

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:)	Chapter 11
)	
MatlinPatterson Global Opportunities Partners II L.P., <i>et al.</i> ,)	Case No. 21-11255 (DSJ)
)	
Debtors. ¹)	(Jointly Administered)

PRE-ESTIMATION TRIAL SCHEDULING ORDER

It is hereby ORDERED as follows:

1. **Discovery.**

- a. In order to provide sufficient time for estimation preparation, Parties shall have until **March 24, 2023** to complete all fact discovery.
- b. In the event of a dispute over discovery, the parties’ counsel shall promptly confer to attempt in good faith to resolve the dispute. If, notwithstanding their good faith efforts to do so, they are unable to resolve a discovery issue, they shall promptly inform the Court by letter of the nature of the dispute and request a discovery conference. At the conference, the Court may ask the parties about their prior efforts to resolve the dispute.

2. **Expert Hearing On Issues Of Brazilian Law**

- a. This Court shall hold a one-day hearing on **March 30, 2023** in connection with the issues of Brazilian law relevant to the VarigLog Claim (the “Expert Hearing”).
- b. The issues of Brazilian law to be determined by this Court at the Expert Hearing are:
 - i. The nature of VarigLog’s cause of action under Article 82 of the Brazilian Bankruptcy Act, including all elements necessary to establish liability under Article 82.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, if any, are: MatlinPatterson Global Opportunities Partners II L.P. (8284); MatlinPatterson Global Opportunities Partners (Cayman) II L.P. (8246); MatlinPatterson Global Partners II LLC (6962); MatlinPatterson Global Advisers LLC (2931); MatlinPatterson PE Holdings LLC (6900); Volo Logistics LLC (8287); MatlinPatterson Global Opportunities Partners (SUB) II L.P. (9209). The location of the Debtors’ address is: 300 East 95th Street, Suite 102, New York, New York 10128.



- ii. The nature of VarigLog's cause of action under Article 50 of the Brazilian Civil Code, including all elements necessary to establish liability under Article 50.
 - iii. Any residual issues that this Court identifies as requiring its further determination following the Summary Judgment Hearing held on February 1, 2023.
- c. The Parties shall identify any expert witnesses they intend to call at the Expert Hearing by **February 17, 2023**.
 - d. Direct testimony shall be submitted by written declaration. The Parties shall exchange simultaneous declarations on the issues of Brazilian law ten days prior to the Expert Hearing, on **March 20, 2023**.
 - e. Where such declarations are used, the witness must be made available for cross-examination and re-direct at the Expert Hearing.
 - f. The Expert Hearing shall be limited to cross-examination and re-direct of the expert witnesses.
 - g. By agreement of the Parties, unless the Court directs otherwise for cause, the Parties shall not offer any motions *in limine* or *Daubert* motions in connection with the Expert Hearing.

3. **Witness List and Exhibit List Deadlines**

- a. **March 30, 2023** shall be the date by which the Parties shall exchange initial witness lists.
- b. A joint exhibit book shall be finalized no later than **April 10, 2023**. The parties shall have conferred and used their best efforts to agree on a joint exhibit book and shall have identified any exhibits whose admissibility is not agreed.

4. **Pre-Estimation Brief Deadlines**

- a. The Parties shall simultaneously submit their respective Pre-Estimation Briefs no later than 4:00 p.m. Eastern Time on **April 11, 2023**.
 - i. Each Party's Pre-Estimation Brief shall be no more than 50 pages.
 - ii. Direct testimony from fact witnesses will be submitted by declaration and must be filed together with a Party's Pre-Estimation Brief.
- b. The Final Pre-Estimation Conference will take place on **April 14, 2023** at 10:00 a.m. Eastern Time and shall be held over Zoom.

5. **Estimation Hearing**. The Estimation Hearing shall proceed as follows:

- a. The hearing shall be scheduled for the week beginning April 24, 2023, and, unless otherwise extended by the Court, shall conclude no later than close of business on April 28, 2023.
- b. The timing of each hearing day, as well as any breaks, shall be decided by the Court in consultation with the Parties.
 - i. The total time allocated for the hearing will be divided as follows: 50% for VarigLog, and 50% for Debtors and any other Interested Party objecting to VarigLog's Claim. Each party shall be at liberty to use their time to present their case as they consider appropriate.
 - ii. The following activities by a party will constitute presenting its case: (i) opening statement, (ii) any redirect examination of any fact witnesses who submitted declarations in accordance with paragraph 4(a)(ii) above, (iii) cross-examination of any witnesses called by the opposing party, and (iv) closing argument.
 - iii. The Parties shall maintain time through the chess clock method during the hearing, and report to the Court on the status of the clock both in the middle and at the end of each hearing day.
 - iv. There will be no direct testimony from fact witnesses, with only cross-examination and re-direct to be presented live.
- c. By agreement of the Parties, unless the Court directs otherwise for cause, the Parties shall not offer any motions *in limine* or *Daubert* motions.

6. **Demonstratives**

- a. Any demonstratives to be used during the Estimation Hearing (including during opening statements) shall be provided to all Parties at 8:00 p.m. Eastern Time one calendar day prior to the date of the hearing when such demonstrative will be used. The Parties shall confer in good faith prior to the start of each hearing date as to the admissibility of any demonstratives proposed to be used during that hearing date.

Dated: New York, New York
February 10, 2023

s/ David S. Jones
HONORABLE DAVID S. JONES
UNITED STATES BANKRUPTCY JUDGE