

THE LAW OF AIMEE P. LEVINE

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Attorneys for China CITIC Bank International Limited

Presentment Date: February 26, 2019

Time: 12:00 p.m. (Eastern Time)

Objections Due: February 26, 2019

Time: 11:30 a.m. (Eastern Time)

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

In re:

Chapter 11

CHINA FISHERY GROUP LIMITED
(CAYMAN), *et al.*

Case No. 16-11895 (JLG)

Jointly Administered

Debtors.¹

**NOTICE OF PRESENTMENT OF ORDER GRANTING MOTION FOR ENTRY OF AN
ORDER TO PERMIT THE LAW OFFICE OF AIMEE P. LEVINE TO WITHDRAW AS
ATTORNEY OF RECORD FOR CHINA CITIC BANK INTERNATIONAL LIMITED**

PLEASE TAKE NOTICE that upon the annexed motion of The Law Office of Aimee P. Levine, the undersigned will present the attached order (the “Order”) to the Honorable James L. Garrity, Jr., United States Bankruptcy Judge, for signature and entry on February 26, 2019 at 12:00 p.m.

¹ The Debtors 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. Limited (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).

PLEASE TAKE FURTHER NOTICE that objections, if any, to the proposed Order (the “Objections”), shall (i) be in writing; (ii) conform to the Federal Rules of Bankruptcy Procedure, Local Bankruptcy Rules and General Orders; (iii) specify the name of the objecting party and state with specificity the basis of the Objections(s) and the specific grounds therefore; (iv) be filed in accordance with the electronic filing procedures for the United States Bankruptcy Court for the Southern District of New York, with proof of service, and a courtesy copy delivered to the Chambers of the Honorable James L. Garrity, Jr., One Bowling Green, Courtroom 601, New York, New York 10004; and (v) be served upon the undersigned so as to be received no later than February 26, 2019 at 11:30 a.m.

PLEASE TAKE FURTHER NOTICE that, in the event any Objections are timely served and filed, a hearing may be held before the Honorable James L. Garrity, Jr., United States Bankruptcy Judge, at a date to be scheduled by the Court, upon such additional notice as the Court may direct. The moving and objecting parties are required to attend the hearing, and failure to attend in person or by counsel may result in relief being granted or denied upon default.

PLEASE TAKE FURTHER NOTICE that unless Objections are timely served and filed, the proposed Order may be signed without a hearing.

Dated: New York, New York
February 18, 2019

Respectfully submitted,

THE LAW OFFICE OF AIMEE P. LEVINE

By: /s/Aimee P. Levine
Aimee P. Levine, Esq.

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

In re:

CHINA FISHERY GROUP LIMITED
(CAYMAN), *et al.*

Debtors.¹

Chapter 11

Case No. 16-11895 (JLG)

Jointly Administered

**MOTION FOR ENTRY OF AN ORDER TO PERMIT
THE LAW OFFICE OF AIMEE P. LEVINE TO WITHDRAW
AS ATTORNEY OF RECORD FOR
CHINA CITIC BANK INTERNATIONAL LIMITED**

The Law Office of Aimee P. Levine files this Motion for Entry of An Order to Permit it to withdraw its appearance as attorney of record for China CITIC Bank International Limited (“China CITIC”) and in support of the motion states as follows:

¹ The Debtors 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. Limited (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).

BACKGROUND

1. On June 30, 2016, the original 16 debtors in these cases filed voluntary petitions for relief under Chapter 11 of the Bankruptcy Code. On September 29, 2016, Pacific Andes Resource Development Limited (Bermuda) commenced a voluntary case under Chapter 11 of the Bankruptcy Code.

2. Thereafter, on March 27, 2017, Nouvelle Foods International Ltd. and Golden Target Pacific Limited commenced voluntary cases under Chapter 11 of the Bankruptcy Code. On April 17, 2017, Pacific Andes International Holdings (BVI) Limited and Zhonggang Fisheries Limited commenced voluntary cases under Chapter 11 of the Bankruptcy Code. On May 2, 2017, 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) commenced voluntary cases under Chapter 11 of the Bankruptcy Code.

3. On September 7, 2016, The Law Office of Aimee P. Levine (the “Firm”) filed a *Notice of Appearance and Request for Service of Papers Pursuant to §1109(b) of the Bankruptcy Code and Bankruptcy Rules 2002 and 9010* [Docket No. 151] on behalf of China CITIC.

4. China CITIC, among other items, retained the Firm to represent its interests as a creditor of the following debtors in this action: China Fisheries International Limited (Samoa) (“CFIL”) (Claim No. 87-1); China Fishery Group Limited (Caymen) (“CFGL”) (Claim No. 88-1); Pacific Andes International Holdings Limited (Bermuda) (“PAIH”) (Claim Nos. 81-1, 81-2); Smart Group Limited (Caymen) (“Smart Group”) (Claim No. 59-1); Pacific Andes Resources

Development Limited (“PARD”) (Claim No. 33); and N.S. Hong Kong Investments (BVI) Limited (“N.S. Hong”) (Claim No. 68-1). These claims arise out of two sources of indebtedness: (1) a Facility Agreement dated March 1, 2014 (the “Facility Agreement”) and related documents; and (2) a Facility Letter dated December 9, 2013 (the “Facility Letter”) and related documents. Since the claims were filed, China CITIC transferred its claim relating to the Facility Agreement to Deutsche Bank AG in 2018, leaving only claims against PAIH and PARD under the Facility Letter. Because of the current state of the sales process of CFG Investments S.A.C. and Corporacion Pesquera Inca S.A.C. (collectively referred to in these proceedings as the “Peruvian OpCos”), China CITIC believes that it is unlikely to obtain any recovery with respect to its claims against PAIH and PARD. As a result, China CITIC has determined that it now no longer requires representation by counsel in these proceedings.

ARGUMENT

5. Local Bankruptcy Rule 2090-1(e) provides that an attorney who has appeared as an attorney of record may withdraw only by order of the Court for cause. *See Rule 2090-1(e)* (“An attorney who has appeared as attorney of record may withdraw or be replaced only by order of the Court for cause shown”).

6. Rule 1.16(c)(10) of the New York Rules of Professional Conduct² provides that, except as provided in Paragraph (d) of Rule 1.16, “a lawyer may withdraw from representing a client when: (10) the client knowingly and freely assents to termination of the employment....”. *New York Rules of Professional Conduct, Rule 1.16(c)(10)*. Rule 1.16(d) provides that “[i]f permission for withdrawal from employment is required by the rules of a

² Local Civil Rule 1.5(b)(5) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York indicates that attorneys admitted to practice in the Southern District of New York should comply with the standards set forth in the New York Rules of Professional Conduct.

tribunal, a lawyer shall not withdraw from employment in a matter before that tribunal without its permission....”. *New York Rules of Professional Conduct, Rule 1.16(d)*.

7. China CITIC is a sophisticated financial institution and able to determine whether continued representation by counsel in these proceedings is necessary. It is entitled to make its own decisions with regard to the necessity of representation.

8. Because China CITIC assents to the termination of the Firm’s representation, this motion is being made in accordance with the Local Bankruptcy Rules and the New York Rules of Professional Conduct.

9. Accordingly, for the foregoing reasons, it is respectfully requested that the Court grant this motion.

WHEREFORE, for the reasons set forth above, it is respectfully requested that the Court enter the proposed order submitted herewith, grant the relief requested and such other and further relief as the Court deems appropriate.

Dated: New York, New York
February 18, 2019

Respectfully submitted,

THE LAW OFFICE OF AIMEE P. LEVINE

By: /s/Aimee P. Levine

Aimee P. Levine, Esq.
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EXHIBIT A

THE LAW OF AIMEE P. LEVINE

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**[Proposed] ORDER GRANTING MOTION TO PERMIT
THE LAW OFFICE OF AIMEE P. LEVINE TO WITHDRAW
AS ATTORNEY OF RECORD FOR
CHINA CITIC BANK INTERNATIONAL LIMITED**

Upon the *Motion for Entry of An Order to Permit The Law Office of Aimee P. Levine to Withdraw as Attorney of Record for China CITIC Bank International Limited* (“China CITIC”)

[Docket No. ____] (the “Motion”);² the Court having reviewed the Motion; and the Court having found that (i) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334,

¹ The Debtors 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), CFGI (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. Limited (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 not otherwise defined herein shall have the meaning ascribed to them in the Motion.

(ii) venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409, (iii) this is a core proceeding pursuant to 28 U.S.C. § 157(b), and (iv) notice of the Motion was sufficient under the circumstances, and after due deliberation the Court having found and determined that the relief sought in the Motion is appropriate, and that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is

ORDERED, that the Motion is granted as provided herein; and it is further

ORDERED, that The Law Office of Aimee P. Levine's representation of China CITIC Bank International Limited in these cases is terminated as of February 26, 2019; and it is further

ORDERED that nothing in this order shall relieve The Law Office of Aimee P. Levine of any of its obligations under the New York Rules of Professional Conduct, including, but not limited to, those that may arise under Rule 1.9 regarding duties to former clients.

Dated: _____, 2019
New York, New York

The Honorable James L. Garrity
United States Bankruptcy Judge