



ORDERED in the Southern District of Florida on February 3, 2022.

A handwritten signature in blue ink, reading "Laurel M. Isicoff", written over a horizontal line.

**Laurel M. Isicoff
Chief United States Bankruptcy Judge**

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

In re:

Case No.: 22-10648-LMI

DINGWAY INVESTMENT LIMITED,

Chapter 15

Debtor in a Foreign Proceeding.

**ORDER GRANTING EMERGENCY MOTION FOR ORDER GRANTING
PROVISIONAL RELIEF PENDING THE HEARING ON RECOGNITION PURSUANT
TO SECTIONS 1519 AND 1521 OF THE BANKRUPTCY CODE**

THIS MATTER came on for hearing on February 2, 2022 (the “Hearing”), upon the *Emergency Motion for Order Granting Provisional Relief Pending the Hearing on Recognition Pursuant to Sections 1519 and 1521 of the Bankruptcy Code* (the “Motion for Provisional Relief”) [D.E. 3] filed by Russell Crumpler and Fergal Thomas Power (collectively, the “Foreign Representatives”), as court-appointed joint provisional liquidators of the foreign estate of Dingway Investment Limited (the “Debtor”).

Foreign Representatives seek an order authorizing Foreign Representatives to conduct

Proposed Discovery¹ under Rule 2004 of the Federal Rules of Bankruptcy Procedure and Local Rule 2004-1 prior to the Court's ruling on recognition pursuant to Sections 1519(a)(3) and 1521(a)(4) of the Bankruptcy Code. Upon due consideration of the Motion for Provisional Relief, counsel's argument at the Hearing, the record, and after due deliberation and sufficient cause appearing therefore, the Court concludes that a showing has been made as follows:

A. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, and 11 U.S.C. §§ 109 and 1501.

B. Venue of this proceeding is proper in this judicial district pursuant to 28 U.S.C. § 1410, because Debtor has property in the United States within this judicial District.

C. This is a core foreign proceeding under 28 U.S.C. § 157(b)(2)(P).

D. There is substantial likelihood of success on the merits that the Foreign Representatives will be able to demonstrate that the foreign liquidation of the Debtor (the "Hong Kong Proceeding") is a foreign main proceeding entitled to recognition under 11 U.S.C. § 1517(b)(1)-(2), that the Foreign Representatives are the duly appointed foreign representatives of the Debtor pursuant to 11 U.S.C. §§ 101(24) and 1509, and the Foreign Representatives, in their capacity as foreign representatives of Debtor, are entitled to protections afforded by §§ 1520 and 1521 of the Bankruptcy Code.

E. Issuance of this Order is necessary for the Foreign Representatives to obtain relevant information that will likely serve to (1) preserve the *status quo* of the Debtor's estate, and (2) assist the Foreign Representatives in preventing further dissipation of the Debtor's interest(s) in the Miami Property, including the proceeds of the sale of such property.

¹ Terms not defined herein shall have the same meaning ascribed to them in the Motion for Provisional Relief. The Proposed Discovery includes seven (7) subpoenas in substantially the same form as the form subpoena included as Exhibit C to the Motion for Provisional Relief.

F. Given there are no opposing parties and the provisional relief requested is narrowly tailored in scope and duration, any threatened injury to the Debtor's estate outweighs whatever damage the requested relief may cause an opposing party.

Accordingly, it is **ORDERED** and **ADJUDGED**:

1. The Motion for Provisional Relief is **GRANTED**.
2. The Foreign Representatives are authorized to conduct the Proposed Discovery under Federal Rule of Bankruptcy Procedure 2004 and Local Rule 2004-1 to obtain information relating to the Mast Capital Transaction.
3. This Order shall remain in effect pending the hearing on Foreign Representatives' *Motion for Order Granting Recognition of Foreign Main Proceeding Pursuant to §§ 1515 and 1517 of the Bankruptcy Code and for Related Relief* (the "Recognition Motion").
4. The Court shall retain jurisdiction with respect to the enforcement, amendment, or modification of this Order and any request by any person or entity for relief from the provisions of this Order.

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Submitted by:

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Copies furnished to:

Fernando J. Menendez, Jr. is hereby directed to serve a copy of this Order on all parties entitled to service thereof and to file a certificate of service immediately thereafter.