

  
Honorable Hilary L. Barnes  
United States Bankruptcy Judge



Entered on Docket  
September 05, 2024

**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

In re:

☒ NEVADA COPPER, INC.  
☒ NEVADA COPPER CORP.  
☒ NC DITCH COMPANY LLC  
☒ NC FARMS LLC  
☒ LION IRON CORP.  
☒ 0607792 B.C. LTD.

Debtors.<sup>1</sup>

Lead Case No.: 24-50566-hlb  
Chapter 11

Jointly Administered with:  
Case No.: 24-50567-hlb  
Case No.: 24-50568-hlb  
Case No.: 24-50569-hlb  
Case No.: 24-50570-hlb  
Case No.: 24-50571-hlb

Hearing Date: August 26, 2024  
Hearing Time: 1:30 p.m.

**ORDER (I) AUTHORIZING THE ASSUMPTION  
OF AN AGREEMENT WITH ALLIED SANITATION  
SERVICES LLC AND (II) GRANTING RELATED RELIEF**

Upon the motion (the “*Motion*”)<sup>2</sup> of the Debtors for entry of an order (this “*Order*”), pursuant to section 365 of the Bankruptcy Code, Bankruptcy Rules 9014 and Local Rule 9014 and 9006, (i) authorizing the Debtors’ to assume the a services agreement between Allied Sanitation Services LLC (“*Allied*”) and Nevada Copper, Inc. (“*NCP*”) dated February 23, 2023 (the “*Allied Agreement*”), as amended, and (ii) granting related relief; and upon the *Declaration of Gregory J. Martin in Support of the Debtors’ Motion for Entry of an Order (I) Authorizing the Assumption of an Agreement with Allied Sanitation Services LLC and (II) Granting Related Relief* [ECF No. 465] (the “*Declaration*”); and it appearing that this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that this is a core proceeding pursuant to 28 U.S.C.

<sup>1</sup> The Debtors in these chapter 11 cases and the last four digits of their registration numbers in the jurisdiction in which they are organized are: Nevada Copper, Inc. (1157) (Nevada); Nevada Copper Corp. (5323) (British Columbia); 0607792 B.C. Ltd. (2524) (British Columbia); Lion Iron Corp. (2904) (Nevada); NC Farms LLC (0264) (Nevada); and NC Ditch Company LLC (4396) (Nevada).

<sup>2</sup> Capitalized terms used and not otherwise defined herein shall have the meanings ascribed to them in the Motion.

§ 157(b)(2)(A) and that this Court may enter a final order consistent with Article III of the United States Constitution; and, under the circumstances, proper and adequate notice of the Motion and the hearing thereon having been given; and it appearing that no other or further notice is necessary; and this Court having reviewed the Motion and the Declaration and having heard the statements in support of the relief requested therein at a hearing before this Court; and it appearing that the legal and factual bases set forth in the Motion and the Declaration establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor;

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED as set forth herein.

2. The Debtors are authorized, pursuant to sections 365(a) and 105(a) of the Bankruptcy Code, to assume the Allied Agreement. Pursuant to section 365 of the Bankruptcy Code, subject to (i) the Debtors' payment to Allied of a cure payment in the amount of \$6,378.00 (the "**Cure Payment**"), and (ii) Allied and NCI agreeing to an amendment to the Allied Agreement that permits NCI to terminate the Allied Agreement, at NCI's election, upon ten business days' advance notice to Allied, the Allied Agreement is hereby assumed, effective as of the date of the entry of this Order.

3. The Cure Payment shall cure all monetary and other defaults in existence as of the date hereof and Allied is hereby forever barred from asserting claims arising under the Allied Agreement prior to the date hereof.

4. The Debtors are authorized and empowered to fully perform their obligations under the Allied Agreement and take any other such action as may be necessary and appropriate to implement the relief granted in this Order.

5. Nothing in this Order or any action taken by the Debtors in furtherance of the implementation hereof shall be deemed to constitute an assumption or rejection of any agreement or unexpired lease pursuant to section 365 of the Bankruptcy Code other than of the Allied Agreement expressly referenced herein, and all of the Debtors' rights with respect to such matters are expressly reserved.

1           6.       Nothing in the Motion or this Order shall be deemed or construed as: (i) an  
2 admission as to the validity of any claim against the Debtors; (ii) a waiver of the Debtors' rights  
3 to dispute any claim on any grounds; (iii) a promise to pay any claim; or (iv) a waiver of the  
4 Debtors' rights to contest the extent, perfection, priority, validity, or amount of any claim or lien.

5           7.       The assumption of the Allied Agreement by the Debtors as authorized herein is  
6 without prejudice to the Debtors' rights to assign the Allied Agreement in the future in accordance  
7 with section 365 of the Bankruptcy Code.

8           8.       Notwithstanding Bankruptcy Rule 6004(h), the terms and provisions of this Order  
9 shall be immediately effective and enforceable upon its entry.

10          9.       Notwithstanding any provision in the Federal Rules of Bankruptcy Procedure to the  
11 contrary, the Debtors are not subject to any stay in the implementation, enforcement or realization  
12 of the relief granted in this Order, and the Debtors may take, in their discretion and without further  
13 delay, any action and perform any act necessary to implement the relief granted in this Order.

14          10.      This Court shall retain jurisdiction over any and all matters arising from or related  
15 to the interpretation or implementation of this Order.

16               **IT IS SO ORDERED.**

In accordance with LR 9021, counsel submitting this **ORDER (I) AUTHORIZING THE ASSUMPTION OF AN AGREEMENT WITH ALLIED SANITATION SERVICES LLC AND (II) GRANTING RELATED RELIEF** certifies that the order accurately reflects the court's ruling and that (check one):

☐ The Court has waived the requirement set forth in LR 9021(b)(1).

☐ No party appeared at the hearing or filed an objection to the motion.

☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document].

Joseph E. Szydlo  
AKIN GUMP STRAUSS HAUER  
& FELD LLP  
*Attorneys for DIP Lenders*

**APPROVED** / ~~DISAPPROVED~~

☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

Prepared and submitted by:

McDONALD CARANO LLP

/s/ Ryan J. Works

Ryan J. Works (NSBN 9224)  
Amanda M. Perach (NSBN 12399)  
2300 West Sahara Avenue, Suite 1200  
Las Vegas, Nevada 89102

ALLEN OVERY SHEARMAN STERLING US LLP  
Fredric Sosnick (NYSBN 2472488) (admitted *pro hac vice*)  
Sara Coelho (NYSBN 4530267) (admitted *pro hac vice*)  
599 Lexington Avenue  
New York, New York 10022

*Counsel to the Debtors and Debtors in Possession*