



ENTERED
04/23/2020

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

In re: § **Chapter 11**
§
§ **SPEEDCAST INTERNATIONAL** §
LIMITED, et al., § **Case No. 20-32243 (MI)**
§
Debtors.¹ § **(Jointly Administered)**
§ **Re: Docket No. __**
§

INTERIM ORDER (I) AUTHORIZING DEBTORS TO CONTINUE INSURANCE PROGRAMS AND PAY ALL OBLIGATIONS WITH RESPECT THERETO AND; (II) GRANTING RELATED RELIEF

Upon the motion, dated April 23, 2020 (the “**Motion**”)² of SpeedCast International Limited and its affiliated debtors in the above-captioned chapter 11 cases, as debtors and debtors in possession (collectively, the “**Debtors**”), for entry of an order pursuant to sections 105(a), 362(b), 363(b), and 503(b) of the Bankruptcy Code and Bankruptcy Rules 4001, 6003, and 6004 (i) authorizing the Debtors to (a) continue all the Insurance Programs in accordance with the applicable insurance policies and indemnity agreements and to perform with respect thereto in the ordinary course of business, (b) pay all Insurance Obligations and any prepetition obligations arising under the Insurance Programs, and (c) modify the automatic stay imposed by section 362 of the Bankruptcy Code to the extent necessary to permit the Debtors’ employees to proceed with any claims they may have under the Workers’ Compensation Programs, and (ii) granting related relief, all as more fully set forth in the Motion; and upon consideration of the Healy Declaration;

¹ A complete list of the Debtors in these chapter 11 cases may be obtained on the website of the Debtors’ proposed claims and noticing agent at <http://www.kccllc.net/speedcast>. The Debtors’ service address for the purposes of these chapter 11 cases is 4400 S. Sam Houston Parkway East, Houston, Texas 77048.

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

and this Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §1334; and consideration of the Motion and the requested relief being a core proceeding pursuant to 28 U.S.C. § 157(b); and it appearing that venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided; and such notice having been adequate and appropriate under the circumstances, and it appearing that no other or further notice need be provided; and this Court having reviewed the Motion; and this Court having held a hearing to consider the relief requested in the Motion; and all objections, if any, to the Motion have been withdrawn, resolved, or overruled; and this Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and it appearing that the relief requested in the Motion is necessary to avoid immediate and irreparable harm to the Debtors and their estates as contemplated by Bankruptcy Rule 6003 and is in the best interests of the Debtors and their respective estates and creditors; and upon all of the proceedings had before this Court and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT

1. The Debtors are authorized, but not directed, on an interim basis pending a final order pursuant to sections 105(a) and 363 of the Bankruptcy Code to continue all Insurance Programs, to perform with respect thereto, to pay all Insurance Obligations, and to pay any prepetition amounts owed in respect of the Insurance Programs; provided, however, that all payments on prepetition amounts owed in respect of the Insurance Programs shall not exceed an aggregate amount of \$30,000, including the Insurance Obligations, pending entry of the Final Order.

2. The Debtors are further authorized, but not directed, on an interim basis pending a final order to reuse, extend, renew, rollover, replace, or obtain new Insurance Programs,

and to take all reasonably appropriate actions in connection therewith, in the ordinary course of business with the consent (such consent not to be unreasonably withheld) of counsel to the Ad Hoc Group of Secured Lenders; *provided however*, the Debtors will provide notice of the same to the United States Trustee and any statutory committee.

3. The Debtors shall maintain a matrix/schedule of payments made pursuant to this Interim Order, including the following information: (a) the names of the payee; (b) the date and amount of the payment; (c) the category or type of payment as further described and classified in the Motion. The Debtors shall provide a copy of such matrix/schedule to the U.S. Trustee and any statutory committee appointed in these chapter 11 cases every 30 days beginning upon entry of this Interim Order.

4. Further, pursuant to section 362(d) of the Bankruptcy Code and Bankruptcy Rule 6001, the automatic stay shall be modified to the limited extent necessary to permit the Debtors' employees to proceed with any claims that they may have under the Workers' Compensation Programs.

5. Nothing in the Motion or this Interim Order shall be deemed to authorize the Debtors to accelerate any payments not otherwise due prior to the date of the hearing to consider entry of an order granting the relief requested in the Motion on a final basis (the "**Final Hearing**").

6. The Banks are authorized to receive, process, honor, and pay any and all checks issued, or to be issued, and electronic funds transfers requested, or to be requested, by the Debtors relating to such obligations, to the extent that sufficient funds are on deposit in available funds in the applicable bank accounts to cover such payments. The Banks are authorized to accept and rely on all representations made by the Debtors with respect to which checks, drafts, wires, or

automated clearing house transfers should be honored or dishonored in accordance with this or any other order of this Court, whether such checks, drafts, wires, or transfers are dated prior to, on, or subsequent to the Petition Date, without any duty to inquire otherwise.

7. The Debtors are authorized, but not directed, to issue new postpetition checks, or effect new electronic funds transfers, and to replace any prepetition checks or electronic fund transfer requests that may be lost or dishonored or rejected as a result of the commencement of the Debtors' chapter 11 cases with respect to any prepetition amounts that are authorized to be paid pursuant to this Interim Order.

8. Nothing in the Motion or this Interim Order shall be construed as impairing the Debtors' or other parties in interests' right to contest the validity or amount of any Insurance Obligations.

9. Nothing contained in the Motion or this Interim Order or any payment made pursuant to the authority granted by this Interim Order is intended to be or shall be deemed as (i) an admission as to the validity of any claim against the Debtors, (ii) a waiver of the Debtors' or any appropriate party in interest's rights to dispute the amount of, basis for, or validity of any claim, (iii) a waiver of the Debtors' rights under the Bankruptcy Code or any other applicable nonbankruptcy law, (iv) an agreement or obligation to pay any claims, (v) a waiver of any claims or causes of action which may exist against any creditor or interest holder, or (vi) an approval, assumption, adoption, or rejection of any agreement, contract, lease, program, or policy under section 365 of the Bankruptcy Code.

10. Notwithstanding anything to the contrary herein, any payment to be made by the Debtors pursuant to the authority granted herein shall be subject to and in compliance with any orders entered by the Court approving the Debtors' (1) entry into any postpetition debtor in

possession financing facility, including any budget and the terms of any definitive documentation in connection therewith (the “**DIP Documents**”), and/or (2) authorizing the Debtor’s use of cash collateral and/or any budget in connection therewith (in either case, the “**DIP Order**”). To the extent there is any inconsistency between the terms of the DIP Order or any DIP Documents, on the one hand, and any action taken or proposed to be taken hereunder, on the other hand, the terms of the DIP Order or such DIP Document, as applicable, shall control.

11. The requirements of Bankruptcy Rule 6003(b) have been satisfied.

12. Notice of the Motion is adequate under Bankruptcy Rules 4001(d) and 6004(a).

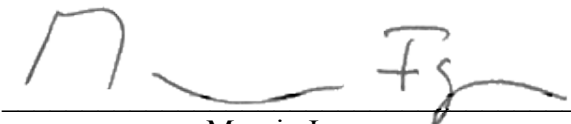
13. Notwithstanding the provisions of Bankruptcy Rules 4001(a)(3) and 6004(h), this Interim Order shall be immediately effective and enforceable upon its entry.

14. The Debtors are authorized to take all actions necessary or appropriate to carry out the relief granted in this Interim Order.

15. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Interim Order.

16. A final hearing to consider the relief requested in the Motion shall be held on **May 14, 2020 at 2:30 p.m. (prevailing Central Time)** and any objections or responses to the Motion shall be filed on or prior to **May 11, 2020 at 4:00 p.m. (Prevailing Central Time)**.

Signed: April 23, 2020



Marvin Isgur
United States Bankruptcy Judge