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HONORABLE CHRISTOPHER M. ALSTON
Chapter 15
Ex Parte

6 Attorneys for FTI Consulting Canada Inc.,
Foreign Representative
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10 UNITED STATES BANKRUPTCY COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT SEATTLE

13 In re
14 VICINITY MOTOR CORP., *et al.*,¹
15 Debtors in a Foreign Proceeding.

Lead Case No. 24-12675

Joint Administration Motion Pending with:
Case No. 24-12677;
Case No. 24-12678; and
Case No. 24-12679

***EX PARTE MOTION FOR
EXPEDITED HEARING ON
FIRST DAY MOTIONS***

18 **I. INTRODUCTION & RELIEF REQUESTED**

19 FTI Consulting Canada Inc., in its capacity as the receiver (the “Receiver”) appointed in
20 the Canadian insolvency proceeding of Vicinity Motor Corp., Vicinity Motor (Bus) Corp., Vicinity
21 Motor (Bus) USA Corp., and Vicinity Motor Property, LLC (collectively, the “Debtors”), *In the*
22 *Matter of the Receivership of Vicinity Motor (Bus) Corp., et al.*, Supreme Court of British
23 Columbia, Vancouver Registry No. S-247082 (the “Canadian Proceeding”), by and through its
24

25 _____
26 ¹ The Debtors are Vicinity Motor Corp., Bankruptcy Case No. 24-12675, Vicinity Motor (Bus)
27 Corp., Bankruptcy Case No. 24-12677, Vicinity Motor (Bus) USA Corp., Bankruptcy Case No.
24-12678, and Vicinity Motor Property, LLC, Bankruptcy Case No. 24-12679.

1 counsel, Lane Powell PC, respectfully moves for entry of the Receiver’s proposed order attached
2 hereto as Exhibit A (the “Proposed Order”) pursuant to Federal Rule of Bankruptcy Procedure
3 9013 and Local Rule of Bankruptcy Procedure 9013-1(d)(3), expediting the hearing on certain first
4 day motions filed by the Receiver (the “First Day Motions”):

- 5 • *Ex Parte Motion for Joint Administration of Chapter 15 Cases* (ECF No. 2);
- 6 • *Ex Parte Motion for Provisional Relief* (ECF No. 4); and
- 7 • *Ex Parte Motion to Approve Notice of Chapter 15 Petition and Schedule*
8 *Recognition Hearing* (ECF No. 5).

9 **II. JURISDICTION & VENUE**

10 This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157(a) and (b) and
11 1334(a) and (b).

12 This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(P), and the Court may enter a
13 final order in respect of it under Article III of the United States Constitution.

14 Venue is proper in this District pursuant to 28 U.S.C. § 1410(1) because the Debtors’
15 principal assets in the United States are located in Ferndale, Washington. Alternatively, venue is
16 proper in this District pursuant to 28 U.S.C. § 1410(3) because venue here will be consistent with
17 the interests of justice and the convenience of the parties, having regard to the relief sought by the
18 Receiver.

19 The Debtors are eligible to be debtors under Chapter 15 pursuant to 11 U.S.C. §§ 109(a)
20 and 1501(b) because the Debtors have real and personal property in the United States, and the
21 Receiver is a foreign representative for the Debtors seeking assistance in the United States in
22 connection with a foreign proceeding.

23 This Chapter 15 case was properly commenced pursuant to 11 U.S.C. §§ 1504 and 1509(a)
24 by the Receiver filing the Petition, applying to this Court pursuant to 11 U.S.C. § 1515 for
25 recognition of the Canadian Proceeding as a foreign main proceeding pursuant to 11 U.S.C. §
26 1517(b)(1).

27 The statutory predicates for the relief requested herein are 11 U.S.C. §§ 105(a) and 1517(c);

1 and Federal Rule of Bankruptcy Procedure 9013; and Local Rule of Bankruptcy Procedure 9013-
2 1(d)(3).

3 **III. STATEMENT OF FACTS**

4 On October 21, 2024, in the Canadian Proceeding, the Debtors were placed into a
5 receivership proceeding under Section 243(1) of Canada’s *Bankruptcy and Insolvency Act*, R.S.C.
6 1985, c. B-3, as amended (the “BIA”) and Section 39 of Canada’s *Law and Equity Act*, R.S.B.C.
7 1996 c. 253, as amended (the “LEA”), and the Receiver was appointed by the Supreme Court of
8 British Columbia to preserve and administer the Debtors’ estates pursuant to the BIA and LEA.
9 See ECF No. 1, Attachment No. 1 (the “Receiver Order”); see also Powell Decl. ¶ 3, Ex. A
10 (Receiver Order).

11 On October 24, 2024, in this Court, the Receiver filed an Official Form 401 *Chapter 15*
12 *Petition for Recognition of a Foreign Proceeding* (ECF No. 1) and *Verified Petition for*
13 *Recognition of Foreign Main Proceeding and Related Relief* (ECF No. 3) (together, the
14 “Petition”). Concurrently with the Petition, the Receiver filed the First Day Motions. ECF Nos.
15 2, 4, 5. The relief requested in the First Day Motions necessitates an expedited hearing, for the
16 Receiver to obtain legal authority and control over the Debtors’ assets located in the United States,
17 and avoid loss and maximize the potential return to the Debtors’ creditors everywhere.

18 For the reasons stated herein and in the First Day Motions, the Receiver requests a hearing
19 on the First Day Motions be set on or before Monday, October 28, 2024, or as soon as reasonably
20 possible thereafter.

21 **IV. STATEMENT OF ISSUE**

22 Whether the Court should set an expedited hearing on the First Day Motions.

23 **V. EVIDENCE RELIED UPON**

24 This *Motion for Expedited Hearing on First Day Motions* (this “Motion”) relies upon the
25 Petition and attachments thereto (ECF Nos. 1 and 3), the First Day Motions (ECF Nos. 2, 4, and
26 5), the Declaration of Tom Powell and exhibits thereto (“Powell Decl.”) filed concurrently
27 herewith, the Proposed Order attached hereto as Exhibit A, and the other papers and pleadings on

1 file in this matter.

2 **VI. MOTION FOR EXPEDITED HEARING**

3 On October 21, 2024, in the Canadian Proceeding, the Debtors were placed into a
4 receivership proceeding and the Receiver was appointed to preserve and administer the Debtors'
5 estates pursuant to the BIA/LEA and Receivership Order. See ECF No. 1, Attachment No. 1
6 (Receiver Order). On October 24, 2024, in this Court, the Receiver filed the Petition. ECF No. 1,
7 3.

8 Concurrently with the Petition, the Receiver filed the First Day Motions, collectively
9 seeking recognition of the Canadian Proceeding as a foreign main proceeding pursuant to 11
10 U.S.C. §§ 1515 and 1517, and requesting certain provisional and related relief pursuant to 11
11 U.S.C. §§ 1519 and 1521, to preserve and administer the Debtors' assets located in the United
12 States. See ECF Nos. 2, 4, and 5 (First Day Motions).

13 For the reasons stated in the *Motion for Provisional Relief* and further explained in the
14 Powell Declaration, the Debtors' assets located in the United States are at immediate risk.

15 The First Day Motions request (i) joint administration of the Debtors' Chapter 15 cases
16 pursuant to Federal Rule of Bankruptcy Procedure 1015(b), for procedural convenience; (ii)
17 provisional relief pursuant to 11 U.S.C. § 1519, to preserve and administer the Debtors' assets
18 located in the United States until the Court considers the Petition; and (iii) approval of the
19 Receiver's proposed notice of the Petition, the hearing for the Court to consider the relief requested
20 in the Petition, and any provisional relief, pursuant to Federal Rule of Bankruptcy Procedure
21 2002(q)(1) and Local Rule of Bankruptcy Procedure 2002-1(b)(6).

22 The Receiver, acting in its capacity as the receiver appointed in the Canadian Proceeding
23 to preserve and administer the Debtors' estates and assets, will suffer immediate and irreparable
24 harm if the hearing on the First Day Motions is not expedited as requested herein.

25 **VII. EX PARTE RELIEF**

26 The Receiver requests that the Court grant this Motion without notice to creditors. The
27 First Day Motions include a *Motion to Approve Notice of Chapter 15 Petition and Schedule*

1 *Recognition Hearing*, which is intended to satisfy the notice requirements of Federal Rule of
2 Bankruptcy Procedure 2002(q)(1) and Local Rule of Bankruptcy Procedure 2002-1(b)(6) with
3 respect to the Petition, recognition hearing, and any *ex parte* provisional relief.

4 **VIII. CONCLUSION**

5 For these reasons, the Receiver respectfully requests that the Court enter the Receiver's
6 Proposed Order attached hereto as Exhibit A, setting a hearing on the First Day Motions on or
7 before Monday, October 28, 2024, or as soon as reasonably possible thereafter.

8 DATED: October 24, 2024

9 LANE POWELL PC

10
11 By: /s/ James B. Zack

12 Gregory R. Fox, WSBA No. 30559

13 James B. Zack, WSBA No. 48122

14 Attorneys for FTI Consulting Canada Inc.,

15 Foreign Representative

EXHIBIT A

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UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re
VICINITY MOTOR CORP., *et al.*,¹
Debtors in a Foreign Proceeding.

Lead Case No. 24-12675

Jointly Administered with:
Case No. 24-12677;
Case No. 24-12678; and
Case No. 24-12679

**[PROPOSED]
ORDER GRANTING MOTION FOR
EXPEDITED HEARING ON
FIRST DAY MOTIONS**

19 This matter came before the Court on the *Ex Parte Motion for Expedited Hearing on First*
20 *Day Motions* (the "Motion"), filed by FTI Consulting Canada Inc., in its capacity as the receiver
21 (the "Receiver") appointed in the Canadian insolvency proceeding of Vicinity Motor Corp.,
22 Vicinity Motor (Bus) Corp., Vicinity Motor (Bus) USA Corp., and Vicinity Motor Property, LLC
23 (collectively, the "Debtors"), *In the Matter of the Receivership of Vicinity Motor (Bus) Corp., et*
24 *al.*, Supreme Court of British Columbia, Vancouver Registry No. S-247082 (the "Canadian

25 _____
26 ¹ The Debtors are Vicinity Motor Corp., Bankruptcy Case No. 24-12675, Vicinity Motor (Bus)
27 Corp., Bankruptcy Case No. 24-12677, Vicinity Motor (Bus) USA Corp., Bankruptcy Case No.
24-12678, and Vicinity Motor Property, LLC, Bankruptcy Case No. 24-12679.

1 Proceeding”), and the Court being duly advised in the premises and finding good cause; now,
2 therefore, it is hereby

3 ORDERED that the Motion is GRANTED; and

4 ORDERED that the expedited hearing on the *Ex Parte Motion for Joint Administration of*
5 *Chapter 15 Cases* (ECF No. 2), *Ex Parte Motion for Provisional Relief* (ECF No. 4), and *Ex Parte*
6 *Motion to Approve Notice of Chapter 15 Petition and Schedule Recognition Hearing* (ECF No. 5),
7 shall be held before the Honorable Christopher M. Alston, on October ___, 2024, at
8 _____ a.m./p.m. (prevailing Pacific Time), at/by
9 _____.

10 /// END OF ORDER ///

11 Presented by:

12 LANE POWELL PC

13 By: /s/ James B. Zack
14 Gregory R. Fox, WSBA No. 30559
15 James B. Zack, WSBA No. 48122
16 Attorneys for FTI Consulting Canada Inc.,
17 Foreign Representative
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