## UNITED STATES BANKRUPTCY COURT DISTRICT OF DELAWARE

In re

Chapter 15

ARCTIC GLACIER INTERNATIONAL INC., :

Case No. 12-10605 (KG)

et al., 1

(Jointly Administered)

Debtors in a Foreign Proceeding.

Ref. Docket Nos. 70, 81 & 86

## ORDER GRANTING MOTION OF NESTOR H. IRIZARRY AND PATRICIA IRIZARRY FOR RELIEF FROM THE AUTOMATIC STAY TO PROCEED WITH AND CONSUMMATE SETTLEMENT OF STATE COURT PERSONAL INJURY ACTION

Upon consideration of the motion (the "Motion")<sup>2</sup> of Nestor H. Irizarry and Patricia Irizarry (together, the "Movants") for the entry of an order granting relief from the stay to proceed with and consummate the Settlement of the State Court Liability Action; and upon the Response of the Monitor and the Debtors to Motion of Nestor H. Irizarry and Patricia Irizarry for Relief from the Automatic Stay [Docket No. 86], containing representations by the Debtors

The last four digits of the United States Tax Identification Number or Canadian Business Number, as applicable, follow in parentheses: (i) Arctic Glacier California Inc. (7645); (ii) Arctic Glacier Grayling Inc. (0976); (iii) Arctic Glacier Inc. (4125); (iv) Arctic Glacier Income Fund (4736); (v) Arctic Glacier International Inc. (9353); (vi) Arctic Glacier Lansing Inc. (1769); (vii) Arctic Glacier Michigan Inc. (0975); (viii) Arctic Glacier Minnesota Inc. (2310); (ix) Arctic Glacier Nebraska Inc. (7790); (x) Arctic Glacier New York Inc. (2468); (xi) Arctic Glacier Newburgh Inc. (7431); (xii) Arctic Glacier Oregon, Inc. (4484); (xiii) Arctic Glacier Party Time Inc. (0977); (xiv) Arctic Glacier Pennsylvania Inc. (9475); (xv) Arctic Glacier Rochester Inc. (6989); (xvi) Arctic Glacier Services Inc. (6657); (xvii) Arctic Glacier Texas Inc. (3251); (xviii) Arctic Glacier Vernon Inc. (3211); (xix) Arctic Glacier Wisconsin Inc. (5835); (xx) Diamond Ice Cube Company Inc. (7146); (xxi) Diamond Newport Corporation (4811); (xxii) Glacier Ice Company, Inc. (4320); (xxiii) Ice Perfection Systems Inc. (7093); (xxiv) ICEsurance Inc. (0849); (xxv) Jack Frost Ice Service, Inc. (7210); (xxvi) Knowlton Enterprises Inc. (8701); (xxvii) Mountain Water Ice Company (2777); (xxviii) R&K Trucking, Inc. (6931); (xxix) Winkler Lucas Ice and Fuel Company (0049); (xxx) Wonderland Ice, Inc. (8662). The Debtors' executive headquarters is located at 625 Henry Avenue, Winnipeg, Manitoba, R3A 0V1, Canada.

Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion

and Alvarez & Marsal Canada Inc. (the "Foreign Representative" or the "Monitor"), in its capacity as the duly appointed foreign representative of the Debtors, that the relief requested in the Motion is consistent with and not prohibited by any relevant order of the Court of Queen's Bench of Winnipeg Centre (the "Canadian Court"); and it appearing that this Court has jurisdiction over this matter; and it appearing that due and adequate notice of the Motion having been given; and that no other or further notice need be provided; and it further appearing that cause exists to grant the relief requested in the Motion; and upon all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing therefor,

## IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

- 1. The Motion is granted.
- 2. The stay imposed pursuant to sections 1521(a)(1) and 362(a) of the Bankruptcy Code is lifted to the extent necessary and for the sole purpose of permitting the Movants to consummate the Settlement of the State Court Liability Action and to collect proceeds of available insurance coverage of the Debtors in satisfaction of the Settlement.
- 3. The Movants shall not collect on or enforce the Settlement of the State Court Liability Action against assets subject to this Court's jurisdiction (other than from available proceeds of insurance policies of the Debtors as provided in paragraph 2) of any of the Debtors, the Debtors' subsidiaries, affiliates, successors, or assigns, or the Debtors' current or former shareholders or unitholders, directors, officers, agents, employees, attorneys, consultants, or professional advisors, or the Foreign Representative or the Monitor.
- 4. Other than as explicitly set forth herein, any and all protections and benefits afforded by this Court's *Order Granting Recognition of Foreign Main Proceeding and Certain*

Related Relief [Docket No. 70] shall remain in full force and effect, unless subsequently modified by an Order of this Court.

5. This Court shall retain jurisdiction with respect to all matters arising from or in relation to the implementation of this Order. Any motion or application brought before this Court to resolve any dispute arising under or related to this Order shall be brought on proper notice in accordance with the relevant Federal Rules of Bankruptcy Procedure and the Local Rules.

Dated: April 18, 2012

Wilmington, Delaware

United States Bankruptcy Judge