IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:	Chapter 11
Apple Tree Life Sciences, Inc., *et al.*,[1]	Case No. 25-12177 (LSS)
Debtors.	(Jointly Administered)
	Re: Docket Nos. 1043 & 1089

NOTICE OF ENTRY BY THE GRAND COURT OF THE CAYMAN ISLANDS OF THE CROSS-BORDER PROTOCOL, AS MODIFIED

PLEASE TAKE NOTICE that, on August 11, 2026, Alexander Lawson and Barry Lynch, in their capacities as Cayman Islands-appointed joint officeholders of ATP Life Science Ventures, L.P. (the "Fund Debtor"), filed the *Motion of Alexander Lawson and Barry Lynch, in Their Capacities as Cayman-Appointed Officeholders, for an Order Approving Cross-Border Protocol* [Docket No. 1043] (the "Motion") with the United States Bankruptcy Court for the District of Delaware (the "Court"), seeking entry of an order approving a cross-border court-to-court communication and cooperation protocol (the "Cross-Border Protocol") between the Court and the Grand Court of the Cayman Islands, Financial Services Division (the "Cayman Court").[2]

PLEASE TAKE FURTHER NOTICE that, following a hearing on the Motion on August 25, 2026 hearing, on August 27, 2026, the Court entered the *Order Adopting Cross-Border*

[1] The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number include: Apple Tree Life Sciences, Inc. (4506); ATP Life Science Ventures, L.P. (8224); ATP III GP, Ltd. (6091); Apertor Pharmaceuticals, Inc. (3161); Initial Therapeutics, Inc. (2453); Marlinspike Therapeutics, Inc. (4757); Red Queen Therapeutics, Inc. (8563); Evercrisp Biosciences, Inc. (4437); Nine Square Therapeutics, Inc. (4503); and Nereid Therapeutics Incorporated (8493). The location of the Debtors' service address in these chapter 11 cases is 230 Park Avenue, Suite 2800, New York, NY 10169.

[2] Capitalized terms used but not defined in this Notice shall have the meanings given to them in the Order or the Motion, as applicable.

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Protocol, As Modified [Docket No. 1089] (the "Order"), whereby the Court adopted the Cross-Border Protocol, as modified by the Order and attached thereto as Exhibit 1.

PLEASE TAKE FURTHER NOTICE that the Cayman Court previously approved the Cross-Border Protocol, in the form of Annex A to its order dated July 29, 2026, subject to approval by the Court.

PLEASE TAKE FURTHER NOTICE that, on October 9, 2026, The Honourable Justice Jalil Asif KC, Judge of the Grand Court of the Cayman Islands, entered a consent order (the "Cayman Consent Order") amending the Cross-Border Protocol previously approved by the Cayman Court to incorporate the modifications made by the Court in the Order. Accordingly, the Cayman Court has now entered the Cross-Border Protocol, as modified, in the identical form adopted by the Court in the Order at Docket No. 1089.

PLEASE TAKE FURTHER NOTICE that a copy of the Cayman Consent Order is attached hereto as **Exhibit A**.

PLEASE TAKE FURTHER NOTICE that, the Cross-Border Protocol having now been approved by both the Court and the Cayman Court, the Cross-Border Protocol, as modified, is effective in accordance with its terms.

[*Signature Page Follows*]

Dated: October 16, 2026
Wilmington, Delaware

Respectfully submitted,

DLA PIPER LLP (US)

/s/ R. Craig Martin

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-and-

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Counsel to the Fund Debtor

EXHIBIT A

Cayman Consent Order

FSD CAUSE NO. 151 of 2025 (JAJ)

THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION

IN THE MATTER OF THE EXEMPTED LIMITED PARTNERSHIP ACT (2025 REVISION), THE COMPANIES ACT (2025 REVISION) AND THE PARTNERSHIP ACT (2025 REVISION)

AND IN THE MATTER OF ATP LIFE SCIENCE VENTURES, L.P

BEFORE THE HONOURABLE JUSTICE JALIL ASIF
IN CHAMBERS

9 OCTOBER 2026

BETWEEN:

(1) UNICORN BIOTECH VENTURES ONE LTD
(as general partner of RIGMORA BIOTECH INVESTOR ONE LP)
(2) UNICORN BIOTECH VENTURES TWO LTD
(as general partner of RIGMORA BIOTECH INVESTOR TWO LP)

Petitioners

-and-

ATP III GP, LTD

Respondent

CONSENT ORDER

UPON the restored summons filed on 28 July 2026 by Alexander Lawson and Barry Lynch as joint officeholders to act in the stead of and to the exclusion of ATP III GP Ltd as general partner of ATP Life Science Ventures, LP

AND UPON reading the second affidavit of Rachel Anna Nyman and exhibit RAN-2 sworn on 28 August 2026

AND UPON the parties indicating by their attorneys their consent to the Court making an Order in the following terms

THIS CONSENT ORDER was filed by Eldridge Legal LLP, attorneys for the Officeholders, whose address for service is Buckingham Square, South Building 2nd Floor, 720 West Bay Road. Grand Cayman, Cayman Islands.

IT IS HEREBY ORDERED BY CONSENT that:

1. The protocol for cross-border communication and cooperation between the Grand Court and the United States Bankruptcy Court for the District of Delaware in respect of these proceedings and the proceedings before the US Bankruptcy Court captioned *In re: Apple Tree Life Sciences, Inc., et al.,* Case No. 25-12177 (LSS) respectively, which was approved by this Honourable Court in the form of Annex A to the Order dated 29 July 2026, is hereby amended to incorporate the modifications made by the US Bankruptcy Court in its order dated 27 August 2026, annexed hereto.

2. Costs reserved.

Dated 9 October 2026
Filed 9 October 2026

_____

THE HONOURABLE JUSTICE JALIL ASIF
JUDGE OF THE GRAND COURT

THIS CONSENT ORDER was filed by Eldridge Legal LLP, attorneys for the Officeholders, whose address for service is Buckingham Square, South Building 2nd Floor, 720 West Bay Road. Grand Cayman, Cayman Islands.

FSD CAUSE NO. 151 of 2025 (JAJ)

THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION

IN THE MATTER OF THE EXEMPTED LIMITED PARTNERSHIP ACT (2025 REVISION), THE COMPANIES ACT (2025 REVISION) AND THE PARTNERSHIP ACT (2025 REVISION)

AND IN THE MATTER OF ATP LIFE SCIENCE VENTURES, L.P

BEFORE THE HONOURABLE JUSTICE JALIL ASIF
IN CHAMBERS

9 OCTOBER 2026

BETWEEN:

(1) UNICORN BIOTECH VENTURES ONE LTD
(as general partner of RIGMORA BIOTECH INVESTOR ONE LP)
(2) UNICORN BIOTECH VENTURES TWO LTD
(as general partner of RIGMORA BIOTECH INVESTOR TWO LP)

Petitioners

-and-

ATP III GP, LTD

Respondent

ANNEXE TO CONSENT ORDER

THIS CONSENT ORDER was filed by Eldridge Legal LLP, attorneys for the Officeholders, whose address for service is Buckingham Square, South Building 2nd Floor, 720 West Bay Road. Grand Cayman, Cayman Islands.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:	Chapter 11
Apple Tree Life Sciences, Inc., *et al.*,	Case No. 25-12177 (LSS)
Debtors.	(Jointly Administered)
	Re: Dkt. No. 1043

ORDER ADOPTING CROSS-BORDER PROTOCOL, AS MODIFIED

WHEREAS, on August 19, 2026, a Certificate of No Objection (Dkt. No. 1057, "CNO") was filed concerning the Motion of Alexander Lason and Barry Lynch, in their Capacities as Cayman-Appointed Officeholders ("Movants"), for an Order Approving Cross-Border Protocol (Dkt. No. 1043, "Motion"), which cross-border court-to court communication and cooperation protocol is attached hereto as Exhibit 1 ("Protocol");

WHEREAS, in the CNO, Movants represented that the Motion did not draw any objections;

WHEREAS, the Court heard argument at the August 25, 2026 hearing regarding various provisions of the Protocol;

WHEREAS, the Court understands that The Honorable Justice Jalil Asif KC, Judge of the Grand Court of the Cayman Islands ("Grand Court") has already approved the Protocol in the form submitted to the Court and it was represented to the Court that Justice Asif requested that the Protocol be submitted to this Court for approval;

WHEREAS, the Court seeks to cooperate with the Grand Court as much as possible without compromising the chapter 11 bankruptcy cases filed in this jurisdiction;

WHEREAS, as discussed on the record at the August 25, 2026 hearing, certain of the provisions in the Protocol, which were apparently negotiated by counsel, do not comport with the United States Bankruptcy Code ("Code"), Rule 9018-1 and Part X of the Local Rules of the United States Bankruptcy Court for the District of Delaware ("Local Rules") or the normal procedures of this Court.

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Protocol attached hereto as **Exhibit 1** is adopted as modified by this Order.

2. Notwithstanding the terms of paragraphs 11 and 20 of the Protocol, the Protocol recognizes that this Court and the Grand Court are independent courts. Accordingly, although the courts will seek to cooperate and coordinate with each other in good faith when necessary, each court is entitled at all times to exercise its independent jurisdiction and authority with respect to matters presented to it and the conduct of the parties appearing before it. Further, participation by a court in cross-border communication does not imply:

(i) a waiver or compromise by the court of any powers, responsibilities or authority;

(ii) a substantive determination of any matter before the court;

(iii) a waiver by any of the parties of any of their substantive or procedural rights;

(iv) submission to the jurisdiction of other courts participating in the communication; or

(v) any limitation, extension or enlargement of the jurisdiction of the participating courts.

3. Notwithstanding the identification of counsel "to the Joint Officeholders and the Fund" in paragraph 12(c) of the Protocol, as of this date neither DLA Piper LLP (US) nor Eldridge Legal LLP has been approved to represent Debtor ATP Life Science Ventures, L.P. ("Fund") in its bankruptcy case.

4. Notwithstanding paragraphs 13-15 of the Protocol, no reports shall be submitted to this Court except as permitted by the Code, the Federal Rules of Bankruptcy Procedure and the Local Rules. Any party seeking to file a report under seal must do so in accordance with the Local Rules.

5. The Protocol may be amended by the courts notwithstanding paragraph 24 therein.

6. This Order and the Protocol are expressly subject to the Order Recognizing Officeholders (Dkt. No. 1000).

7. For the avoidance of doubt, the Protocol applies solely to the Fund and does not apply to the other Debtors.

8. Per the fulsome discussion on the record at the August 25, 2026 hearing, notwithstanding the Court's decision to enter this Order, the Code determines who may seek relief in this Court.

9. This Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

Dated: August 27, 2026

Laurie Selber Silverstein
United States Bankruptcy Judge

EXHIBIT 1

Cross-Border Protocol

CROSS-BORDER COURT-TO-COURT COMMUNICATIONS PROTOCOL

This cross-border court-to-court communications protocol (the "**Protocol**") shall govern the conduct of all parties in interest in the Proceedings (as such term is defined herein). Both the *Modalities of Court-to-Court Communication* attached hereto as **Attachment A** (the "**Modalities of Communication**") and the *Guidelines for Communication and Cooperation Between Courts in Cross-Border Insolvency Matters* attached hereto as **Attachment B** (the "**Guidelines**"), shall be incorporated by reference and form part of this Protocol. Where there is any discrepancy between the Protocol and the Guidelines and/or Modalities of Communication, this Protocol shall prevail. For the avoidance of doubt, nothing in this Protocol (including its attachments) shall be construed to lift the automatic stay so as to permit the Rigmora LPs to seek the entry of a winding up order, except as permitted by further order of this Court.

A. Background

1. ATP Life Science Ventures, L.P. (the "**Fund**"), its general partner, ATP III GP, Ltd. (the "**GP**"), Apple Tree Life Sciences, Inc. ("**ATLS**"), and certain of the Fund's portfolio companies (collectively, the "**U.S. Debtors**") commenced reorganization proceedings (the "**Chapter 11 Cases**") under chapter 11 of the United States Bankruptcy Code, 11 U.S.C. § 101 *et seq*. (the "**Bankruptcy Code**"), in the United States Bankruptcy Court for the District of Delaware (the "**U.S. Court**"), and such cases have been procedurally consolidated in the case styled as *In re Apple Tree Life Sciences, Inc., et al.*, Case No. 25-12177 (LSS). The U.S. Debtors are continuing in possession of their respective properties and are operating and managing their businesses, as debtors in possession, pursuant to sections 1107 and 1108 of the Bankruptcy Code. On January 20, 2026, the United States Trustee appointed an official committee of unsecured creditors (the "**UCC**"). No examiner has been appointed in the Chapter 11 Cases, other than a fee examiner.

2. Prior to commencement of the Chapter 11 Cases, on June 6, 2025, parties in interest Rigmora Biotech Investor One LP, by its general partner Unicorn Biotech Ventures One Ltd, and Rigmora Biotech Investor Two LP, by its general partner Unicorn Biotech Ventures Two Ltd (collectively, the "**Rigmora LPs**"), filed a winding-up petition ("**Winding-Up Petition**") in the Grand Court of the

Cayman Islands (the "**Grand Court**"). The Winding-Up Petition seeks to wind up the Fund, including through the appointment of joint official liquidators ("**JOLs**") who would act as officers of the Grand Court with a statutory mandate to wind up the Fund's affairs on an orderly basis and distribute its assets to stakeholders in accordance with the statutory scheme. The Winding-Up Petition and all proceedings, applications, hearings, orders, and related matters and pleadings before the Grand Court are referred to herein as the "**Cayman Proceedings.**"

3. The trial of the Winding-Up Petition was stayed under U.S. law upon the filing of the Chapter 11 Cases by operation of section 362 of the Bankruptcy Code. As of the date hereof, the Grand Court has not entered a winding up order, and the JOLs have not been appointed by the Grand Court.

4. On April 14, 2026, the U.S. Court entered the *Order Granting, In Part, Motion for Relief from Stay* [Docket No. 549] (the "**Stay Relief Order**") granting relief from the automatic stay to permit the Rigmora LPs to proceed with the Winding-Up Petition for the sole purpose of having two issues determined by the Grand Court: (i) whether the Rigmora LPs can prove that they have justifiably and irretrievably lost all trust and confidence in the GP's ability to manage the Fund and (ii) whether the Fund has lost its substratum. Stay Relief Order, ¶ 1.

The Stay Relief Order also provided that the Rigmora LPs may seek to have JOLs appointed to act in the stead of the GP if they are successful on one of the two grounds above. *Id.* ¶ 2. Both the U.S. Court and Grand Court have indicated willingness to establish a protocol facilitating court-to-court communication in connection with the Chapter 11 Cases and the Cayman Proceedings.

5. On April 27, 2026, the U.S. Debtors filed a *Motion for Relief from Order Partially Granting Motion for Relief from Stay, or in the Alternative, to Confirm the Scope of The Automatic Stay* [Docket No. 590] (the "**Clarification Motion**"). On May 19, 2026, the U.S. Court held a hearing regarding the Clarification Motion and stated that it would not reconsider the relief granted in the Stay Relief Order, but provided guidance to the parties and indicated that it was open to considering a clarification of the terms of the Stay Relief Order concerning the scope of permissible relief in the Cayman proceedings consistent with that guidance, subject to parties filing additional pleadings with the U.S. Court. May 19 Hr'g. Tr. at 31–39.

6. On May 28, 2026, the Rigmora LPs filed a *Motion for an Order Clarifying the Order Granting, In Part, Motion for Relief from Stay* (the "**Rigmora Clarification Motion**"). On June 24, 2026, the U.S. Court heard the Rigmora Clarification Motion and issued an order clarifying that the automatic stay was not lifted to permit the entry of winding up order against the Fund by the Grand Court, but was lifted to permit the Rigmora LPs to seek a determination from the Grand Court as to whether (a) the Rigmora LPs have justifiably and irretrievably lost all trust and confidence in the GP's ability to manage the Fund, and (b) whether the Fund has lost its substratum, and if the Rigmora LPs are successful on one of the two grounds above, to the extent that Cayman Islands law permits, the Rigmora LPs may seek to have Joint Official Liquidators, Joint Provisional Liquidators, or other Cayman Islands officeholders appointed to act in the stead of the GP as general partner of the Partnership without entry of a winding up order; provided, that no such appointment may be sought or made if it requires a finding of "necessity" under Cayman Islands law on the basis of "a future risk of dissipation of assets or mismanagement;" provided, further, that no party may seek a finding or ruling from the Grand Court that any of the conduct of the Debtors before this Court constitutes or gives rise to a future risk of dissipation of assets or mismanagement.

7. On July 10, 2026, following a trial of the issue of whether the Fund has lost its substratum, the Grand Court made an order appointing Alexander Lawson and Barry Lynch of Alvarez & Marsal Cayman Islands Limited as joint officeholders to act in the stead of and to the exclusion of the GP as general partner of the Fund (the "**Joint Officeholders**") on the terms of that order (the "**Appointment Order**").

8. For convenience, (i) the Chapter 11 Cases and the Cayman Proceedings shall be referred to herein collectively as the "**Parallel Proceedings,**" and (ii) the U.S. Court and the Grand Court shall be referred to herein collectively as the "**Courts**", and each individually as a "**Court**".

B. The Protocol

9. Notwithstanding anything to the contrary in the attachments, in these Proceedings, "Parallel Proceedings" shall exclusively mean the Chapter 11 Cases and the Cayman Proceedings and shall not have any other meaning. As it is used in the Protocol, the term "Parallel Proceedings" is not to be considered synonymous with the term "concurrent proceedings" as used in Chapter V of the Model

Law on Cross-Border Insolvency adopted by the United Nations Commission on International Trade Law. The Protocol shall not apply to or contemplate any additional proceedings absent further order of both the U.S. Court and the Grand Court.

10. As set forth in the Guidelines and Modalities of Communication, the Courts may, to the extent permitted by practice and procedure, and with the prior consent of each Court, engage in court-to-court communications and conduct joint videoconference hearings or joint teleconference hearings with respect to any matter related to the administration of the Parallel Proceedings if necessary to facilitate the proper and efficient administration of the Parallel Proceedings. For the avoidance of doubt, during court-to-court communications, a Court shall not disclose any document or information filed under seal in that Court with any other Court.

11. To harmonize and coordinate the administration of the Parallel Proceedings, the Courts may coordinate activities and consider whether it is appropriate to defer to the judgment of the other Court. In furtherance of the foregoing:

a. If the issue of the proper jurisdiction of either Court to determine an issue is raised by an interested party in either of the Proceedings with respect to any relief sought in either Court, either Court may consult with the other Court to determine an appropriate process by which the issue of jurisdiction may be determined. Any such process should be subject to submissions by the Notice Parties (as defined below) and any interested party prior to any determination on the issue of jurisdiction being made by either Court. Any such issue of jurisdiction may be addressed prior to the adjudication of the matter in the Court in which such matter was originally brought.

b The Courts may coordinate activities in the Parallel Proceedings such that the subject matter of any particular action, suit, request, application, contested matter, or other proceeding may be determined in a single Court.

12. If the Courts agree that a joint videoconference hearing or joint teleconference hearing is necessary or appropriate, the party submitting any notice, submission, or application that are or

become the subject of the joint hearing of the Courts (the "**Pleadings**") shall provide a copy of the Pleadings to all of the following parties via email to their respective counsel:[1]

a. counsel to the Rigmora LPs,

i. Debevoise & Plimpton LLP, 66 Hudson Boulevard, New York, NY 10001, Attn: Shannon Rose Selden, M. Natasha Labovitz, Daniel S. Shamah, Zachary H. Saltzman, and Natascha Born (email: srselden@debevoise.com, nlabovitz@debevoise.com, dshamah@debevoise.com, zsaltzman@debevoise.com, and nborn@debevoise.com), and Richards, Layton & Finger, P.A., 920 North King Street, Wilmington, DE 19801, Attn: Michael J. Merchant and Clint M. Carlisle (email: merchant@rlf.com, carlisle@rlf.com) and

ii. Campbells LLP, Floor 4, Willow House, Cricket Square, Grand Cayman KY1-9010, Cayman Islands, Attn: Hugo Farmer (email: HFarmer@campbellslegal.com);

b. counsel to the Debtors (excluding the Fund),

i. Quinn Emanuel Urquhart & Sullivan, LLP, 295 5th Avenue, 9th Floor, New York, NY 10016, Attn: Andrew M. Berdon, Patricia B.Tomasco, and Eric D. Winston (email: andrewberdon@quinnemanuel.com, pattytomasco@quinnemanuel.com, and ericwinston@quinnemanuel.com), and Potter Anderson & Corroon LLP, 1313 N. Market Street, 6th Floor,

[1] The term "**Notice Parties**" shall mean the parties referenced in this Paragraph (a)-(g).

Wilmington, DE 19801, Attn: L. Katherine Good and Brett M. Haywood (email: kgood@potteranderson.com and bhaywood@potteranderson.com);

ii. Walkers (Cayman) LLP, 190 Elgin Avenue, George Town KY1-9001, Cayman Islands, Attn: Shelley White and Jan Golaszewski (email: shelley.white@walkersglobal.com and jan.golaszewski@walkersglobal.com and walkers-atp@walkersglobal.com);

c. counsel to the Joint Officeholders and the Fund,

i. DLA Piper LLP (US), 1201 North Market Street, Suite 2100, Wilmington, DE 19801, United States, Attn: R. Craig Martin, Gregory Juell, and Shant Eulmessekian (email: Craig.Martin@us.dlapiper.com, Gregory.Juell@us.dlapiper.com, and shant.eulmessekian@us.dlapiper.com);

ii Eldridge Legal LLP, Buckingham Square, South Building 2nd Floor, 720 West Bay Road. Grand Cayman, Cayman Islands, Attn: James Eldridge, Justin Naidu and Luke Armitage (email: james.eldridge@eldridge-legal.com, justin.naidu@eldridge-legal.com, luke.armitage@eldridge-legal.com);

d. the United States Trustee, 844 King Street, Suite 2207, Lockbox 35, Wilmington, DE 19801, Attn: Hannah J. McCollum and Megan Seliber (email: hannah.mccollum@usdoj.gov and megan.seliber@usdoj.gov);

e. counsel to the Creditors' Committee, Cole Schotz P.C., 500 Delaware Avenue, Suite 600, Wilmington, DE 19801, Attn: Jack M. Dougherty and Daniel J. Harris (email: jdougherty@coleschotz.com and dharris@coleshotz.com);

f. counsel duly retained by any joint official liquidator or other Cayman Islands officeholder in respect of the Fund, if appointed by the Grand Court with the permission of the U.S. Court; and

g. any other person or entity with respect to specific matters who has been reasonably requested to participate by any of the foregoing parties.

For the avoidance of doubt, Pleadings filed under seal with any Court shall not be provided to any party mentioned in this paragraph, except as required under the orders of the applicable Court in which the Pleading was filed. Notwithstanding anything to the contrary herein, should the Grand Court appoint JOLs, Joint Provisional Liquidators, or any other Cayman Islands officeholder with the permission of the U.S. Court, such Cayman Islands officeholders shall automatically become Notice Parties for purposes of this Protocol and all notices and pleadings required to be served or provided pursuant to this Protocol shall also be served on the Cayman Islands officeholders and their counsel.

13. The Joint Officeholders shall issue written reports for and on behalf of the Fund to the Courts (i) at such time as they consider it to be appropriate to inform the Courts on the progress of their appointment or developments in any of the Proceedings insofar as it concerns the Fund, or (ii) as otherwise directed by any of the Courts, including as required by paragraph 7 of the Appointment Order ("**JO Reports**"). In relation to all other Debtors besides the Fund, those Debtors and Rigmora LPs shall issue written reports to the Courts (i) at such time as they consider it to be appropriate to inform the Courts on the progress of the restructuring or developments in any of the Proceedings insofar as it concerns those Debtors, or (ii) as otherwise directed by any of the Courts ("**Other Reports**", and together with the JO Reports, the "**Reports**").

14. Any Report submitted to any of the Courts shall be concurrently submitted to the other Court and by email to the Notice Parties. Copies of any Report shall be filed with the Courts, subject to appropriate redactions. For the avoidance of doubt, any Report filed under seal with any Court shall not be concurrently submitted to the other Courts or Notice Parties, except as required under the orders of the Court in which the Report was filed, subject to substantially identical confidentiality restrictions as entered by the Court that directed sealing of the relevant documents.

15. At the request of any Court, the Joint Officeholders, the Debtors, and Rigmora LPs (as applicable), shall respond to inquiries of the Courts regarding the content of any Report. The Joint Officeholders, the Debtors and Rigmora LPs (as applicable) shall promptly provide by email to the Notice Parties any such requests and responses.

16. Nothing in this Protocol shall require any estate representative or retained professional to take any action that violates any provision of law or professional rule to which they are subject.

17. Notwithstanding anything to the contrary herein, but subject to the Stay Relief Order (as may be clarified or amended), each Court shall have sole and exclusive jurisdiction over the conduct of proceedings in such Court and the hearing and determination of matters arising in such proceedings.

18. All documents filed in relation to any application for approval of this Protocol will be served on the other Notice Parties.

19. Except as expressly set forth herein, nothing in this Protocol shall affect or prejudice the rights of the Notice Parties to take any action in or in connection with the Parallel Proceedings.

20. Disputes relating to the terms, intent, or application of this Protocol may be addressed by interested parties to either the U.S. Court, the Grand Court, or both Courts upon notice to the Notice Parties. In rendering a determination in any such dispute, the Court to which the issue is addressed shall consult with the other Court and may, in its sole and exclusive discretion, either: (i) render a binding decision as to the matters before such Court; (ii) defer to the determination of the other Court by transferring the matter, in whole or in part, to the other Court, provided that the other Court accepts such transfer; or (iii) seek to resolve the matter in a coordinated manner, which may take the form of a joint hearing of both Courts.

21. In implementing the terms of this Protocol, the Courts may, in their sole discretion, provide advice or guidance to each other with respect to legal issues in accordance with the following procedures:

a. Either Court may determine that such advice or guidance is appropriate under the circumstances.

b. The Court issuing such advice or guidance may provide it to the other Court in writing.

c. Copies of such written advice or guidance may be served by the applicable Court on the Notice Parties.

d. The Courts may jointly decide to invite the Notice Parties and any other affected or interested party to make submissions to the appropriate Court in response to or in connection with any written advice or guidance received from the other Court.

22. For clarity, the foregoing provisions shall not be construed to restrict the ability of either Court to confer with the other Court whenever it deems it appropriate to do so.

23. As the Parallel Proceedings progress, this Protocol may be amended to address additional cross-border matters as the Courts may consider appropriate, consistent with any orders of the Courts then in effect, and in accordance with the amendment procedures set forth herein.

24. This Protocol shall be deemed effective upon its approval by the U.S. Court and the Grand Court. This Protocol shall have no binding or enforceable legal effect until approved by the U.S. Court and the Grand Court. This Protocol may not be amended except with prior notice to the Notice Parties, as well as the approval of the U.S. Court and the Grand Court.

MODALITIES OF COURT-TO-COURT COMMUNICATION

Scope and definitions

1. These Modalities apply to direct communications (written or oral) between courts in specific cases of cross-border proceedings relating to insolvency or adjustment of debt opened in more than one jurisdiction ("Parallel Proceedings"). Nothing in this document precludes indirect means of communication between courts, such as through the parties or by exchange of transcripts, etc. This document is subject to any applicable law.

2. These Modalities govern only the mechanics of communication between courts in Parallel Proceedings. For the principles of communication (*e.g.*, that court-to-court communications should not interfere with or derogate from the jurisdiction or the exercise of jurisdiction by a court in any proceedings, etc.), reference may be made to the *Guidelines for Communication and Cooperation between Courts in Cross-Border Insolvency Matters* (the "Guidelines") issued by the Judicial Insolvency Network in October 2016 and attached as **APPENDIX A**.

3. These Modalities contemplate contact being initiated by an "Initiating Judge" (defined below). The parties before such judge may request him or her to initiate such contact, or the Initiating Judge may seek it on his or her own initiative.

4. In this document:

    a. "Initiating Judge" refers to the judge initiating communication in the first instance;

    b. "Receiving Judge" refers to the judge receiving communication in the first instance;

    c. "Facilitator" refers to the person(s) designated by the court where the Initiating Judge sits or the court where the Receiving Judge sits (as the case may be) to initiate or receive communications on behalf of the Initiating Judge or the Receiving Judge in relation to Parallel Proceedings.

Designation of Facilitator

5. Each court may designate one or more judges or administrative officials as the Facilitator. It is recommended that, where the Facilitator is not a judge, a judge be designated to supervise the initial steps in the communication process.

6. Courts should prominently publish the identities and contact details of their Facilitators, such as on their websites.

7. Courts should prominently list the language(s) in which initial communications may be made and the technology available to facilitate communication between or among courts (*e.g.* telephonic and/or video conference capabilities, any secure channel email capacity, etc.).

Initiating communication

8. To initiate communication in the first instance, the Initiating Judge may require the parties over whom he or she exercises jurisdiction to obtain the identity and contact details of the Facilitator of the other court in the Parallel Proceedings, unless the information is already known to the Initiating Judge.

9. The first contact with the Receiving Judge should be in writing, including by email, from the Facilitator of the Initiating Judge's court to the Facilitator of the Receiving Judge's court, and contain the following:

    a. the name and contact details of the Facilitator of the Initiating Judge's court;

    b. the name and title of the Initiating Judge as well as contact details of the Initiating Judge in the event that the Receiving Judge wishes to contact the Initiating Judge directly and such contact is acceptable to the Initiating Judge;

    c. the reference number and title of the case filed before the Initiating Judge and the reference number and title (if known; otherwise, some other identifier) of the case filed before the Receiving Judge in the Parallel Proceedings;

d. the nature of the case (with due regard to confidentiality concerns);

e. whether the parties before the Initiating Judge have consented to the communication taking place (if there is any order of court, direction or protocol for court-to-court communication for the case approved by the Initiating Judge, this information should also be provided);

f. if appropriate, the proposed date and time for the communication requested (with due regard to time differences); and

g. the specific issue(s) on which communication is sought by the Initiating Judge.

Arrangements for communication

10. The Facilitator of the Initiating Judge's court and the Facilitator of the Receiving Judge's court may communicate fully with each other to establish appropriate arrangements for the communication without the necessity for participation of counsel or the parties unless otherwise ordered by one of the courts.

11. The time, method and language of communication should be to the satisfaction of the Initiating Judge and the Receiving Judge, with due regard given to the need for efficient management of the Parallel Proceedings.

12. Where translation or interpretation services are required, appropriate arrangements shall be made, as agreed by the courts. Where written communication is provided through translation, the communication in its original form should also be provided.

13. Where it is necessary for confidential information to be communicated, a secure means of communication should be employed where possible.

Communication between the Initiating Judge and the Receiving Judge

14. After the arrangements for communication have been made, discussion of the specific issue(s) on which communication was sought by the Initiating Judge and subsequent

communications in relation thereto should, as far as possible, be carried out between the Initiating Judge and the Receiving Judge in accordance with any protocol or order for communication and cooperation in the Parallel Proceedings[1].

15. If the Receiving Judge wishes to by-pass the use of a Facilitator, and the Initiating Judge has indicated that he or she is amenable, the judges may communicate with each other about the arrangements for the communication without the necessity for the participation of counsel or the parties.

16. Nothing in this document should limit the discretion of the Initiating Judge to contact the Receiving Judge directly in exceptional circumstances.

[1] See Guideline 2 of the *Guidelines for Communication and Cooperation Between Courts in Cross-Border Insolvency Matters*.

APPENDIX A

GUIDELINES FOR COMMUNICATION AND COOPERATION BETWEEN COURTS IN CROSS-BORDER INSOLVENCY MATTERS

INTRODUCTION

A. The overarching objective of these Guidelines is to improve in the interests of all stakeholders the efficiency and effectiveness of cross-border proceedings relating to insolvency or adjustment of debt opened in more than one jurisdiction ("Parallel Proceedings") by enhancing coordination and cooperation amongst courts under whose supervision such proceedings are being conducted. These Guidelines represent best practice for dealing with Parallel Proceedings.

B. In all Parallel Proceedings, these Guidelines should be considered at the earliest practicable opportunity.

C. In particular, these Guidelines aim to promote:

(i) the efficient and timely coordination and administration of Parallel Proceedings;

(ii) the administration of Parallel Proceedings with a view to ensuring relevant stakeholders' interests are respected;

(iii) the identification, preservation, and maximisation of the value of the debtor's assets, including the debtor's business;

(iv) the management of the debtor's estate in ways that are proportionate to the amount of money involved, the nature of the case, the complexity of the issues, the number of creditors, and the number of jurisdictions involved in Parallel Proceedings;

(v) the sharing of information in order to reduce costs; and

(vi) the avoidance or minimisation of litigation, costs, and inconvenience to the parties[2] in Parallel Proceedings.

D. These Guidelines should be implemented in each jurisdiction in such manner as the jurisdiction deems fit[3].

E. These Guidelines are not intended to be exhaustive and in each case consideration ought to be given to the special requirements in that case.

[2] The term "parties" when used in these Guidelines shall be interpreted broadly.
[3] Possible modalities for the implementation of these Guidelines include practice directions and commercial guides.

F. Courts should consider in all cases involving Parallel Proceedings whether and how to implement these Guidelines. Courts should encourage and where necessary direct, if they have the power to do so, the parties to make the necessary applications to the court to facilitate such implementation by a protocol or order derived from these Guidelines, and encourage them to act so as to promote the objectives and aims of these Guidelines wherever possible.

ADOPTION & INTERPRETATION

Guideline 1: In furtherance of paragraph F above, the courts should encourage administrators in Parallel Proceedings to cooperate in all aspects of the case, including the necessity of notifying the courts at the earliest practicable opportunity of issues present and potential that may (a) affect those proceedings; and (b) benefit from communication and coordination between the courts. For the purpose of these Guidelines, "administrator" includes a liquidator, trustee, judicial manager, administrator in administration proceedings, debtor-in-possession in a reorganisation or scheme of arrangement, or any fiduciary of the estate or person appointed by the court.

Guideline 2: Where a court intends to apply these Guidelines (whether in whole or in part and with or without modification) in particular Parallel Proceedings, it will need to do so by a protocol or an order[4], following an application by the parties or pursuant to a direction of the court if the court has the power to do so.

Guideline 3: Such protocol or order should promote the efficient and timely administration of Parallel Proceedings. It should address the coordination of requests for court approvals of related decisions and actions when required and communication with creditors and other parties. To the extent possible, it should also provide for timesaving procedures to avoid unnecessary and costly court hearings and other proceedings.

Guideline 4: These Guidelines when implemented are not intended to:

(i) interfere with or derogate from the jurisdiction or the exercise of jurisdiction by a court in any proceedings including its authority or supervision over an administrator in those proceedings;

(ii) interfere with or derogate from the rules or ethical principles by which an administrator is bound according to any applicable law and professional rules;

(iii) prevent a court from refusing to take an action that would be manifestly contrary to the public policy of the jurisdiction; or

(iv) confer or change jurisdiction, alter substantive rights, interfere with any function or duty arising out of any applicable law, or encroach upon any applicable law.

[4] In the normal case, the parties will agree on a protocol derived from these Guidelines and obtain the approval of each court in which the protocol is to apply.

Guideline 5: For the avoidance of doubt, a protocol or order under these Guidelines is procedural in nature. It should not constitute a limitation on or waiver by the court of any powers, responsibilities, or authority or a substantive determination of any matter in controversy before the court or before the other court or a waiver by any of the parties of any of their substantive rights and claims.

Guideline 6: In the interpretation of these Guidelines or any protocol or order under these Guidelines, due regard shall be given to their international origin and to the need to promote good faith and uniformity in their application.

COMMUNICATION BETWEEN COURTS

Guideline 7: A court may receive communications from a foreign court and may respond directly to them. Such communications may occur for the purpose of the orderly making of submissions and rendering of decisions by the courts, and to coordinate and resolve any procedural, administrative or preliminary matters relating to any joint hearing where Annex A is applicable. Such communications may take place through the following methods or such other method as may be agreed by the two courts in a specific case:

(i) Sending or transmitting copies of formal orders, judgments, opinions, reasons for decision, endorsements, transcripts of proceedings or other documents directly to the other court and providing advance notice to counsel for affected parties in such manner as the court considers appropriate.

(ii) Directing counsel to transmit or deliver copies of documents, pleadings, affidavits, briefs or other documents that are filed or to be filed with the court to the other court in such fashion as may be appropriate and providing advance notice to counsel for affected parties in such manner as the court considers appropriate.

(iii) Participating in two-way communications with the other court, in which case Guideline 8 should be considered.

Guideline 8: In the event of communications between courts, unless otherwise directed by any court involved in the communications whether on an *ex parte* basis or otherwise, or permitted by a protocol, the following shall apply:

(i) In the normal case, parties may be present.

(ii) If the parties are entitled to be present, advance notice of the communications shall be given to all parties in accordance with the rules of procedure applicable in each of the courts to be involved in the communications and the communications between the courts shall be recorded and may be transcribed.

A written transcript may be prepared from a recording of the communications that, with the approval of each court involved in the communications, may be treated as the official transcript of the communications.

(iii) Copies of any recording of the communications, of any transcript of the communications prepared pursuant to any direction of any court involved in the communications, and of any official transcript prepared from a recording may be filed as part of the record in the proceedings and made available to the parties and subject to such directions as to confidentiality as any court may consider appropriate.

(iv) The time and place for communications between the courts shall be as directed by the courts. Personnel other than judges in each court may communicate with each other to establish appropriate arrangements for the communications without the presence of the parties.

Guideline 9: A court may direct that notice of its proceedings be given to parties in proceedings in another jurisdiction. All notices, applications, motions, and other materials served for purposes of the proceedings before the court may be ordered to be provided to such other parties by making such materials available electronically in a publicly accessible system or by facsimile transmission, certified or registered mail or delivery by courier, or in such other manner as may be directed by the court in accordance with the procedures applicable in the court.

APPEARANCE IN COURT

Guideline 10: A court may authorise a party, or an appropriate person, to appear before and be heard by a foreign court, subject to approval of the foreign court to such appearance.

Guideline 11: If permitted by its law and otherwise appropriate, a court may authorise a party to a foreign proceeding, or an appropriate person, to appear and be heard by it without thereby becoming subject to its jurisdiction.

CONSEQUENTIAL PROVISIONS

Guideline 12: A court shall, except on proper objection on valid grounds and then only to the extent of such objection, recognise and accept as authentic the provisions of statutes, statutory or administrative regulations, and rules of court of general application applicable to the proceedings in other jurisdictions without further proof. For the avoidance of doubt, such recognition and acceptance does not constitute recognition or acceptance of their legal effect or implications.

Guideline 13: A court shall, except upon proper objection on valid grounds and then only to the extent of such objection, accept that orders made in the proceedings in other jurisdictions were duly and properly made or entered on their respective dates and accept that such orders require no further proof

for purposes of the proceedings before it, subject to its law and all such proper reservations as in the opinion of the court are appropriate regarding proceedings by way of appeal or review that are actually pending in respect of any such orders. Notice of any amendments, modifications, extensions, or appellate decisions with respect to such orders shall be made to the other court(s) involved in Parallel Proceedings, as soon as it is practicable to do so.

Guideline 14: A protocol or order made by a court under these Guidelines is subject to such amendments, modifications, and extensions as may be considered appropriate by the court, and to reflect the changes and developments from time to time in any Parallel Proceedings. Notice of such amendments, modifications, or extensions shall be made to the other court(s) involved in Parallel Proceedings, as soon as it is practicable to do so.

ANNEX A (JOINT HEARINGS)

Annex A to these Guidelines relates to guidelines on the conduct of joint hearings. Annex A shall be applicable to, and shall form a part of these Guidelines, with respect to courts that may signify their assent to Annex A from time to time. Parties are encouraged to address the matters set out in Annex A in a protocol or order.

ANNEX A: JOINT HEARINGS

A court may conduct a joint hearing with another court. In connection with any such joint hearing, the following shall apply, or where relevant, be considered for inclusion in a protocol or order:

(i) The implementation of this Annex shall not divest nor diminish any court's respective independent jurisdiction over the subject matter of proceedings. By implementing this Annex, neither a court nor any party shall be deemed to have approved or engaged in any infringement on the sovereignty of the other jurisdiction.

(ii) Each court shall have sole and exclusive jurisdiction and power over the conduct of its own proceedings and the hearing and determination of matters arising in its proceedings.

(iii) Each court should be able simultaneously to hear the proceedings in the other court. Consideration should be given as to how to provide the best audio-visual access possible.

(iv) Consideration should be given to coordination of the process and format for submissions and evidence filed or to be filed in each court.

(v) A court may make an order permitting foreign counsel or any party in another jurisdiction to appear and be heard by it. If such an order is made, consideration needs to be given as to whether foreign counsel or any party would be submitting to the jurisdiction of the relevant court and/or its professional regulations.

(vi) A court should be entitled to communicate with the other court in advance of a joint hearing, with or without counsel being present, to establish the procedures for the orderly making of submissions and rendering of decisions by the courts, and to coordinate and resolve any procedural, administrative or preliminary matters relating to the joint hearing.

(vii) A court, subsequent to the joint hearing, should be entitled to communicate with the other court, with or without counsel present, for the purpose of determining outstanding issues. Consideration should be given as to whether the issues include procedural and/or substantive matters. Consideration should also be given as to whether some or all of such communications should be recorded and preserved.