

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

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In re:	§	
	§	Chapter 15 Case
	§	
ENERGERA, INC. (F/K/A FRAC SHACK INC.),	§	
	§	Case No. 26-90433 (ARP)
	§	
Debtor in a Foreign Proceeding.	§	
	§	(Joint Administration Requested)
	§	

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In re:	§	
	§	Chapter 15 Case
	§	
ENERGERA AMERICA INC. (F/K/A FRAC SHACK AMERICA INC.),	§	
	§	Case No. 26-90434 (ARP)
	§	
Debtor in a Foreign Proceeding.	§	
	§	(Joint Administration Requested)
	§	

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In re:	§	
	§	Chapter 15 Case
	§	
SANDTINEL LLC,	§	
	§	Case No. 26-90435 (ARP)
	§	
Debtor in a Foreign Proceeding.	§	
	§	(Joint Administration Requested)
	§	

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**FOREIGN REPRESENTATIVE'S *EMERGENCY* MOTION FOR  
PROVISIONAL RELIEF PURSUANT TO BANKRUPTCY CODE SECTION 1519**

**Emergency relief has been requested. Relief is requested not later than 12:00 p.m. on April 1, 2026.**

**If you object to the relief requested or you believe that emergency consideration is not warranted, you must appear at the hearing if one is set, or file a written response prior to the date that relief is requested in the preceding paragraph. Otherwise, the Court may treat the pleading as unopposed and grant the relief requested.**

**A hearing will be conducted on this matter on April 1, 2026, at 9:30 a.m. in Courtroom 400, 4th floor, 515 Rusk, Houston, Texas 77002.**

**Participation at the hearing will only be permitted by an audio and video connection.**

**Audio communication will be by use of the Court’s dial-in facility. You may access the facility at 832-917-1510. Once connected, you will be asked to enter the conference room number. Judge Perez’s conference room number is 282694. Video communication will be by use of the GoToMeeting platform. Connect via the free GoToMeeting application or click the link on Judge Perez’s home page. The link for video participation is: <https://meet.goto.com/JudgePerez>. Click the settings icon in the upper right corner and enter your name under the personal information setting.**

**Hearing appearances must be made electronically in advance of both electronic and in-person hearings. To make your appearance, click the “Electronic Appearance” link on Judge Perez’s home page. Select the case name, complete the required fields and click “Submit” to complete your appearance.**

Alvarez & Marsal Canada Inc., solely in its capacity as court-appointed receiver, manager, and authorized foreign representative (“Receiver” or “Foreign Representative”) of Energera, Inc. (formerly known as Frac Shack, Inc.) (“Energera”); Energera America Inc. (formerly known as Frac Shack America Inc.) (“Energera America”); and Sandtinel LLC (“Sandtinel,” and collectively with Energera and Energera America, the “Debtors”) pursuant to the *Consent Receivership Order* dated and pronounced on March 17, 2026 (the “Receivership Order”)<sup>1</sup> was entered by the Court

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<sup>1</sup> A certified copy of the Receivership Order is attached to the Verified Petition as **Exhibit 1** and can also be downloaded free of charge at Alvarez & Marsal Canada Inc.’s website: <https://www.alvarezandmarsal.com/Energera> and is incorporated herein for all purposes. Energera International Inc. (formerly known as Frac Shack International

of King’s Bench of Alberta in Judicial Centre of Edmonton, Alberta, Canada, Court File No. 2603-02889 (the “Canadian Court” and the “Canadian Proceeding”), pending under Canada’s *Bankruptcy and Insolvency Act* (“BIA”), respectfully submits this emergency motion (the “Motion”) for an order, substantially in the form attached hereto (the “Proposed Order”), granting provisional relief under title 11 of the United States Code (the “Bankruptcy Code”) to protect the Debtors and their property within the territorial jurisdiction of the United States pending recognition of the Canadian Proceeding. In further support hereof, the Foreign Representative respectfully represents as follows:

### I. PRELIMINARY STATEMENT

1. The Debtors, along with affiliate Energera International, are members of an integrated, multinational energy technology group (collectively, the “Energera Group”) headquartered in Spruce Grove, Alberta, Canada. The Receiver is actively operating the Debtors and will engage in a sales process for the Energera Group as a going concern. Because the Debtors have assets and operations in the United States, the Receiver files this Motion and seeks the protections afforded by chapter 15 of the Bankruptcy Code to facilitate the ongoing administration of the Canadian Proceeding and protect the value of Debtors’ assets during the sales process.

2. While the Canadian Court has granted a broad stay to protect the Debtors and any of its assets, the Debtors’ assets in the United States remain exposed without immediate “domestication” of the Receiver’s authority. Additionally, the Debtors have limited resources, and an immediate stay is necessary to prevent diversion of those resources to defend itself and its assets in courts throughout the United States.

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Inc.) (“Energera International”) is a Canadian entity that is also part of the Canadian Proceeding and subject to the Receivership Order, but is not a chapter 15 debtor.

3. Insofar as is known to the Receiver, Debtors maintain four operating bank accounts (two maintained by Energera America, one by Sandtinel, and one by Energera) (collectively, the “U.S. Accounts”) at HSBC Bank USA NA (“HSBC”) in the United States. By letter dated March 23, 2026, HSBC indicated that the bank will not provide the Receiver access to the U.S. Accounts pursuant to the Receivership Order absent domestication, and, as such, there is an urgent and present need for provisional relief under section 1519 of the Bankruptcy Code to protect the Debtors’ assets—specifically, the funds held in the U.S. Accounts—from dissipation or unauthorized transfer pending the Court's ruling on recognition of the Verified Petition (defined below).

4. Further, in an ongoing employment litigation, a deposition of Energera America’s corporate representative is currently scheduled for April 2, 2026, at which the recently departed former CEO of the Energera Group was to be deposed. Significant preparation and coordination with counsel will be required for a new corporate representative to be ready for the deposition on a compressed schedule. As such, provisional relief is needed to implement the stay so that the Debtors’ management can remain focused on the receivership and sales processes.

5. Also, because the Receiver is actively operating the Energera Group, immediate recognition of the Receivership Order will stabilize efforts to retain all or substantially all of the U.S. employees, transact with U.S. vendors, and engage with U.S. creditors and other interested parties.

## **II. JURISDICTION AND VENUE**

6. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(P). The Debtors confirm their consent, pursuant to Rule 7008 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), to the entry of a final order by the Court in connection with this Motion to the extent that it is later

determined that this Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution.

7. This chapter 15 case has been properly commenced pursuant to Bankruptcy Code sections 1504 and 1509 by the filing of a petition for recognition of the Canadian Proceeding under Bankruptcy Code section 1515.

8. Venue is proper pursuant to 28 U.S.C. § 1410(3). Among other reasons, Energera, the parent company and lead debtor, has property and other interests throughout the United States, including in Alaska, Colorado, Louisiana, New Mexico, North Dakota, Ohio, Pennsylvania, Texas, and Wyoming. Energera America is party to litigation pending in the United States District Court for the Southern District of Texas and in District Court in multiple Texas counties, including in Harris County. The Debtors, by and through the Receiver, selected counsel located in Houston, Texas, in part because of its preexisting familiarity with counsel, this Court's extensive experience with chapter 15 proceedings, and interested parties' ease of access to the Court. Furthermore, the principal decision-makers for the Debtors, including the Receiver, are located in Canada.

9. The predicates for the relief requested herein are Bankruptcy Code sections 105(a), 362, and 1519 and Rule 9013-1(i) of the Local Bankruptcy Rules for the Southern District of Texas.

### **III. RELIEF REQUESTED**

10. The Foreign Representative respectfully requests entry of the Proposed Order granting the following immediate provisional relief pending recognition of the Canadian Proceeding:

- a. making Bankruptcy Code section 362 applicable with respect to the Debtors and the Debtors' property within the territorial jurisdiction of the United States, and,

without limiting the generality of the foregoing, the Proposed Order shall impose a stay within the territorial jurisdiction of the United States of:

- i. the filing or continuation, including the issuance or employment of process, of a judicial, administrative or other action or proceeding against the Debtors that was or could have been filed before the filing of the Debtors' chapter 15 case, or to recover a claim against the Debtors that arose before the filing of the Debtors' chapter 15 case;
  - ii. the enforcement, against the Debtors or against the property of the Debtors, of a judgment obtained before the filing of the Debtors' chapter 15 case;
  - iii. any act to obtain possession of property of the Debtors or to exercise control over property of the Debtors;
  - iv. any act to create, perfect or enforce any lien against property of the Debtors;
  - v. any act to create, perfect or enforce against property of the Debtors any lien to the extent that such lien secures a claim that arose before the filing of the Debtors' chapter 15 case;
  - vi. any act to collect, assess or recover a claim against the Debtors that arose before the filing of the Debtors' chapter 15 case; and
  - vii. the setoff of any debt owing to the Debtors that arose before the filing of the Debtors' chapter 15 case against any claim against the Debtors.
- b. to the extent Bankruptcy Code section 362 is not applicable, granting a stay pursuant to Bankruptcy Code section 105(a) that is substantially equivalent to the stay sought in paragraphs 10.a.i. through 10.a.vii. above;
  - c. notwithstanding any provision in the Bankruptcy Rules to the contrary, the order be effective immediately and enforceable upon entry;
  - d. requiring HSBC to immediately recognize the Foreign Representative's authority over, and provide the Foreign Representative with full access to, the U.S. Accounts maintained at HSBC and any other Debtor accounts held in U.S. banking institutions; and
  - e. such other relief as may be just and proper.

11. In support of the relief requested in this Motion, the Foreign Representative respectfully incorporates (a) the (A) *Verified Petition for (I) Recognition of a Foreign Proceeding, (II) Recognition of the Foreign Representative, and (III) Related Relief under Chapter 15 of the Bankruptcy Code* (the "Verified Petition") and (b) the *Declaration of Orest Konowalchuk in*

*Support of (A) Verified Petition for (I) Recognition of a Foreign Main Proceeding, (II) Recognition of the Foreign Representative, and (III) Related Relief under Chapter 15 of the Bankruptcy Code, and (B) Emergency Motion for Provisional Relief Pursuant to the Bankruptcy Code Section 1519.*

#### **IV. BASIS FOR RELIEF**

##### **A. Section 1519 of the Bankruptcy Code Authorizes the Requested Provisional Relief**

12. The Foreign Representative filed this chapter 15 case seeking recognition of the Canadian Proceeding as a foreign main proceeding under section 1517 of the Bankruptcy Code. Section 1519 of the Bankruptcy Code permits the Court “from the time of filing a petition for recognition until the court rules on the petition” to grant broad provisional relief where such relief is “urgently needed to protect the assets of the debtor or the interests of the creditors.” 11 U.S.C. § 1519(a).

13. Furthermore, section 1519(a) of the Bankruptcy Code sets forth the scope of available provisional relief, which includes:

- (1) staying execution against the debtor’s assets;
- (2) entrusting the administration or realization of all or part of the debtor’s assets located in the United States to the foreign representative or another person authorized by the court, including an examiner, in order to protect and preserve the value of the assets that, by their nature or because of other circumstances, are perishable, susceptible to devaluation or otherwise in jeopardy; and
- (3) any relief referred to in paragraph (3), (4), or (7) of section 1521(a).

11 U.S.C. § 1519(a). Section 1521(a)(7) authorizes the court, upon recognition of a foreign proceeding, to grant “any appropriate relief,” including “granting any additional relief that may be available to a trustee,” such as the relief available under Bankruptcy Code section 362. 11 U.S.C. § 1521(a)(7).

14. Accordingly, the Foreign Representative seeks emergency provisional relief under section 1519 of the Bankruptcy Code and the application of section 362 of the Bankruptcy Code for the purpose of protecting the Debtors and their assets until the Court rules on the Verified Petition. The relief requested in this Motion aligns with the purpose of chapter 15, “to provide effective mechanisms for dealing with cases of cross-border insolvency” through (a) the promotion of cooperation between U.S. courts and courts of foreign countries, (b) the fair and efficient administration of cross-border insolvencies and (c) the protection and maximization of the debtor’s assets. *See* 11 U.S.C. §§ 1501(a)(1), (3), and (4).

15. The relief sought in this Motion is frequently granted in chapter 15 cases. Bankruptcy courts in this district have granted a provisional stay under Bankruptcy Code section 362 or ordered similar relief until a determination is made with respect to recognition of a foreign proceeding. *See, e.g., In re Flo-Back Equipment Inc.*, No. 24-90059, ECF No. 15 (Bankr. S.D. Tex. March 18, 2024); *In re Cimolai S.p.A.*, Case No. 23-90109, ECF No. 13 (Bankr. S.D. Tex. Mar. 10, 2023); *In re Just Energy Group Inc.*, Case No. 21-30823, ECF No. 23 (Bankr. S.D. Tex. Mar. 9, 2021); *In re ENTREC Corporation*, Case No. 20-32643, ECF No. 13] (Bankr. S.D. Tex. May 15, 2020).

**B. Provisional Relief is Needed to Protect the Debtors’ Assets and the Interests of All Stakeholders**

16. Here, emergency provisional relief is needed to protect the Debtors’ assets in the United States for the benefit of all stakeholders and allow the Receive to maximize the value of Debtors’ assets. There is necessarily a gap in time between when the petition for recognition is filed and when the court will decide whether a foreign proceeding should be recognized. 11 U.S.C. § 1517(c). Upon filing a chapter 15 petition, a debtor is not automatically entitled to the automatic stay, despite the foreign court often having granted a broad international stay by the time of the

chapter 15 filing. Here, an order granting provisional relief in the form of a stay “is urgently needed” and is entirely consistent with the Receivership Order (as described in the Verified Petition). 11 U.S.C. § 1519(a).

17. The Debtors have significant assets throughout the United States in the form of specialized oilfield equipment supporting the Energera (Frac Shack) and Sandtinel divisions. If not currently deployed to customer sites, the Debtors’ United States assets are generally held at leased storage areas or yards in Pennsylvania, Texas, and Wyoming, among other locations. Certain assets are currently held for refurbishment and repair with a vendor in Monahans, Texas.

18. The Energera Group’s operations are highly integrated and managed centrally from its global headquarters located in Spruce Grove, Alberta. The Energera Group maintains active operations and assets across Alberta, British Columbia, Alaska, Colorado, Louisiana, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, Texas, Utah, West Virginia, Wyoming, and Argentina.

19. For the foreseeable future, the Receiver intends to maintain the going-concern Energera Group business and thus has retained substantially all of the Debtors’ over 100 employees (of which approximately half are based in Alberta) to continue operations and assist with the Receivership proceedings and sale process.

20. Absent provisional relief, the Debtors face the real risk that parties within the territorial jurisdiction of the United States may decide to exercise control over the Debtors’ assets or pursue, and then enforce, a judgment against the Debtors and/or its assets. Such actions would circumvent, and interfere with, the administration of the Canadian Proceeding and the value-maximizing sale process that the Debtors intend to pursue therein. Thus, protecting the Debtors and their assets in the United States until a decision is made on recognition of the Canadian

Proceeding is necessary to ensure the Canadian Proceeding is not undermined before this Court rules.

21. Further, the Receiver needs to ensure and retain access to the U.S. Accounts because, among other reasons, receivables from Energera America (and Sandtinel) are being deposited in the accounts during the Debtors' transition into Receivership. In the ordinary course of business, the Debtors engage in intercompany transactions with other members of Energera Group, and the Debtors' sources and uses of cash are directly or indirectly dependent upon the operations of the Energera Group.

22. By letter dated March 23, 2026, HSBC indicated that the bank will not provide the Receiver access to the U.S. Accounts pursuant to the Receivership Order absent domestication, and, as such, there is an urgent and present need for provisional relief under section 1519 of the Bankruptcy Code to protect the Debtors' assets—specifically, the funds held in the U.S. Accounts—from dissipation or unauthorized transfer pending the Court's ruling on recognition of the Verified Petition.

23. Further, in an ongoing employment litigation styled *Ricky St. Julien v. Energera America, Inc. F/K/A Frac Shack America, Inc.*, 4:25-cv-01827 (S.D. Tex. filed March 14, 2025) (the "St. Julien Litigation"), a deposition of Energera America's corporate representative is currently scheduled for April 2, 2026, at which the recently departed former CEO of the Energera Group was to be deposed. Significant preparation and coordination with counsel will be required for a new corporate representative to be ready for the deposition on a compressed schedule. Further, litigation counsel for Energera America is also currently set to take the deposition of the plaintiff on April 1, 2026, in the St. Julien Litigation. To preserve the Debtors' limited resources and to keep their management and the Receiver focused on the receivership tasks and going

concern sale, provisional relief is needed to implement the stay of the St. Julien Litigation so that the Debtors' management and the Receiver can remain focused on the receivership tasks and sales processes. Other litigations are ongoing as well, and a list of the known litigation involving the Debtors is attached to the Verified Petition as **Exhibit 2**.

24. In addition, the provisional relief under section 1519(a)(2) of the Bankruptcy Code is warranted to allow the Receiver, consistent with the Canadian Proceeding, to stabilize the business and continue the sales processes to maximize value. Absent this relief, parties in the United States may be unwilling to work with the Receiver and potential transaction opportunities may be lost.

**C. The Requested Relief Meets the Standards for a Preliminary Injunction**

25. Section 1519(e) of the Bankruptcy Code provides that “[t]he standards, procedures, and limitations applicable to an injunction shall apply to relief under this section.” In the Fifth Circuit, the general standard for injunctive relief requires a showing of the following elements:

- a. a substantial likelihood of success on the merits;
- b. a substantial threat that the movant will suffer irreparable injury if the injunction is not issued;
- c. that the threatened injury to the movant outweighs any damage that the injunction might cause the opponent; and
- d. that the injunction will not disserve the public interest.

*See Palmer v. Waxahachie Indep. Sch. Dist.*, 579 F.3d 502, 506 (5th Cir. 2009) (quoting *Byrum v. Landreth*, 566 F.3d 442, 445 (5th Cir. 2009)); *Blue Bell Bio-Medical v. Cin-Bad, Inc.*, 864 F.2d 1253, 1256 (5th Cir. 1989); *see also Dallas Cowboy Cheerleaders, Inc. v. Scoreboard Posters, Inc.*, 600 F.2d 1184, 1187 (5th Cir. 1979). With respect to these factors, courts take a “flexible approach and no one factor is determinative.” *Nevada Power Co. v. Calpine Corp. (In re Calpine Corp.)*, 365 B.R. 401, 409 (S.D.N.Y. 2007) (internal citations omitted) (citing *Haw. Structural*

*Ironworkers Pension Trust Fund v. Calpine Corp.*, 2006 WL 3755175, at \*4 (S.D.N.Y. Dec. 20, 2006)). Each of the factors is met here.

- i. The Foreign Representative has a Substantial Likelihood of Success on the Merits

26. The Foreign Representative has a substantial likelihood of success on the merits with respect to obtaining recognition of the Canadian Proceeding as a foreign main proceeding under chapter 15 and the benefits that flow therefrom automatically pursuant to section 1520 of the Bankruptcy Code, such as application of section 362 of the Bankruptcy Code. As set forth in the Verified Petition, the Foreign Representative has demonstrated that the Canadian Proceeding is a foreign main proceeding (as defined in section 1502(4) of the Bankruptcy Code) and that the Foreign Representative is a proper foreign representative (as defined in section 101(24) of the Bankruptcy Code). Proceedings under the BIA have been routinely recognized as foreign main proceedings by this Court. *See, e.g., In re Flo-Back Equipment Inc.*, No. 24-90059, ECF No. 30 (Bankr. S.D. Tex. March 18, 2024) (recognizing Canadian BIA receivership proceeding as foreign proceeding); *In re Calmena Energy Servs. Inc.*, No. 15-30786, ECF No. 17 (Bankr. S.D. Tex. March 5, 2015); *In re BOS Solutions Ltd.*, No. 20-32465, ECF 41 (Bankr. S.D. Tex. May 19, 2020).

27. Upon recognition of a foreign proceeding, the provisional relief sought in this Motion is granted automatically under section 1520 of the Bankruptcy Code and “sections 361 and 362 [will] apply with respect to the debtor and the property of the debtor that is within the territorial jurisdiction of the United States.” 11 U.S.C. § 1520(a)(1).

28. Even if the Court were to recognize the Canadian Proceeding as a “foreign nonmain proceeding,” section 1521(a) of the Bankruptcy Code authorizes the Court to grant “any appropriate relief” at the request of the recognized foreign representative “where necessary to

effectuate the purpose of [chapter 15] and to protect the assets of the debtor or the interests of the creditors[.]” including:

- a. staying the commencement or continuation of an individual action or proceeding concerning the debtor’s assets, rights, obligations or liabilities to the extent they have not been stayed under section 1520(a);
- b. staying execution against the debtor’s assets to the extent it has not been stayed under section 1520(a);
- c. extending relief granted under section 1519(a); and
- d. granting any additional relief that may be available to a trustee, except for relief available under Bankruptcy Code sections 522, 544, 545, 547, 548, 550, and 724(a).

See 11 U.S.C. §§ 1521(a)(1), (2), (6), and (7).

29. The Court may grant relief under Bankruptcy Code section 1521 if the interests of “the creditors and other interested entities, including the debtor, are sufficiently protected.” 11 U.S.C. § 1522(a). The granting of additional relief is consistent with the goals of international cooperation and assistance to foreign courts embodied in chapter 15 and is necessary to administer the Canadian Proceeding. Comity is a central tenet of chapter 15 and is “the recognition which one nation allows within its territory to the legislative, executive, or judicial acts of another nation, having due regard both to international duty and convenience, and to the rights of its own citizens, or of other persons who are under the protection of its laws.” *Hilton v. Guyot*, 159 U.S. 113, 143 (1895); see *Firefighters’ Ret. Sys. v. Citco Grp. Ltd.*, 796 F.3d 520, 525 (5th Cir. 2015); *Ad Hoc Group of Vitro Noteholders v. Vitro SAB de CV (In re Vitro SAB de CV)*, 701 F.3d 1031, 1053 (5th Cir. 2012). The extension of comity to orders issued in Canadian insolvency proceedings is common in United States bankruptcy courts, and as set forth above, courts have granted relief substantially similar to the relief sought by this Motion.

30. Moreover, though initially contested by the company (led by its then-CEO), the Receiver does not anticipate opposition to recognition of the Canadian Proceeding from the primary constituents of the Canadian estates.

- ii. There is a Substantial Threat of Irreparable Injury if the Interim Relief is not Granted

31. The Proposed Order provides for a stay in the U.S. to protect the Debtors and their assets on similar terms as the stay authorized in the Receivership Order. Because the Debtors have assets in the United States in the possession of third parties, parties may be inclined to exercise control over the Debtors' assets or pursue claims against the Debtors in the United States in the near term. If such parties exercise control over the Debtors' assets or take collection actions against the Debtors or their property, the administration of the Canadian Proceeding and the ability to conduct and effectuate a value-maximizing sale process therein would be jeopardized by the diversion of the Debtors' limited resources to addressing those parties and actions throughout the United States. *See, e.g., In re Netia Holdings S.A.*, 278 B.R. 344, 352 (Bankr. S.D.N.Y. 2002) (explaining that “[i]t is well established . . . that the dissipation of the finite resources of an insolvent estate constitutes irreparable injury.”); *In re MMG, LLC*, 256 B.R. 544, 555 (Bankr. S.D.N.Y. 2000) (finding that “irreparable harm exists whenever local creditors of the foreign debtor seek to collect their claims or obtain preferred positions to the detriment of other creditors.”). Similarly, the Receiver has been unsuccessful in its attempts to control or, at bottom, freeze the U.S. Accounts, which creates obvious potential exposure to Debtors' assets and efforts.

32. Accordingly, the provisional relief is necessary on an emergency basis to protect the Debtors' assets, the Canadian Proceeding, and the ongoing sales process therein.

iii. The Threatened Injury to the Debtors Outweighs any Damage the Interim Relief Would Cause to a Creditor

33. The provisional relief sought hereunder will benefit the Debtors' creditors by allowing the Foreign Representative to focus on a value-maximizing sale process and facilitate the fair and efficient administration of the Canadian Proceeding. In contrast, the harm to any particular creditor from a stay pending recognition is minimal and subject to the right of any creditor to request relief therefrom.

34. Accordingly, the purported harm to any particular creditor by a stay is greatly outweighed by the harm caused to all of the Debtors' other stakeholders, if the Debtors' ability to pursue a value-maximizing sale in the Canadian Proceeding were compromised.

iv. The Provisional Relief will not Disserve Public Interest

35. The provisional relief sought hereunder will not disserve the public interest. Rather, granting the provisional relief promotes the public interest. *See Cornfeld v. Invs. Overseas Servs., Ltd.*, 471 F.Supp. 1255, 1259 (S.D.N.Y. 1979), *aff'd* 614 F.2d 1286 (2d Cir. 1979) (explaining that "American public policy would be furthered, for the firm policy of American courts is the staying of actions against a corporation which is the subject of a bankruptcy proceeding in another jurisdiction."). Parties in interest will have an opportunity to participate in the Canadian Proceeding, which considers and balances the needs of the various creditor constituencies in a collective orderly process, and to participate in any hearing on the granting of final relief in this Court. The provisional relief sought here would be temporary, pending a decision on recognition, and would not hamper the ability of creditors to assert their rights in the Canadian Proceeding. The harm to the Debtors and their assets that would occur absent granting the provisional relief would be far greater than any potential prejudice to stakeholders that might wish to pursue their individual remedies in the United States in disregard of the Canadian Proceeding.

36. Accordingly, the Foreign Representative has demonstrated that the Debtors meet the standards applicable to an injunction, and thus, an emergency provisional stay pending the Court's decision on recognition should be granted.

**V. BASIS FOR EMERGENCY RELIEF**

37. Pursuant to Bankruptcy Rule 6003 and Local Rule 9013-1(i), the Foreign Representative requests emergency consideration of this Motion. The Foreign Representative seeks emergency provisional relief under sections 105(a) and 1519 of the Bankruptcy Code, imposing a stay to protect the Debtors and their assets until and through the Court's decision on the Verified Petition filed contemporaneously with this Motion. Prior to entry of a recognition order, the Debtors do not automatically have the protection of section 362 of the Bankruptcy Code. Emergency provisional relief is necessary to prevent creditors and other parties from taking action against the Debtors and their assets in the United States that could disrupt the administration of the Canadian Proceeding and interfere with a value-maximizing sale process for the benefit of all stakeholders.

**VI. WAIVER OF FEDERAL RULE OF CIVIL PROCEDURE 65(c)**

38. Bankruptcy Rule 7065 expressly provides that "a temporary restraining order or preliminary injunction may be issued on application of a debtor, trustee, or debtor in possession without compliance with Rule 65(c)." To the extent rule 65 of the Federal Rules of Civil Procedure applies, the Foreign Representative believes that the security requirements imposed by rule 65(c) are unwarranted under the circumstances and requests a waiver of such requirements pursuant to Bankruptcy Rule 7065.

**VII. NOTICE**

39. The Foreign Representative has provided notice of this Motion via email or first class mail to: (a) the Office of the United States Trustee; (b) the United States Attorney for the

Southern District of Texas; (c) all persons or bodies authorized to administer the Canadian Proceeding; (d) all parties to litigation pending in the United States in which the Debtors are a party as of the date hereof; (e) all known equity holders of the Debtors; (f) all parties against whom the Debtors, on the Petition Date, are seeking relief pursuant to section 1519 of the Bankruptcy Code; and (g) such other parties in interest that have requested notice pursuant to Bankruptcy Rule 2002. In light of the relief requested, the Foreign Representative submits that no further notice is necessary.

WHEREFORE, the Foreign Representative respectfully requests that the Court enter the Proposed Order granting the relief requested herein and such other and further relief as may be just and proper.

Dated: March 30, 2026.

Respectfully submitted,

**MUNSCH HARDT KOPF & HARR, P.C.**

By: /s/ Alexander R. Perez

John D. Cornwell

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***Counsel for Alvarez & Marsal Canada, Inc.,  
Solely in its Capacity as Court-Appointed  
Receiver and Manager of the Debtors***

**CERTIFICATE OF ACCURACY**

Pursuant to Local Rule 9013-1(i), the undersigned hereby certifies the accuracy of the reasons for expedited consideration set forth in the foregoing motion.

*/s/ Alexander R. Perez* \_\_\_\_\_  
Alexander R. Perez

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<p>In re:</p> <p>ENERGERA, INC. (F/K/A FRAC SHACK INC.),</p> <p style="padding-left: 40px;">Debtor in a Foreign Proceeding.</p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>Chapter 15 Case</p> <p>Case No. 26-90433 (ARP)</p> <p>(Joint Administration Requested)</p>
<p>In re:</p> <p>ENERGERA AMERICA INC. (F/K/A FRAC SHACK AMERICA INC.),</p> <p style="padding-left: 40px;">Debtor in a Foreign Proceeding.</p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>Chapter 15 Case</p> <p>Case No. 26-90434 (ARP)</p> <p>(Joint Administration Requested)</p>
<p>In re:</p> <p>SANDTINEL LLC,</p> <p style="padding-left: 40px;">Debtor in a Foreign Proceeding.</p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>Chapter 15 Case</p> <p>Case No. 26-90435 (ARP)</p> <p>(Joint Administration Requested)</p>

**ORDER GRANTING FOREIGN REPRESENTATIVE’S *EMERGENCY* MOTION FOR PROVISIONAL RELIEF PURSUANT TO BANKRUPTCY CODE SECTION 1519**

Upon the motion (the “Motion”)<sup>1</sup> of Alvarez & Marsal Canada Inc., solely in its capacity as court appointed receiver, manager, and authorized foreign representative (“Receiver” or “Foreign Representative”) of Energera, Inc. (formerly known as Frac Shack Inc.); Energera

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<sup>1</sup> Capitalized terms used but not defined herein shall have the meaning ascribed to them in the Motion.

America Inc. (formerly known as Frac Shack America Inc.); and Sandtinel LLC (collectively, the “Debtors”), seeking provisional relief under the Bankruptcy Code to protect the Debtors and their assets within the territorial jurisdiction of the United States pending recognition of the Canadian Proceeding; and this Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and the relief requested in the Motion being a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(P); and that this Court may enter a final order consistent with Article III of the United States Constitution; venue being proper before the Court pursuant to 28 U.S.C. § 1410(3); adequate and sufficient notice of the Motion having been given by the Foreign Representative; it appearing that the relief requested in the Motion is necessary and beneficial to the Debtors; and no objections or other responses having been filed that have not been overruled, withdrawn or otherwise resolved; and after due deliberation and sufficient cause appearing therefor, it is hereby **FOUND** that:

A. The findings and conclusions set forth herein constitute this Court’s findings of fact and conclusions of law pursuant to Bankruptcy Rule 7052, made applicable to this proceeding pursuant to Bankruptcy Rule 9014. To the extent any of the following findings of fact constitute conclusions of law, they are adopted as such. To the extent any of the following conclusions of law constitute findings of fact, they are adopted as such.

B. As evidenced by the Receivership Order, the Canadian Court has determined that the filing or continuation of any action or proceeding in Canada against the Debtors or their assets and the exercise of rights and remedies against the Debtors or their assets should be enjoined pursuant to applicable Canadian law.

C. Unless a provisional stay is issued, there is material risk that a party may take certain actions against the Debtors or their assets in the United States. Any such actions could

(a) interfere with the jurisdictional mandate of this Court under chapter 15 of the Bankruptcy Code,  
(b) interfere with and cause harm to the administration of the Canadian Proceeding and  
(c) undermine the Debtors' efforts to achieve a value-maximizing sale in the Canadian Proceeding for the benefit of all of the Debtors' stakeholders. Accordingly, there is a material risk that the Debtors may suffer immediate and irreparable injury (with no adequate remedy at law), and it is therefore necessary that the Court grant the relief set forth in this order (this "Order").

D. The interest of the public will best be served by this Court's entry of this Order.

E. The Foreign Representative and the Debtors are entitled to the full protections and rights available pursuant to sections 1519(a)(1)-(3) and 362 of the Bankruptcy Code because such relief is urgently needed to protect the Debtors, their assets located in the territorial jurisdiction of the United States, and the interests of all of the Debtors' creditors until this Court rules on the Debtors' chapter 15 petition.

**ACCORDINGLY, IT IS HEREBY ORDERED THAT:**

1. Pending entry of an order recognizing the Canadian Proceeding, sections 1519(a)(1) and 362 of the Bankruptcy Code shall apply provisionally, with respect to the Debtors and their property in the territorial jurisdiction of the United States. For the avoidance of doubt, and without limiting the generality of the foregoing, the relief granted by this Order shall impose a stay within the territorial jurisdiction of the United States of:

- a. the filing or continuation, including the issuance or employment of process, of a judicial, administrative or other action or proceeding against the Debtors that was or could have been commenced before the filing of the Debtors' chapter 15 case, or to recover a claim against the Debtors that arose before the filing of the Debtors' chapter 15 case;
- b. the enforcement, against the Debtors or against the property of the Debtors, of a judgment obtained before the filing of the Debtors' chapter 15 case;
- c. any act to obtain possession of property of the Debtors or to exercise control over property of the Debtors;

- d. any act to create, perfect or enforce any lien against property of the Debtors;
- e. any act to create, perfect or enforce against property of the Debtors any lien to the extent that such lien secures a claim that arose before the filing of the Debtors' chapter 15 case;
- f. any act to collect, assess or recover a claim against the Debtors that arose before the filing of the Debtors' chapter 15 case; and
- g. the setoff of any debt owing to the Debtors that arose before the filing of the Debtors' chapter 15 case against any claim against the Debtors.

3. Pending entry of an order recognizing the Canadian Proceeding, sections 1519(a)(2) and 1519(a)(3) of the Bankruptcy Code shall apply provisionally, with respect to the Debtors and their property in the territorial jurisdiction of the United States. For the avoidance of doubt, and without limiting the generality of the foregoing, the relief granted by this Order shall include the following:

- a. entrusting the administration or realization of all or part of the Debtors' assets located in the United States to the Foreign Representative or another person authorized by the Court in order to protect and preserve the value of assets that, by their nature or because of other circumstances, are perishable, susceptible to devaluation or otherwise in jeopardy;
- b. suspending the right to transfer, encumber or otherwise dispose of any assets of the Debtors to the extent this right has not been suspended under section 1520(a) of the Bankruptcy Code; and
- c. providing for the examination of witnesses, the taking of evidence or the delivery of information concerning the Debtors' assets, affairs, rights, obligations or liabilities.

4. To the extent section 362 of the Bankruptcy Code is not applicable, a stay substantially equivalent to the stay sought in paragraph 2 above shall be imposed pursuant to section 105(a) of the Bankruptcy Code.

5. HSBC shall, immediately upon service of this Order, (a) recognize the authority of the Foreign Representative over the U.S. Accounts, (b) provide the Foreign Representative with full and complete access to the U.S. Accounts, and (c) comply with all lawful instructions of the

Foreign Representative with respect to the U.S. Accounts, including instructions to freeze, transfer, or otherwise dispose of the funds therein, without the need for the Receivership Order to be otherwise domesticated and served in accordance with the laws of the State of New York or any other state within the United States.

6. Pursuant to Bankruptcy Rule 7065, the security provisions of Rule 65(c) of the Federal Rules of Civil Procedure are waived.

7. Notwithstanding any provision in the Bankruptcy Rules to the contrary: (a) this Order shall be effective immediately and enforceable upon entry; (b) the Foreign Representative is not subject to any stay in the implementation, enforcement or realization of the relief granted in this Order; and (c) 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 Order.

8. Notice of this Order will be provided to: (a) the Office of the United States Trustee; (b) the United States Attorney for the Southern District of Texas; (c) all persons or bodies authorized to administer the Canadian Proceeding; (d) all parties to litigation pending in the United States in which the Debtors are a party as of the date hereof; (e) all known equity holders of the Debtors; (f) all parties against whom the Debtors, on the Petition Date, is seeking relief pursuant to section 1519 of the Bankruptcy Code; and (g) such other parties in interest that have requested notice pursuant to Bankruptcy Rule 2002. In light of the nature of the relief requested, no other or further notice is required.

9. Service in accordance with this Order shall be deemed good and sufficient service and adequate notice for all purposes. The Foreign Representative, the Debtors, and their respective agents are authorized to serve or provide any notices required under the Local Rules.

10. This Court shall retain exclusive jurisdiction with respect to all matters arising from or related to the implementation, enforcement, amendment or modification of this Order, and any requests for any additional relief in this chapter 15 case.

Dated: \_\_\_\_\_, 2026.

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THE HONORABLE ALFREDO R. PEREZ  
UNITED STATES BANKRUPTCY JUDGE