

Patrick J. Nash, Jr., P.C. (admitted *pro hac vice*)
Heidi M. Hockberger (admitted *pro hac vice*)

KIRKLAND & ELLIS LLP

300 North LaSalle
Chicago, Illinois 60654
Telephone: (312) 862-2000
Facsimile: (312) 862-2200

- and -

Gregory F. Pesce
WHITE & CASE LLP (admitted *pro hac vice*)

111 South Wacker Drive
Suite 5100
Chicago, Illinois 60606
Telephone: (312) 881-5400
Facsimile: (312) 881-5450

Co-Counsel to the Creditor Plan Proponents

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

)))	
In re:				Case No. 16-11895 (JLG)		
CHINA FISHERY GROUP LIMITED				Chapter 11		
(CAYMAN), <i>et al.</i> , ¹						
Debtors.				(Jointly Administered)		
				Related Docket No. 2670		

¹ The debtors in these chapter 11 cases are China Fishery Group Limited (Cayman), Pacific Andes International Holdings Limited (Bermuda), N.S. Hong Investment (BVI) Limited, South Pacific Shipping Agency Limited (BVI), China Fisheries International Limited (Samoa), CFGL (Singapore) Private Limited, Chanery Investment Inc. (BVI), Champion Maritime Limited (BVI), Growing Management Limited (BVI), Target Shipping Limited (HK), Fortress Agents Limited (BVI), Ocean Expert International Limited (BVI), Protein Trading Limited (Samoa), CFG Peru Investments Pte. Ltd. (Singapore), Smart Group Limited (Cayman), Super Investment Limited (Cayman), Pacific Andes Resources Development Limited (Bermuda), Nouvelle Foods International Ltd., Golden Target Pacific Limited, Pacific Andes International Holdings (BVI) Limited, Zhonggang Fisheries Limited, Admired Agents Limited, Chiksano Management Limited, Clamford Holding Limited, Excel Concept Limited, Gain Star Management Limited, Grand Success Investment (Singapore) Private Limited, Hill Cosmos International Limited, Loyal Mark Holdings Limited, Metro Island International Limited, Mission Excel International Limited, Natprop Investments Limited, Pioneer Logistics Limited, Sea Capital International Limited, Shine Bright Management Limited, Superb Choice International Limited, and Toyama Holdings Limited (BVI).

In re:)	
	)	Case No. 16-11914 (JLG)
)	
CFG PERU INVESTMENTS PTE. LIMITED	)	Chapter 11
(SINGAPORE),)	
)	
Debtor.	)	(Jointly Administered)
	)	Related Docket No. 702

**CREDITOR PLAN PROPONENTS’
MOTION TO SHORTEN NOTICE OF CREDITOR PLAN PROPONENTS’
MOTION FOR ENTRY OF AN ORDER (I) CLARIFYING CERTAIN ASPECTS
OF THE CREDITOR PLAN PROPONENTS’ CHAPTER 11 PLAN FOR CFG PERU
INVESTMENT PTE. LTD. (SINGAPORE) AND (II) GRANTING RELATED RELIEF**

The Creditor Plan Proponents (as defined in the *Creditor Plan Proponents’ Chapter 11 Plan for CFG Peru Investments Pte. Ltd. (Singapore)* [Docket No. 2564] (as amended, supplemented, or modified from time to time, the “Plan”))² respectfully state as follows in support of this motion:

Relief Requested

1. By this motion, the Creditor Plan Proponents seek entry of an order, substantially in the form attached hereto as **Exhibit A**, scheduling an expedited hearing and shortening the notice period with respect to the *Creditor Plan Proponents’ Motion for Entry of an Order (I) Clarifying Certain Aspects of the Creditor Plan Proponents’ Chapter 11 Plan for CFG Peru Investment Pte. Ltd. (Singapore) and (II) Granting Related Relief* (the “Plan Clarifying Motion”). The Creditor Plan Proponents request that the Court schedule the Plan Clarifying Motion for presentment on **September 22, 2021, at 12:00 p.m.** (prevailing Eastern Time). To the extent any objections to the Plan Clarifying Motion are received prior to September 21, 2021, at 12:00 p.m.

² Capitalized terms used in this motion but not otherwise defined in this motion shall have the meanings ascribed to such terms in the Plan.

(prevailing Eastern Time), the Creditor Plan Proponents request that the Court schedule the Plan Clarifying Motion to be heard at the hearing scheduled for September 22, 2021, at 12:00 p.m. (prevailing Eastern Time) before the Honorable James L. Garrity, Jr. at the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, NY 10004, Courtroom 601.

Jurisdiction and Venue

2. The United States Bankruptcy Court for the Southern District of New York (the “Court”) has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference from the United States District Court for the Southern District of New York*, dated January 31, 2012. The Creditor Plan Proponents 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 the Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution.

3. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

4. The statutory bases for the relief requested herein are Bankruptcy Rules 9006(c) and 9007, and Rule 9006-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Rules”).

Basis for Relief

5. To the extent that the relief requested in the Plan Clarifying Motion implicates section 363 of the Bankruptcy Code, Bankruptcy Rule 2002(a)(2) provides that parties in interest must be provided with at least 21 days’ notice by mail of “a proposed use, sale, or lease of property of the estate other than in the ordinary course of business, unless the court for cause shown shortens the time or directs another method of giving notice[.]” Although Bankruptcy Rule 2002(a)(2)

provides 21 days' notice as the time fixed for service of motion papers, Bankruptcy Rule 9006(c) and Local Rule 9006-1(b) provide that the Court, for cause shown, may in its discretion (with or without motion or notice) reduce such a period. In its exercise of discretion, a court should weigh the reasons for shortening notice against any potential prejudice to parties entitled to notice if a reduction is granted. *See In re Chateaugay Corp.*, 111 B.R. 399, 407–08 (Bankr. S.D.N.Y. 1990) (granting request to shorten notice because ten days could impose “severe hardship” on parties in interest and six days would not prejudice defendant). In addition, pursuant to Bankruptcy Rule 9007, the Court has authority to regulate the time within which, the entities to whom, and the form and matter in which notice is provided. Thus, the Court has the authority to determine appropriate notice for the matters presented by the Plan Clarifying Motion.

6. As explained more fully in the Plan Clarifying Motion, the date of presentment is suggested for September 22, 2021, at 12:00 p.m. (prevailing Eastern Time) to clarify certain matters with respect to the payment of the Interim Distributions and SFR Distributions. Effectuation of the Interim Distributions—which were originally proposed by the Chapter 11 Trustee several years ago, but never made—was a critical component of the Restructuring Support Agreement and the Plan. The Plan Administrator was slated to make such distributions earlier this summer. However, such distributions were delayed due to the need to complete certain tax planning and to address the issues set forth in the Plan Clarifying Motion. The window to make such distributions in the near term is closing. As disclosed on September 7, 2021, the Plan Administrator has commenced the UK Proceeding. *See* Docket No. 2657. If the Interim Distributions are not effectuated before the end of the month, it may be necessary to delay such distributions until the UK Proceeding is completed, which will not occur until mid-November 2021. Therefore, the Creditor Plan Proponents submit that granting the relief requested in the Plan

Clarifying Motion on the timeline set forth in this motion is critical in order to avoid the need to address such matters while the restructuring plan is being prosecuted in the UK Proceeding.

7. Furthermore, the Creditor Plan Proponents have discussed the relief requested in the Plan Clarifying Motion with the U.S. Trustee, the Plan Administrator, and the interested parties, all of whom have consented to such modification of the Plan. Accordingly, the Creditor Plan Proponents believe that the Court's consideration of the Plan Clarifying Motion on an expedited basis on September 22, 2021, at 12:00 p.m. (prevailing Eastern Time) will prevent unnecessary delays and provide for a judicious and efficient resolution to these chapter 11 cases.

Motion Practice

8. This motion includes citations to the applicable rules and statutory authorities upon which the relief requested herein is predicated and a discussion of its application to this motion. Accordingly, the Creditor Plan Proponents submit that this motion satisfies Local Rule 9013-1(a).

Notice

9. The Creditor Plan Proponents will provide notice of this motion to: (a) the U.S. Trustee; (b) the Plan Administrator; (c) Holders of Senior Notes; (d) Club Facility Lenders; and (e) any party that has requested notice pursuant to Bankruptcy Rule 2002. The Creditor Plan Proponents submit that, in light of the nature of the relief requested, no other or further notice need be given.

No Prior Request

10. No prior request for the relief sought in this motion has been made to this or any other court.

WHEREFORE, the Creditor Plan Proponents respectfully request entry of an order, substantially in the form attached hereto as **Exhibit A**, granting the relief requested therein and such other relief as the Court deems appropriate under the circumstances.

Dated: September 15, 2021
New York, New York

/s/ Patrick J. Nash, Jr.

Patrick J. Nash, Jr., P.C. (admitted *pro hac vice*)

Heidi M. Hockberger (admitted *pro hac vice*)

KIRKLAND & ELLIS LLP

300 North LaSalle

Chicago, Illinois 60654

Telephone: (312) 862-2000

Facsimile: (312) 862-2200

- and -

Gregory F. Pesce

WHITE & CASE LLP (admitted *pro hac vice*)

111 South Wacker Drive

Suite 5100

Chicago, Illinois 60606

Telephone: (312) 881-5400

Facsimile: (312) 881-5450

Co-Counsel to the Creditor Plan Proponents

Exhibit A

Proposed Order

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

<hr/>	
In re:	) Case No. 16-11895 (JLG)
)
CHINA FISHERY GROUP LIMITED	) Chapter 11
(CAYMAN), <i>et al.</i> , ¹)
)
Debtors.	) (Jointly Administered)
	) Related Docket Nos. _____
<hr/>	
In re:	) Case No. 16-11914 (JLG)
)
CFG PERU INVESTMENTS PTE. LIMITED	) Chapter 11
(SINGAPORE),)
)
Debtor.	) (Jointly Administered)
	) Related Docket Nos. _____
<hr/>	

**ORDER SHORTENING NOTICE OF CREDITOR PLAN PROPONENTS’
MOTION FOR ENTRY OF AN ORDER (I) CLARIFYING CERTAIN ASPECTS
OF THE CREDITOR PLAN PROPONENTS’ CHAPTER 11 PLAN FOR CFG PERU
INVESTMENT PTE. LTD. (SINGAPORE) AND (II) GRANTING RELATED RELIEF**

Upon the motion (the “Motion”)² of the Creditor Plan Proponents for entry of an order (this “Order”) scheduling an expedited hearing and shortening the notice period with respect to the *Creditor Plan Proponents’ Motion for Entry of an Order (I) Clarifying Certain Aspects of the*

¹ The debtors in these chapter 11 cases are China Fishery Group Limited (Cayman), Pacific Andes International Holdings Limited (Bermuda), N.S. Hong Investment (BVI) Limited, South Pacific Shipping Agency Limited (BVI), China Fisheries International Limited (Samoa), CFGL (Singapore) Private Limited, Chanery Investment Inc. (BVI), Champion Maritime Limited (BVI), Growing Management Limited (BVI), Target Shipping Limited (HK), Fortress Agents Limited (BVI), Ocean Expert International Limited (BVI), Protein Trading Limited (Samoa), CFG Peru Investments Pte. Ltd. (Singapore), Smart Group Limited (Cayman), Super Investment Limited (Cayman), Pacific Andes Resources Development Limited (Bermuda), Nouvelle Foods International Ltd., Golden Target Pacific Limited, Pacific Andes International Holdings (BVI) Limited, Zhonggang Fisheries Limited, Admired Agents Limited, Chiksano Management Limited, Clamford Holding Limited, Excel Concept Limited, Gain Star Management Limited, Grand Success Investment (Singapore) Private Limited, Hill Cosmos International Limited, Loyal Mark Holdings Limited, Metro Island International Limited, Mission Excel International Limited, Natprop Investments Limited, Pioneer Logistics Limited, Sea Capital International Limited, Shine Bright Management Limited, Superb Choice International Limited, and Toyama Holdings Limited (BVI).

² Capitalized terms used but not defined herein shall have the definitions given to them in the Motion.

Creditor Plan Proponents' Chapter 11 Plan for CFG Peru Investment Pte. Ltd. (Singapore) *and (II) Granting Related Relief* (the "Plan Clarifying Motion"), as more fully set forth in the Motion; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference from the United States District Court for the Southern District of New York*, dated January 31, 2012; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and that this Court may enter a final order consistent with Article III of the United States Constitution; and this Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the relief requested in the Motion is in the best interests of CFG Peru, its estate, its creditors, including the Creditor Plan Proponents, and other parties in interest; and it appearing that notice of the Motion has been given as set forth in the Motion and that such notice is adequate under the circumstances and no other or further notice need be given; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Motion is granted as set forth herein.
2. Any responses or objections to the Plan Clarifying Motion must be filed so as to be **actually received** no later than **September 21, at 12:00 p.m. (prevailing Eastern Time)**.
3. If there are objecting parties, the Plan Clarifying Motion will be heard at the hearing scheduled for **September 22, 2021 at 12:00 p.m. (prevailing Eastern Time)** before the Honorable James L. Garrity, Jr. at the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, NY 10004, Courtroom 601. Absent any objections, the Plan Clarifying Motion will be considered on presentment by this Court on the same date.

4. Notwithstanding anything to the contrary, the terms and conditions of this Order are immediately effective and enforceable upon its entry.

5. As soon as practicable following the entry of this Order, the Creditor Plan Proponents shall serve a copy of this Order, the Motion, and the Plan Clarifying Motion upon all parties identified in the notice provision of the Motion by overnight mail delivery or electronic mail, where available.

6. The Creditor Plan Proponents are authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion.

7. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

New York, New York
Dated: _____, 2021

THE HONORABLE JAMES L. GARRITY, JR.
UNITED STATES BANKRUPTCY JUDGE