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**COUNSEL FOR DEFENDANT
AIRBUS HELICOPTERS, S.A.S.**

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:	Chapter 11
CHC GROUP LTD., <i>et al.</i> ,	Case No. 16-31854 (BJH)
Debtors.	(Jointly Administered)
ECN CAPITAL (AVIATION) CORP.,	
Plaintiff,	
v.	Adv. Pro. No. 16-3151 (BJH)
AIRBUS HELICOPTERS, S.A.S.,	
Defendant.	

**MOTION OF AIRBUS HELICOPTERS, S.A.S. TO STRIKE PLAINTIFF'S
SUPPLEMENTAL MEMORANDUM ON POST-HEARING DEVELOPMENTS
RELATED TO PERSONAL JURISDICTION AND ABSTENTION AND
DECLARATION OF PIETRO J. SIGNORACCI AND BRIEF IN SUPPORT**



TO THE HONORABLE BARBARA J. HOUSER,
CHIEF UNITED STATES BANKRUPTCY JUDGE:

NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT 1100 COMMERCE STREET, ROOM 1254, DALLAS, TEXAS 75242 BEFORE THE CLOSE OF BUSINESS ON MONDAY, APRIL 17, 2017, WHICH IS AT LEAST 24 DAYS FROM THE DATE OF SERVICE HEREOF.

ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK, AND A COPY SHALL BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED A HEARING MAY BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.

IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.

COMES NOW, Defendant Airbus Helicopters, S.A.S. ("AH"), and files this Motion to Strike Plaintiff's Supplemental Memorandum on Post-Hearing Developments Related to Personal Jurisdiction and Abstention and Declaration of Pietro J. Signoracci and Brief in Support ("Motion") and, in support thereof, would respectfully show the Court as follows:

1. AH requests that the Court strike Plaintiff's Supplemental Memorandum on Post-Hearing Developments Related to Personal Jurisdiction and Abstention (the "Supplemental Memorandum") [ECF No. 87] and the Declaration of Pietro J. Signoracci in Support of Plaintiff's Memorandum on Post-Hearing Developments Related to Personal Jurisdiction and Abstention (the "Declaration") [ECF No. 88], because ECN Capital (Aviation) Corp. ("ECN") failed to request that the Court re-open evidence on AH's Motion to Dismiss For Lack of Subject Matter and Personal Jurisdiction, and on the Grounds of *Forum Non Conveniens* ("Motion to Dismiss") [ECF No. 24]. The Supplemental Memorandum and Declaration contain evidence that was not admitted into evidence at the hearing on the motion to dismiss hearing held on February 28, 2017 (the

“Hearing”). Therefore, the Court should not consider any new evidence contained in or attached to the Supplemental Memorandum and Declaration that was not admitted into evidence at the Hearing.

2. To the extent the Court considers ECN’s post-hearing submission as an informal motion to re-open, the Court should deny the motion to reopen because the importance of the probative value of the additional evidence is minimal (*i.e.* the “new” evidence still does not fulfill the “relatedness” requirement for specific jurisdiction). *Garcia v. Woman’s Hosp. of Texas*, 97 F.3d 810, 814 (5th Cir. 1996). While AH is not prejudiced if the Court considers ECN’s additional evidence, the Court should not allow ECN to waste the Court’s time and resources with voluminous filings that fail to assist the Court in determining AH’s Motion to Dismiss. *Id.*

3. For the foregoing reasons, the Court should grant the Motion and strike ECN’s Supplemental Memorandum and Declaration.

WHEREFORE, PREMISES CONSIDERED, Defendant Airbus Helicopters, S.A.S. respectfully requests that the Court enter an order (a) granting this Motion, (b) striking the Supplemental Memorandum and Declaration, and (c) for such other relief to which it is justly entitled.

Dated: March 23, 2017.

Respectfully submitted,

HIERSCHE, HAYWARD, DRAKELEY
& URBACH, P.C.

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**COUNSEL FOR DEFENDANT AIRBUS
HELICOPTERS S.A.S.**

CERTIFICATE OF CONFERENCE

On March 23, 2017, the undersigned attorney, conferred by e-mail with counsel for Plaintiff regarding the relief sought in this Motion. At the time of the filing of this Motion, counsel for Plaintiff had yet to respond. Counsel for Defendant assumes that counsel for Plaintiff is opposed to the relief sought in this Motion.

/s/ Jason M. Katz

Jason M. Katz

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on March 23, 2017, a true and correct copy of the above and foregoing document was filed with the court via CM/ECF and served on all parties requesting electronic notification.

/s/ Jason M. Katz

Jason M. Katz

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

<p>In re:</p> <p>CHC GROUP LTD., <i>et al.</i>,</p> <p style="text-align: center;">Debtors.</p> <hr/> <p>ECN CAPITAL (AVIATION) CORP.,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>AIRBUS HELICOPTERS SAS,</p> <p style="text-align: center;">Defendant.</p>	<p>Chapter 11</p> <p>Case No. 16-31854 (BJH)</p> <p>(Jointly Administered)</p> <p>Adv. Pro. No. 16-3151 (BJH)</p>
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**ORDER GRANTING MOTION OF AIRBUS HELICOPTERS, S.A.S. TO STRIKE
PLAINTIFF’S SUPPLEMENTAL MEMORANDUM ON POST-HEARING
DEVELOPMENTS RELATED TO PERSONAL JURISDICTION AND ABSTENTION
AND DECLARATION OF PIETRO J. SIGNORACCI AND BRIEF IN SUPPORT**

On this day, came on for consideration, the Motion of Airbus Helicopters, S.A.S. to Strike ECN Capital (Aviation) Corp.’s (“Plaintiff’s”) Supplemental Memorandum on Post-Hearing Developments Related to Personal Jurisdiction and Abstention and Declaration of Pietro J.

Signoracci and Brief in Support (the “Motion”). After reviewing the Motion, the Court finds that good cause exists to grant the Motion. It is therefore:

ORDERED, ADJUDGED AND DECREED that the Motion is hereby **GRANTED**; and it is further

ORDERED, ADJUDGED AND DECREED that Plaintiff’s Supplemental Memorandum on Post-Hearing Developments Related to Personal Jurisdiction and Abstention [ECF No. 87] and the Declaration of Pietro J. Signoracci in Support of Plaintiff’s Memorandum on Post-Hearing Developments Related to Personal Jurisdiction and Abstention [ECF No. 88] are stricken from the record of this case and not admitted into evidence on Airbus Helicopters, S.A.S.’s Motion to Dismiss for Lack of Subject Matter and Personal Jurisdiction, and on the Grounds of *Forum Non Conveniens* [ECF No. 24].

End of Order

SUBMITTED BY:

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