

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

In re:	§	
	§	Case No. 19-10653-R
INNOVA GLOBAL LTD., <i>et al.</i> , <sup>1</sup>	§	
	§	Jointly Administered
Debtors in a foreign proceeding.	§	
	§	Chapter 15
	§	

**APPLICATION REQUESTING EXPEDITED HEARING AND LIMITED NOTICE ON  
MOTION OF RECEIVER TO SELL CERTAIN PROPERTY OF DEBTOR  
BRADEN MANUFACTURING, L.L.C., FREE AND CLEAR OF LIENS  
(Auburn, MA Sale)**

PricewaterhouseCoopers Inc., LIT, (“PWC”), solely in its capacity as court-appointed receiver (the “Receiver”) of the Debtors in these jointly administered cases based upon the Receivership Order dated April 1, 2019, entered by the Court of Queen’s Bench of Alberta in the Judicial Centre of Calgary, Canada, Court File No. 1901-04589, and as Chapter 15 recognized foreign representative of the Debtors, for its application (the “Application”) states that:

1. The Receiver has entered into an agreement to sell the tangible assets (the “Assets”) of the Debtor Braden Manufacturing, L.L.C. (“Braden”) that are located on or within the premises of the Braden facility at 17 St. Mark Street, Auburn, Massachusetts (the “Premises”).

2. On June 26, 2019, the Receiver filed his Motion for Authority to Sell Property of the Estate Free and Clear of All Liens and Interests (Doc. 136) (the “Sales Motion”). The

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<sup>1</sup> The Debtors are: 1) Innova Global Ltd., (2) Innova Global Operating Ltd., (3) Innova Global Limited Partnership, (4) 1938247 Alberta Ltd., (5) Innova Global Holdings Limited Partnership, (6) Innova Global Inc. (formerly AEM Emissions Management Inc., formerly ATCO Emissions Management Inc.), (7) Innova Global LLC (formerly AEM Noise Management LLC, formerly ATCO Noise Management LLC), and (8) Braden Manufacturing, L.L.C.

Motion seeks the Court's authority to sell the Assets to Industrial Assets Corp., a California corporation with a principal place of business in Huntington Park, California ("IAC"), Maynards Industries Canada, Ltd., a company incorporated in British Columbia ("Maynards"), and DeCosmo Industrial Auctions, a trade name of Thomas Industrial Machinery Co., Inc., a Massachusetts corporation (collectively the "Buyer"), subject to the possibility that another party may propose a more favorable sale pursuant to the terms of a sales process that is described in the Motion.<sup>2</sup>

3. Braden leases the Premises under the terms of a long-term lease.

4. The owner of the Premises has leased the Premises to another tenant, with the term of that lease commencing September 1, 2019.

5. The Buyer intends to conduct an auction of the Assets on the Premises. In order for the Buyer to have a viable auction, the Buyer requires significant time to provide notice of the auction, time for inspection of the Assets and time for purchasers at the auction to remove their purchases following the auction.

6. Pursuant to Bankruptcy Rule 2002(a)(2), the debtor and all creditors are to receive "21 days' notice by mail" of a proposed sale, unless the Court "for cause shown shortens the time or directs another method of giving notice." This timetable will not provide the Buyer with sufficient time for the auction process and the removal of the assets from the leased premises before September 1, 2019.

7. Further, since a new tenant is in place beginning September 1, 2019, there is a short window to dispose of the assets.

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<sup>2</sup> Although the timetable for alternative bids could not reasonably be established until the Court's ruling on this Application, the Receiver has already provided notice of the proposed sale to parties that the Receiver has identified as being potentially interested in purchase of the Assets.

8. The Receiver wishes to minimize Braden's expenses by expediting the sale and eliminating potential obligations for future rental expense by having a hearing on the Sales Motion no later than July 15, 2019, if the Court's docket will permit.

9. ATB Financial, as agent and lender, asserts priority liens and security interests in virtually all assets of the Debtors, including the Assets. It has consented to the sale of the Assets. The Receiver is not aware of any other party that asserts an interest in any of the Assets.

10. There are approximately 2,000 parties on the service list in these cases. The cost to serve notice of the proposed sale on so many parties is significant in relation to the purchase price for the Assets.

11. Under the circumstances, the Receiver believes that it is appropriate to limit notice of the proposed sale of the Assets to: the United States Trustee, ATB Financial, any parties who have filed financing statements or other publicly filed documents reflecting the assertion of a lien upon or interest in the Assets, the Landlord of the Premises, and those parties who have entered appearances in these jointly administered cases.

12. Without a special setting for a hearing on the Sales Motion, the next available date on the Court's posted schedule for Section 363 hearing times would be July 17, 2019.

13. In order to expedite consideration of the Sales Motion, the Receiver believes that altering the deadline for filing an objection to the Sales Motion that Local Rule 6004-1 B. has established, from seven (7) days before the hearing to 48 hours before the time and the date set for the hearing, is appropriate. See Local Rule 1001-1 C. permitting such waiver.

THEREFORE, the Receiver requests that the Court:

1. Set a hearing on the Sales Motion by July 15, 2019 or the earliest later date that the Court feels is appropriate and that the Court's docket can accommodate;

2. Allow objections to the Sales Motion to be filed no later than forty-eight (48) hours before the time set for the hearing;
3. Limit the parties to receive notice of proposed sale as specified in paragraph 11 of this Application; and
4. Authorize the Receiver to give notice of such hearing by mailing, via U.S. first class mail that is deposited by the later of Friday, June 26, 2019 or forty-eight (48) hours after the entry of the Court's order on this Application, a notice in substantially the form of the attached Exhibit 1, with a copy of the Motion attached, to the parties that the Court determines are entitled to notice of the Motion and hearing.

Dated: June 26, 2019

Respectfully submitted,

**ROSENSTEIN, FIST & RINGOLD**

/s/ John E. Howland

John E. Howland, OBA No. 4416  
525 South Main, Suite 700  
Tulsa, Oklahoma 74103  
Telephone: (918) 585-9211  
Facsimile: (918) 583-5617  
johnh@rflaw.com

*and*

**NORTON ROSE FULBRIGHT US LLP**

Steve A. Peirce, TX Bar No. 15731200  
(admitted pro hac vice)  
300 Convent Street, Suite 2100  
San Antonio, Texas 78205-3792  
Telephone: (210) 224-5575  
Facsimile: (210) 270-7205  
steve.peirce@nortonrosefulbright.com

**COUNSEL FOR CANADIAN RECEIVER AND  
FOREIGN REPRESENTATIVE**