
19. Affidavit of Service. (Dkt. 41)
20. Notice Of Filing of the Oral Reasons For Granting Judgment in the Canadian Proceeding (Dkt. 43)
21. Affidavit of Service (Dkt. 44)
22. Objection to Verified Petition for Recognition of Foreign Main Proceeding and for Related Relief (Dkt. 45)
23. Motion of the Putative Class Action Representatives For an Order Withdrawing Approval of Provisional DIP Financing (Dkt. 46)
24. Affidavit of Service (Dkt. 49)
25. Omnibus Response of CPPIB Credit Investments INC., West Face Long Term Opportunities Master Global Master L.P., West Face Long Term Opportunities

- Master Fund L.P., and West Face Long Term Opportunities Limited Partnership  
to (I) Objection to Verified Petition for Recognition of Foreign Main Proceeding  
and for Related Relief and (II) Motion of the Putative Class Action  
Representatives for an Order Withdrawing Approval of Provisional DIP  
Financing (Dkt. 50)
26. Motion to Shorten Notice and Response to the Motion of the Putative Class  
Action Representatives for an Order Withdrawing Approval of Provisional DIP  
Financing (Dkt. 51)
27. Debtors' Consolidated Response to Objection to Verified Petition and Motion for  
Withdrawal of DIP Financing Filed by Putative Class Action Representatives  
(Dkt. 53)
28. Monitor's: (I) Reply to Objection to Verified Petition for Recognition of Foreign  
Main Proceeding and for Related Relief; and (II) Objection to Motion of the  
Putative Class Action Representatives for an Order Withdrawing Approval of  
Provisional DIP Financing. (Dkt. 54)
29. Notice of Filing of Revised Order Granting Recognition of Foreign Main  
Proceeding and Certain Related Relief. (Dkt. 55)
30. Notice of Filing of First Report of the Monitor. (Dkt. 56)
31. Omnibus Response of CPPIB Credit Investments Inc., West Face Long Term  
Opportunities Master Global Master L.P., West Face Long Term Opportunities  
Master Fund L.P. and West Face Long Term Opportunities Limited partnership to  
(I) Objection to Verified Petition for Recognition of Foreign Main Proceedings  
and for Related Relief and (II) Motion of the Putative Class Action

- Representatives for an Order Withdrawing Approval of Provisional DIP  
Financing. (Dkt. 57)
32. Notice of Agenda of Matters Scheduled for the Hearing on March 16, 2012 at  
11:00 A.M. (ET) (Dkt. 58)
33. Reply of the Class Reps to the Responses of the Monitor, Debtors and Lenders.  
(Dkt. 63)
34. Amended Notice of Agenda of Matters Scheduled for the Hearing on March 16,  
2012 at 11:00 A.M. (ET). (Dkt. 64)
35. Affidavit of Service. (Dkt. 65)
36. Affidavit of Service. (Dkt. 66)
37. Affidavit of Service. (Dkt. 67)
38. Affidavit of Service. (Dkt. 72)
39. Notice of Appeal. (Dkt. 74)
40. Clerk's Notice Regarding Filing of Appeal (Dkt. 76)
41. Clerk's Notice Regarding Filing of Appeal (Dkt. 78)
42. Affidavit of Service. (Dkt. 79)
43. Affidavit of Service. (Dkt. 80)
44. Notice of Second Filing of the Monitor. (Dkt. 83)

#### **STATEMENT OF ISSUES**

1. Whether the Court erred in issuing the Order Granting Recognition of Foreign  
Main Proceeding and Certain Related Relief.

2. Whether the Court erred in issuing the Order Granting Provisional Relief, which recognized and enforced the Initial Order of the Canadian court authorizing *inter alia* the DIP Facility.
3. Whether the Court erred in over-ruling Appellants' Objection to Verified Petition For Recognition of Foreign Main Proceeding and for Related Relief.
4. Whether the Court erred in denying Appellants' Motion for the Putative Class Action Representatives for an Order Withdrawing Approval of Provisional Financing.

The names of all parties to the Order appealed from and the names, addresses and telephone numbers of their respective attorneys are as follows:

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Dated: April 5, 2012

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, David L. Finger, hereby certify that on April 5, 2012, the foregoing document was served via first-class mail, postage prepaid, on the below-listed counsel of record:

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