

ENTERED

December 24, 2024

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ALAN D. HALPERIN, as Litigation Trustee of
the Instant Brands Litigation Trust,

Plaintiff,

v.

CORNELL CAPITAL LLC, CORNELL
CAPITAL PARTNERS LP, CC WK CO-
INVEST LP, AGATE INFORMATICS CORP.,
4060288 CANADA INC., 7326998 CANADA
INC., HENRY CORNELL, JUSTINE CHENG,
RODRIGO BRAVO, YOUNGHOON PARK,
ROBERT WANG, YI QIN, CHRISTOPHER
LAROCQUE, BENOIT GADBOIS,
NICHOLAS HEWITT, JEFFREY KIST,
WILLIAM HESS, CATHERINE LANDMAN,
KENNETH WILKES, LAWRENCE MCRAE,
and JOHN DUBEL,

Defendants.

Chapter 11

Case No. 23-90716 (MI)

Jointly Administered

Adv. Proc. No. 24-03232 (MI)

**STIPULATION AND AGREED ORDER
BETWEEN PLAINTIFF ALAN D. HALPERIN AND DEFENDANTS**

This Stipulation and Agreed Order (the “Stipulation and Agreed Order”) is made by and among Alan D. Halperin, as Litigation Trustee of the Instant Brands Litigation Trust (“Plaintiff”), and Cornell Capital LLC, Cornell Capital Partners LP, CC WK Co-Invest LP, Agate Informatics Corp., 4060288 Canada Inc., 7326998 Canada Inc., Henry Cornell, Justine Cheng, Rodrigo Bravo, Robert Wang, Yi Qin, Christopher Larocque, Younghoon Park, Benoit Gadbois, Nicholas Hewitt, Jeffrey Kist, William Hess, Catherine Landman, Kenneth Wilkes, Lawrence McRae, and John Dubel (collectively, the “Defendants” and together with the Plaintiff, the “Parties”).

WHEREAS, on November 13, 2024, Plaintiff filed a Complaint in the above-captioned Adversary Proceeding;

WHEREAS, Plaintiff and the Defendants have agreed to a preliminary case schedule to govern the filing of certain motions and any response thereto;

WHEREAS, the parties have been in contact with the Case Manager of this case, and she has indicated that the Court can move the Rule 7016 Conference currently scheduled for February 3, 2025 to February 18, 2025 to address a scheduling conflict of one of the parties' law firms;

IT IS HEREBY STIPULATED by and between the Parties, through their undersigned counsel, and subject to approval of the Court:

1. Defendants shall file their respective Motions to Dismiss by February 14, 2025;
2. Plaintiffs shall respond to the Motion(s) to Dismiss by April 18, 2025;
3. Defendants shall file any Reply in support of the Motion(s) to Dismiss by May 23, 2025.
4. The Rule 7016 Conference shall be held on February 18, 2025, at 1:30 pm CST.
5. All rights, claims and defenses of the Parties are fully preserved, except that all Defendants agree that they have been properly served with, or accepted service of, the Complaint in this action.

Signed: December 23, 2024

A handwritten signature in black ink, appearing to read 'M Isgur', is written over a horizontal line.

Marvin Isgur
United States Bankruptcy Judge

By: /s/ Jason J. Newcomer

Joshua J. Newcomer (SBN 24060329)

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LP, Henry Cornell, Justine Cheng and Rodrigo

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By: /s/ Shari L. Heyen

Shari L. Heyen

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*Counsel for Defendants Younghoon Park,
Benoit Gadbois, Nicholas Hewitt, Jeffrey Kist,
William Hess, Catherine Landman, Kenneth
Wilkes, Lawrence McRae, and John Dubel*

IT IS SO ORDERED:

Dated: December __, 2024

HONORABLE MARVIN ISGUR

U.S. BANKRUPTCY JUDGE

United States Bankruptcy Court
Southern District of Texas

Alan D. Halperin, as Litigation Trustee,
Plaintiff
Cornell Capital LLC,
Defendant

Adv. Proc. No. 24-03232-mi

CERTIFICATE OF NOTICE

District/off: 0541-4
Date Rcvd: Dec 24, 2024

User: ADIuser
Form ID: pdf002

Page 1 of 2
Total Noticed: 0

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 26, 2024:

NONE

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
dft		4060288 Canada Inc.
dft		7326998 Canada Inc.
dft		Agate Informatics Corp.
pla		Alan D. Halperin, as Litigation Trustee of the Ins
dft		Benoit Gadbois
dft		CC WK Co-Invest LP
dft		Catherine Landman
dft		Christopher Larocque
dft		Cornell Capital LLC
dft		Cornell Capital Partners LP
dft		Henry Cornell
dft		Jeffrey Kist
dft		John Dubel
dft		Justine Cheng
dft		Kenneth Wilkes
dft		Lawrence McRae
dft		Nicholas Hewitt
dft		Robert Wang
dft		Rodrigo Bravo
dft		William Hess
dft		Yi Qin
dft		Younghoon Park

TOTAL: 22 Undeliverable, 0 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 26, 2024

Signature: /s/Gustava Winters

District/off: 0541-4
Date Rcvd: Dec 24, 2024

User: ADIuser
Form ID: pdf002

Page 2 of 2
Total Noticed: 0

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 24, 2024 at the address(es) listed below:

Name	Email Address
James Hartmann Smith	on behalf of Plaintiff Alan D. Halperin as Litigation Trustee of the Instant Brands Litigation Trust jsmith@mckoolsmith.com, james-smith-5435@ecf.pacerpro.com,managingclerk@mckoolsmith.com
John F Higgins, IV	on behalf of Defendant CC WK Co-Invest LP jhiggins@porterhedges.com emoreland@porterhedges.com;eliana-garfias-8561@ecf.pacerpro.com;mwebb@porterhedges.com
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Joshua James Newcomer	on behalf of Plaintiff Alan D. Halperin as Litigation Trustee of the Instant Brands Litigation Trust jnewcomer@mckoolsmith.com, newcomer-4044@ecf.pacerpro.com,ajohns@mckoolsmith.com
Kyle Lonergan	on behalf of Plaintiff Alan D. Halperin as Litigation Trustee of the Instant Brands Litigation Trust klonergan@mckoolsmith.com, kyle-lonergan-6437@ecf.pacerpro.com

TOTAL: 9