



CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed November 22, 2024

United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

In re:	§
	§ Chapter 15
FOSSIL CREEK A2A LIMITED	§
PARTNERSHIP, <i>et al.</i> , ¹	§ Case No. 24-44299
	§ (Jointly Administered)
<u>Debtors in a Foreign Proceeding.</u>	§

**ORDER GRANTING COMPLEX CHAPTER 15 CASE TREATMENT
AND ESTABLISHING CERTAIN NOTICE, CASE MANAGEMENT,
AND ADMINISTRATIVE PROCEDURES IN RELATION THERETO**

(Relates to Docket No. 3)

On November 20, 2024, Alvarez and Marsal Canada Inc. (the “**Foreign Representative**”), in its capacity as the duly appointed monitor and foreign representative of Fossil Creek A2A Limited Partnership and its debtor affiliates (see footnote 1) (collectively, the “**Debtors**”) in the foreign proceeding pending under Canada’s Companies’ Creditors Arrangement Act, R.S.C. 1985,

¹ The Debtors in these chapter 15 cases, along with their unique identifiers, are: A2A Developments Inc. (Ontario Corp. No. 2274252); Hills of Windridge A2A GP Inc. (Ontario Corp. No. 2360816); Windridge A2A Developments, LLC (Tax I.D. 32047814366); Fossil Creek A2A GP Inc. (Corporate Access No. 2018090577); Fossil Creek A2A Developments, LLC (Tax I.D. 32047814341); Serene Country Homes (Canada) Inc. (Ontario Corp. No. 2216166); A2A Capital Services Canada Inc. (Corp. No. 835144-9); Fossil Creek A2A Limited Partnership (Registration No. LP18090985); Hills of Windridge A2A LP (Business I.D. No. 230156754); Fossil Creek A2A Trust, and Hills of Windridge A2A Trust.

c. C-36, in the Court of King's Bench of Alberta, Judicial Centre of Calgary, Canada, Court File No. 2401-15969 (the "**Canadian Proceeding**"), filed petitions on behalf of the Debtors in this Court for relief under chapter 15 of title 11 of the United States Code. By order of the Court entered in each of the individual chapter 15 cases, the chapter 15 cases are being jointly administered under Case No. 24-44299 (the "**Chapter 15 Case**").

Pursuant to the *Notice of Designation as Complex Bankruptcy Cases* [Docket No. 3] filed by the Foreign Representative in the Chapter 15 Case, the Foreign Representative has designated the Chapter 15 Case as a Complex Case to be governed by the procedures (the "**Complex Case Procedures**") set forth within the Court's *General Order Regarding Procedures for Complex Cases* (General Order 2023-01) (the "**Complex Case Order**").

Having reviewed the initial pleadings filed in the Chapter 15 Case and conducted an initial hearing in the Chapter 15 Case, the Court concludes that the Chapter 15 Case qualifies for Complex Case treatment under the Complex Case Order. Accordingly, the Court finds cause to enter this Order to formally provide for such Complex Case treatment and establish refined procedures consistent with and complimentary to the Complex Case Procedures established by the Complex Case Order. Therefore, it is hereby:

ORDERED as follows:

1. The Chapter 15 Case is hereby classified as a Complex Case under the terms of the Complex Case Order to be governed by the Complex Case Procedures, except as modified herein.

HEARINGS AND HEARING DATES

2. In accordance with ¶ 32 of the Complex Case Order, the Foreign Representative may, from time to time, request preset hearing dates ("**Omnibus Settings**") for hearings in the Chapter 15 Case. If and when Omnibus Settings are obtained, the Foreign Representative shall

arrange for notice of the same to be promptly provided to parties in interest. Information with respect to future Omnibus Setting dates/times may also be obtained by parties in interest by reviewing the Electronic Appearances webpage for Judge Morris at the following address:

<https://www.txnb.uscourts.gov/electronic-appearances-2>.

3. In accordance with General Order 2023-05, as modified by Judge Morris' remote hearing procedures (see WebEx Hearing Instructions link below), all hearings in the Chapter 15 Case will be conducted in a hybrid mode and, thus, may be attended either in person at the Eldon B. Mahon U.S. Courthouse, 501 W. Tenth Street, Room 204, Fort Worth, Texas 76102, or by remote means using the Court's WebEx platform, as follows:

For WebEx Video Participation/Attendance:

Link: <https://us-courts.webex.com/meet/morris>

Meeting Number: 2309 445 3213

For WebEx Telephonic Only Participation/Attendance:

Dial-In: 1.650.479.3207

Access Code: 2309 445 3213

Those attending remotely must comply with Judge Morris' WebEx Hearing Instructions, which are available on Judge Morris' Hearing Dates and Calendar webpage at the following address:

<https://www.txnb.uscourts.gov/judges-info/hearing-dates/judge-morris-hearing-dates-0>.

HEARING, NOTICE, AND OBJECTION PROCEDURES

4. The following hearing, notice, and objection procedures will apply to motions and other matters filed in the Chapter 15 Case and, in lieu of any notice language required by Local Bankruptcy Rule 9007-1(c) or any other Local Rules, parties are to use the notice language specified below, as applicable:²

² For the avoidance of doubt, the following procedures only apply to motions and other matters filed in the Chapter 15 Case. For separately initiated adversary proceedings, the adversary proceeding rules of the Federal Rules of

- a. **Default Notice Requirements.** For all motions and other requests for relief other than Ordinary Motions (governed by ¶ 4.b. below) and Emergency Motions (governed by ¶ 4.c. below), a party may self-calendar the hearing on the motion or other request for relief filed by such party for the next Omnibus Setting³ that is at least twenty-four (24) or thirty-one (31) days following the filing of the motion or request for relief, whichever date provides sufficient notice under applicable Bankruptcy Rules and Local Rules. Such a hearing shall be deemed scheduled upon the filing and service (evidenced by a certificate of service) of a Notice of Hearing. The motion shall include the following language immediately below the case caption:

If you object to the relief requested, you must respond in writing. Unless otherwise directed by the Court, you must file your response electronically at <https://ecf.txnb.uscourts.gov/> no more than [twenty-four (24) / thirty-one (31)] days after the date this motion was filed. If you do not have electronic filing privileges, you must file a written objection that is actually received by the clerk and filed on the docket no more than [twenty-four (24) / thirty-one (31)] days after the date this motion was filed. Otherwise, the Court may treat the pleading as unopposed and grant the relief requested.

A hearing will be conducted on this matter on [•], 202[•], at [•] [am/pm] (prevailing Central Time), in Room 204, U.S. Courthouse, 501 W. Tenth Street, Fort Worth, Texas 76102.

Unless the presiding judge orders otherwise, you may participate in the hearing either in person or by WebEx videoconference or audioconference (subject to compliance with the Court's WebEx Hearing Instructions). For WebEx video participation/attendance, use the following link: <https://us-courts.webex.com/meet/morris>; Meeting Number 2309 445 3213. Click the settings icon in the upper right corner of your screen and enter your name under the personal information setting. For WebEx telephone only participation/attendance, use the following dial-in: 1.650.479.3207; Access Code 2309 445 3213. WebEx Hearing Instructions may be obtained at the following address: <https://www.txnb.uscourts.gov/judges-info/hearing-dates/judge-morris-hearing-dates-0>.

- b. **Ordinary Motions That May Be Set on Shortened Notice.** Unless more notice is expressly required by the Bankruptcy Code, the Bankruptcy Rules, or the Local Rules, or the motion is of a type identified in ¶ 36(a) of the Complex Case Order

Bankruptcy Procedure (*i.e.*, Fed. R. Bankr. P. 7001 - 7087) and the Court's Local Rules in relation thereto (*i.e.*, N.D. Tex. L.B.R. 7001-1 – 7067-1) shall apply.

³ If a future Omnibus Setting has not yet been set in the case, then a hearing date should be requested in accordance with the procedures set forth in § J of the Complex Case Order consistent with the notice period requirements set forth herein.

(which are *not* Ordinary Motions for purposes of this Order), a party may self-calendar a hearing on any motion or request for relief (an “**Ordinary Motion**”) for the next Omnibus Setting⁴ that is at least fourteen (14) calendar days after the filing and service of such motion or request for relief. Such hearing shall be deemed scheduled upon the filing and service (evidenced by a certificate of service) of a Notice of Hearing. All Ordinary Motions shall include the following language immediately below the case caption:

If you object to the relief requested, you must respond in writing. Unless otherwise directed by the Court, you must file your response electronically at <https://ecf.txnb.uscourts.gov/> at least two (2) business days before the start of the hearing. If you do not have electronic filing privileges, you must file a written objection that is actually received by the clerk and filed on the docket at least two (2) business days before the start of the hearing. Otherwise, the Court may treat the pleading as unopposed and grant the relief requested.

A hearing will be conducted on this matter on [•], 202[•], at [•] [am/pm] (prevailing Central Time), in Room 204, U.S. Courthouse, 501 W. Tenth Street, Fort Worth, Texas 76102.

Unless the presiding judge orders otherwise, you may participate in the hearing either in person or by WebEx videoconference or audioconference (subject to compliance with the Court’s WebEx Hearing Instructions). For WebEx video participation/attendance, use the following link: <https://us-courts.webex.com/meet/morris>; Meeting Number 2309 445 3213. Click the settings icon in the upper right corner of your screen and enter your name under the personal information setting. For WebEx telephone only participation/attendance, use the following dial-in: 1.650.479.3207; Access Code 2309 445 3213. WebEx Hearing Instructions may be obtained at the following address: <https://www.txnb.uscourts.gov/judges-info/hearing-dates/judge-morris-hearing-dates-0>.

- c. **Emergency Motions and Hearings.** All motions and other requests for relief seeking relief on shorter notice than required under applicable Bankruptcy Rules, Local Rules, or other provisions of this Order will be considered “emergency” motions (“**Emergency Motions**”). An Emergency Motion must contain the word “Emergency” in the title of the motion and must be filed using a CM/ECF code for an Emergency Motion. All Emergency Motions must include a certificate of conference, containing the same certification of counsel that is presently required under Local Rule 9007-1(f).

⁴ See footnote 3 above.

Movants are not required to file a separate pleading to request a hearing on an Emergency Motion (an “**Emergency Hearing**”). Emergency Motions may be filed without a designated hearing date, in which case the Court will consider the Emergency Motion and determine if/when to set the motion for an Emergency Hearing. Alternatively, an Emergency Motion may be calendared for a hearing on a date obtained from the Court’s Case Manager prior to the filing. The Court’s Case Manager will provide direction with respect to the filing and service of any notice of hearing for an Emergency Hearing. Unless otherwise directed by the Court, the Court will determine, as an initial matter at the Emergency Hearing, whether to allow emergency consideration.

All Emergency Motions shall include the following language immediately below the case caption:

Emergency relief has been requested. Relief is requested not later than [•] [am/pm] (prevailing Central Time) on [•], 202[•].

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 earlier of (a) the start of the hearing (if one is set) and (b) the date by which the relief is requested (per the preceding paragraph). Otherwise, the Court may treat the pleading as unopposed and grant the relief requested. If a response is filed, you must file your response electronically at <https://ecf.txnb.uscourts.gov/> prior to the earlier of (a) the start of the hearing (if one is set) and (b) the date by which the relief is requested (per the preceding paragraph). If you do not have electronic filing privileges, you must file a written objection that is actually received by the clerk and filed on the docket prior to the earlier of (a) the start of the hearing (if one is set) and (b) the date by which the relief is requested (per the preceding paragraph).

[IF A HEARING DATE HAS BEEN OBTAINED, INCLUDE THE FOLLOWING PARAGRAPHS:]

A hearing will be conducted on this matter on [•], 202[•], at [•] [am/pm] (prevailing Central Time), in Room 204, U.S. Courthouse, 501 W. Tenth Street, Fort Worth, Texas 76102.

Unless the presiding judge orders otherwise, you may participate in the hearing either in person or by WebEx videoconference or audioconference (subject to compliance with the Court’s WebEx Hearing Instructions). For WebEx video participation/attendance, use the following link: <https://us-courts.webex.com/meet/morris>; Meeting Number 2309 445 3213. Click the settings icon in the upper right corner of your screen and enter your name under the personal information

setting. For WebEx telephone only participation/attendance, use the following dial-in: 1.650.479.3207; Access Code 2309 445 3213. WebEx Hearing Instructions may be obtained at the following address: <https://www.txnb.uscourts.gov/judges-info/hearing-dates/judge-morris-hearing-dates-0>.

- d. **Objection Deadlines.** Unless the Court orders otherwise, objection deadlines shall be as follows:
- (i) For a motion or other matter that is filed and served in accordance with ¶ 4.a. of this Order, the deadline for objections or responses to such motion or matter shall be twenty-four (24) or thirty-one (31) days after the date of service of the motion or matter (whichever date provides sufficient notice under applicable Bankruptcy Rules and Local Rules).
 - (ii) For an Ordinary Motion filed and served in accordance with ¶ 4.b. of this Order, the deadline for objections or responses to such motion shall be two (2) business days prior to the start of the hearing set on the motion.
 - (iii) For an Emergency Motion filed and served in accordance with ¶ 4.c. of this Order, the deadline for objections or responses shall be the earlier of (a) the start of the Emergency Hearing set on the Emergency Motion and (b) the date by which the relief is requested per the Emergency Motion.

Any objection deadline may be extended by agreement of the movant, *provided, however*, that no objection deadline may extend beyond the deadline for filing the agenda (as provided in ¶ 4.e. below). In all instances, any objection must be filed and served so as to be received on or before the applicable objection deadline.

- e. **Hearing Agenda Requirements.** The Foreign Representative shall file an agenda conforming to the guidelines in § L of the Complex Case Procedures by no later than twenty-four (24) hours prior to the start of the scheduled hearing.

NOTICE AND SERVICE REQUIREMENTS

5. The Foreign Representative shall establish and maintain an official shortened service list (the “**Complex Service List**”) for the Chapter 15 Case that identifies all of the parties who must be served whenever a motion or other pleading requires notice.

- a. The Complex Service List shall include the following parties: the Foreign Representative, the Foreign Representative’s counsel, the United States Trustee, any party in interest who files a notice of appearance to request notice in the Chapter

15 Case, and any party in interest who is required to be served with any motion, notice or other filing in the Canadian Proceeding.

- b. Any party in interest not listed on a then-current Complex Service List who wishes to receive notice shall be added to the Complex Service List by filing and serving on the Foreign Representative and Foreign Representative's counsel a notice of appearance and request for service. Those who are not registered e-filers in this Court are required to include within the notice of appearance an e-mail address for service, and the filing of such notice of appearance shall constitute the party's consent to service by e-mail in the Chapter 15 Case.⁵
- c. An initial Complex Service List shall be filed by the Foreign Representative in the Chapter 15 Case within five (5) business days after entry of this Order. Thereafter, the Foreign Representative shall update the Complex Service List and file a copy of the updated Complex Service List in the Chapter 15 Case at least every fourteen (15) days during the first 30 days after entry of this Order, and thereafter at least every sixty (60) days during the pendency of the Chapter 15 Case unless no change to the list has occurred since the previously filed updated Complex Service List.

6. Unless the Court hereafter dictates that any other form or manner of service and notice is required as to any particular filing: (a) service and notice of any filing in the Chapter 15 Case shall be deemed sufficient if timely served upon (i) all parties listed on the then-current Complex Service List, (ii) any party who has filed a notice of appearance and request for service who has not yet been added to the Complex Service List, and (iii) all other parties in interest whose interests will be directly affected by the relief requested within the filing; and (b) service may be provided by electronic e-mail means to any party in interest (i) who has consented to such means of service pursuant to ¶ 5.b. of this Order, or (ii) as to whom such means of service is authorized with respect to the same or similar type of filing in the Canadian Proceeding.

MISCELLANEOUS PROVISIONS

7. If a contested matter is noticed for hearing and all affected parties reach a settlement of the dispute prior to the hearing, the parties should promptly notify Judge Morris' Case Manager that the matter is settled. The parties must announce the key terms of the settlement at the

⁵ See footnote 2 above.

scheduled hearing. If the Court determines that the notice of the dispute and the hearing is adequate notice of the effects of the settlement (*i.e.*, that the terms of the settlement are not materially different from what parties in interest could have expected if the dispute were fully litigated), the Court may approve the settlement at the hearing without further notice.

8. The Foreign Representative shall give notice of this Order to all parties in interest within seven (7) days of entry of this Order. If any party in interest, at any time, objects to the provisions of this Order, that party may file a motion to request a modification to or relief from such objectionable provisions, articulating the objections and the relief requested. After hearing the objection and any responses, the Court may reconsider any part of this Order and may grant relief, if appropriate.

9. Parties in interest are encouraged to review the Complex Case Procedures in their entirety. The Complex Case Order is available at:

<https://www.txnb.uscourts.gov/sites/txnb/files/general-ordes/General%20Order%202023-01%20Complex%20Case%20Procedures%20signed.pdf>

END OF ORDER