

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

In re)
)
CHC GROUP LTD., et al.,) Case No. 16-31854-BJH-11
)
Debtors.)

* * *

ECN CAPITAL (AVIATION) CORP.,)
)
Plaintiff,)
v.) Adversary No. 16-03151-BJH
)
AIRBUS HELICOPTERS, S.A.S.,)
)
Defendant.) Civil Action No. 3:17-CV-075-C

ORDER

CAME BEFORE THIS COURT FOR CONSIDERATION the Proposed Findings of Fact and Conclusions of Law Regarding Defendant 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*, signed by the Honorable Barbara J. Houser on March 28, 2017, in which she recommends that this Court: (1) grant the Motion to Dismiss for lack of personal jurisdiction over Airbus Helicopters, S.A.S. ("Airbus"); (2) in the alternative, if personal jurisdiction is found to exist over Airbus, dismiss the adversary proceeding on grounds of *forum non conveniens*; or (3) further in the alternative, if personal jurisdiction over Airbus exists and the adversary proceeding is not dismissed on grounds of *forum non conveniens*, permissively abstain from hearing the adversary proceeding.



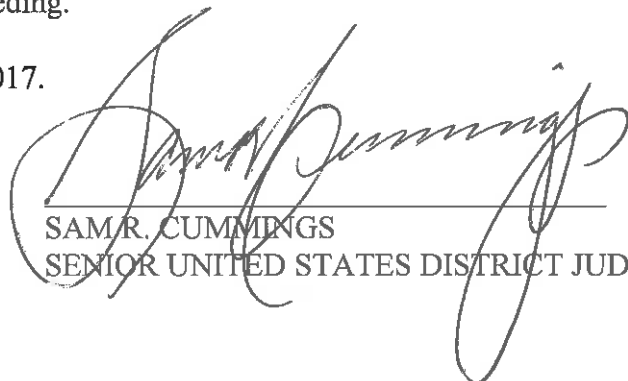
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Both parties have demanded a jury trial and do not consent to the Bankruptcy Court's entry of a final order in this proceeding. On April 11, 2017, Plaintiff ECN Capital Corporation ("ECN") filed its Objections to the Bankruptcy Court's Proposed Findings of Fact and Conclusions of Law. Airbus filed its Response to ECN's Objections on April 25, 2017.

After considering the arguments presented in the Objections and Response, and after conducting a *de novo* review, the Court finds that ECN's Objections should be OVERRULED for the reasons argued in Airbus's Response thereto.¹ Further, after reviewing the thorough and well-reasoned Proposed Findings of Fact and Conclusions of Law, the Court is of the opinion that the Proposed Findings of Fact and Conclusions of Law entered by the Bankruptcy Court should be adopted as the findings and conclusions of this Court.

THEREFORE, IT IS ORDERED that Defendants' Motion to Dismiss is **GRANTED** and the case is DISMISSED WITHOUT PREJUDICE for lack of personal jurisdiction over Airbus Helicopters, S.A.S., or in the alternative, on grounds of forum non conveniens. Further in the alternative, even if personal jurisdiction over Airbus exists and the adversary proceeding is not dismissed on grounds of forum non conveniens, the Court finds that it should permissively abstain from hearing the adversary proceeding.

Dated this 7th day of August, 2017.



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE

¹As argued by Defendant Airbus, the Court reviewed the additional designation of the record of the case submitted by Airbus on May 3, 2017, and not just the Appendix filed by ECN on April 11, 2017.