

Fill in this information to identify the case:

United States Bankruptcy Court for the:

District of Delaware

Case number (if known): \_\_\_\_\_ Chapter 15

☐ Check if this is an amended filing

## Official Form 401

**Chapter 15 Petition for Recognition of a Foreign Proceeding**

12/15

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write debtor's name and case number (if known).

1. Debtor's name	<u>Exelco NV</u>
2. Debtor's unique identifier	<div style="border: 1px solid black; padding: 2px;">For non-individual debtors:</div> <input type="checkbox"/> Federal Employer Identification Number (EIN) _____ <input checked="" type="checkbox"/> Other <u>0454.661.071</u> Describe identifier <u>Commercial Number</u> <div style="border: 1px solid black; padding: 2px;">For individual debtors:</div> <input type="checkbox"/> Social Security number: xxx - xx- _____ <input type="checkbox"/> Individual Taxpayer Identification number (ITIN): 9 xx - xx - _____ <input type="checkbox"/> Other _____ Describe identifier _____
3. Name of foreign representative(s)	<u>Mr. Frans De Roy and Mr. Benny Goossens</u>
4. Foreign proceeding in which appointment of the foreign representative(s) occurred	<u>The Public Ministry v. Exelco NV, Commercial Court of Antwerp, Antwerp Division A/17/07169</u>
5. Nature of the foreign proceeding	Check one: <input checked="" type="checkbox"/> Foreign main proceeding <input type="checkbox"/> Foreign nonmain proceeding <input type="checkbox"/> Foreign main proceeding, or in the alternative foreign nonmain proceeding
6. Evidence of the foreign proceeding	<input checked="" type="checkbox"/> A certified copy, translated into English, of the decision commencing the foreign proceeding and appointing the foreign representative is attached. <input checked="" type="checkbox"/> A certificate, translated into English, from the foreign court, affirming the existence of the foreign proceeding and of the appointment of the foreign representative, is attached. <input type="checkbox"/> Other evidence of the existence of the foreign proceeding and of the appointment of the foreign representative is described below, and relevant documentation, translated into English, is attached. _____ _____
7. Is this the only foreign proceeding with respect to the debtor known to the foreign representative(s)?	<input type="checkbox"/> No. (Attach a statement identifying each country in which a foreign proceeding by, regarding, or against the debtor is pending.) <input checked="" type="checkbox"/> Yes

Debtor Exelco NV  
Name

Case number (if known) \_\_\_\_\_

**8. Others entitled to notice**

Attach a list containing the names and addresses of:

- (i) all persons or bodies authorized to administer foreign proceedings of the debtor,
- (ii) all parties to litigation pending in the United States in which the debtor is a party at the time of filing of this petition, and
- (iii) all entities against whom provisional relief is being sought under § 1519 of the Bankruptcy Code.

**9. Addresses****Country where the debtor has the center of its main interests:**Belgium**Debtor's registered office:**Schupstraat 9-11

Number Street

Box 75

P.O. Box

Antwerp 2018

City State/Province/Region ZIP/Postal Code

Belgium

Country

**Individual debtor's habitual residence:****Address of foreign representative(s):**

See Attached Statement of Foreign Representatives

Number Street

P.O. Box

City State/Province/Region ZIP/Postal Code

Country

Number Street

P.O. Box

City State/Province/Region ZIP/Postal Code

Country

**10. Debtor's website (URL)** \_\_\_\_\_**11. Type of debtor**

Check one:

☐ Non-individual (check one):☒ Corporation. Attach a corporate ownership statement containing the information described in Fed. R. Bankr. P. 7007.1.☐ Partnership☐ Other. Specify: \_\_\_\_\_☐ Individual

Debtor

Exelco NV  
Name

Case number (if known)

**12. Why is venue proper in this district?**

Check one:

- ☐ Debtor's principal place of business or principal assets in the United States are in this district.
- ☐ Debtor does not have a place of business or assets in the United States, but the following action or proceeding in a federal or state court is pending against the debtor in this district:
- ☒ If neither box is checked, venue is consistent with the interests of justice and the convenience of the parties, having regard to the relief sought by the foreign representative, because:  
currently pending proceeding before this Court for Exelco NV

**13. Signature of foreign representative(s)**

I request relief in accordance with chapter 15 of title 11, United States Code.

I am the foreign representative of a debtor in a foreign proceeding, the debtor is eligible for the relief sought in this petition, and I am authorized to file this petition.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct,

**X**

Signature of foreign representative

Mr. Frans De Roy

Printed name

Executed on

11/10/2017  
MM / DD / YYYY**X**

Signature of foreign representative

Mr. Benny Goossens

Printed name

Executed on

11/10/2017  
MM / DD / YYYY**14. Signature of attorney****X**

/s/ Derek C. Abbott, Esq.

Date

11/10/2017

Signature of Attorney for foreign representative

MM / DD / YYYY

Derek C. Abbott, Esq.

Printed name

MORRIS, NICHOLS, ARSHT &amp; TUNNELL LLP

Firm name

1201 North Market Street, 16th Floor

Number Street

Wilmington

City

DE  
State

19899

ZIP Code

(302) 658-9200

Contact phone

dabbott@mnat.com

Email address

3376

Bar number

DE

State

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:	)	Chapter 15
	)	
Exelco NV,	)	Case No. 17-_____ ( )
	)	
	)	
Debtor in a Foreign Proceeding. <sup>1</sup>	)	
	)	

**STATEMENT OF FOREIGN REPRESENTATIVES REQUIRED BY  
SECTION 1515(C) OF THE BANKRUPTCY CODE AND RULE 1007(A)(4) OF THE  
FEDERAL RULES OF BANKRUPTCY PROCEDURE**

Mr. Frans De Roy and Mr. Benny Goossens, in their capacity as the duly authorized trustees in bankruptcy and foreign representatives (the “Trustees in Bankruptcy”) of Exelco NV, a debtor in a foreign proceeding (the “Debtor”) pending in Belgium (the “Belgium Proceeding”), by and through their undersigned counsel, hereby make the following statements required by section 1515(c) of title 11 of the United States Code (the “Bankruptcy Code”) and Rule 1007(a)(4) of the Federal Rules of Bankruptcy Procedure (“Bankruptcy Rules”).

**A. STATEMENT REQUIRED BY SECTION 1515(c) OF THE BANKRUPTCY CODE**

The Trustees in Bankruptcy submit that to the best of their knowledge, other than this chapter 15 case and the Belgium proceeding, there are no foreign proceedings concerning the Debtor.

**B. ALL AUTHORIZED ADMINISTRATORS OF THE DEBTOR IN THE BELGIUM PROCEEDING**

**Mr. Frans De Roy**  
Paleisstraat 47  
Antwerp 2018  
Belgium

**Mr. Benny Goossens**  
Marktplaatsplein 22  
Wijnegem 2110  
Belgium

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<sup>1</sup> The last four digits of the Debtor’s commercial number are 1071. The Debtor’s main corporate and mailing address is Schupstraat 9-11 Box No. 75, Antwerp 2018.

**C. LITIGATION PENDING IN THE UNITED STATES**

The Trustees in Bankruptcy are aware of the following litigation pending in the United States to which the Debtor is a party as of the time of the filing of the Verified Petition for Recognition of the Belgium Proceeding:

1. *In re Exelco NV*, Case No. 17-12030 (KG), United States Bankruptcy Court for the District of Delaware.

**D. ENTITIES AGAINST WHOM PROVISIONAL RELIEF IS SOUGHT**

The Debtor is seeking provisional relief. Please refer to “**Attachment 1-1**” for the names of the entities and corresponding addresses against which the Debtor is seeking provisional relief.

The information provided is based on the Trustees in Bankruptcy’s review of the Trustees in Bankruptcy’s books and records. The Trustees in Bankruptcy reserve the right to modify or supplement any of the information provided.

Dated: November 10, 2017  
Wilmington, DE

/s/ J. William Boone  
JAMES-BATES-BRANNAN-GROOVER-LLP  
J. William Boone (*Pro Hac Vice Pending*)  
Georgia Bar No. 067856  
Doroteya N. Wozniak (*Pro Hac Vice Pending*)  
Georgia Bar No. 627491  
3399 Peachtree Road NE, Suite 1700  
Atlanta, GA 30326  
Telephone: (404) 997-6020  
Facsimile: (404) 997-6021  
Email: [bboone@jamesbatesllp.com](mailto:bboone@jamesbatesllp.com)  
[dwozniak@jamesbatesllp.com](mailto:dwozniak@jamesbatesllp.com)

*Counsel for the Trustees in Bankruptcy*

-and-

/s/ Derek C. Abbott  
MORRIS, NICHOLS, ARSHT & TUNNELL LLP  
Derek C. Abbott (No. 3376)  
Daniel B. Butz (No. 4227)  
1201 North Market Street, 16th Floor  
Wilmington, DE 19899  
Telephone: (302) 658-9200

Facsimile: (302) 658-3989  
E-mail: [dabbott@mnat.com](mailto:dabbott@mnat.com)  
[dbutz@mnat.com](mailto:dbutz@mnat.com)

*Counsel for the Trustees in Bankruptcy*

## Attachment 1-1

<p>Young Conaway Stargatt &amp; Taylor, LLP  Attn: Andrew L. Magaziner  Michael R. Nestor  Rodney Square  1000 North King Street  Wilmington, DE 19801</p>	<p>Hughes Hubbard &amp; Reed LLP  Attn: Kathryn A. Coleman  Jacob Gartman  Jeffrey S. Margolin  Dustin P. Smith  One Battery Park Plaza  New York, NY 10004-1482</p>
<p>KBC Bank NV  c/o Royer Cooper Cohen Braunfeld LLC  Attn: Marc E. Hirschfield  Marc Skapof  1120 Avenue of the Americas, 4<sup>th</sup> Floor  New York, NY 10036</p>	<p>KBC Bank NV  c/o Richards, Layton &amp; Finger, P.A.  Attn: Russell C. Silberglid  Zachary I. Shapiro  One Rodney Square  920 North King Street  Wilmington, DE 19801</p>
<p>Standard Chartered Bank (Hong Kong)  c/o White &amp; Case LLP  Attn: Andrew C. Ambruso, Esq.  1221 Avenue of the Americas  New York, NY 10020</p>	<p>Standard Chartered Bank (Hong Kong)  c/o Fox Rothschild LLP  Attn: Jeffrey M. Schlerf (No. 3047)  919 North Market Street, Suite 300  Wilmington, DE 19801</p>
<p>Standard Chartered Bank (Hong Kong)  c/o White &amp; Case LLP  Attn: John K. Cunningham, Esq.  200 South Biscayne Blvd, Suite 4900  Miami, FL 33131</p>	<p>FTK Worldwide Manufacturing BVBA  Schupstraat 9-11  Antwerp 2018  Belgium</p>
<p>FTK Worldwide Manufacturing BVBA  c/o Young Conaway Stargatt &amp; Taylor, LLP  Attn: Andrew L. Magaziner  Michael R. Nestor  Rodney Square  1000 North King Street  Wilmington, DE 19801</p>	<p>FTK Worldwide Manufacturing BVBA  c/o Hughes Hubbard &amp; Reed LLP  Attn: Kathryn A. Coleman  Jacob Gartman  Jeffrey S. Margolin  Dustin P. Smith  One Battery Park Plaza  New York, NY 10004-1482</p>
<p>Allfield Trading LLC  c/o Ashby &amp; Geddes, P.A.  Attn: William P. Bowden, Esq.  Ricardo Palacio, Esq.</p>	<p>Exelco North America, Inc.  c/o Young Conaway Stargatt &amp; Taylor, LLP  Attn: Andrew L. Magaziner  Michael R. Nestor</p>

500 Delaware Avenue, 7 <sup>th</sup> Floor PO Box 1150 Wilmington, DE 19899-1150	Rodney Square 1000 North King Street Wilmington, DE 19801
Exelco North America, Inc. 1209 Orange Street c/o The Corporation Trust Company Wilmington, DE 19801	Exelco North America, Inc. c/o Hughes Hubbard & Reed LLP Attn: Kathryn A. Coleman Jacob Gartman Jeffrey S. Margolin Dustin P. Smith One Battery Park Plaza New York, NY 10004-1482
Ideal Diamond Trading USA Inc. 111 Eighth Avenue c/o CT Corporation System New York, NY 10011	Ideal Diamond Trading USA Inc. c/o Young Conaway Stargatt & Taylor, LLP Attn: Andrew L. Magaziner Michael R. Nestor Rodney Square 1000 North King Street Wilmington, DE 19801
Ideal Diamond Trading USA Inc. c/o Hughes Hubbard & Reed LLP Attn: Kathryn A. Coleman Jacob Gartman Jeffrey S. Margolin Dustin P. Smith One Battery Park Plaza New York, NY 10004-1482	Office of the United States Trustee US Department of Justice Attn: Richard L. Schepacarter 844 King Street, Suite 2207 Lockbox #35 Wilmington, DE 19801
Ideal Diamond Trading Limited c/o Hughes Hubbard & Reed LLP Attn: Kathryn A. Coleman Jacob Gartman Jeffrey S. Margolin Dustin P. Smith One Battery Park Plaza New York, NY 10004-1482	Ideal Diamond Trading Limited c/o Young Conaway Stargatt & Taylor, LLP Attn: Andrew L. Magaziner Michael R. Nestor Rodney Square 1000 North King Street Wilmington, DE 19801
Ideal Diamond Trading Limited 19/F On Hong Commercial Building 145 Hennessy Road Wan Chai, Hong Kong	Ideal Diamond Trading Limited Suite 200, Level 2 Alexander House, 35 Ebene Cybercity Mauritius

Jean-Paul Tolkowsky Bynd Lane Billingsley United Kingdom	Kris Cuyvers Flower Avenue 73 Venice, California
Kris Cuyvers P.O. Box 5863 Santa Monica, CA 90409	Kris Cuyvers 159 Deuzeldlaan 2900 Schoten, Antwerp Belgium

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:	)	Chapter 15
	)	
Exelco NV,	)	Case No. 17-_____ ( )
	)	
	)	
Debtor in a Foreign Proceeding. <sup>1</sup>	)	
	)	

**FED. R. BANKR. P. 7007.1 CORPORATE DISCLOSURE STATEMENT  
OF DEBTOR IN FOREIGN PROCEEDING EXELCO NV**

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1, Exelco NV, by and through the duly appointed permanent trustees in bankruptcy, Mr. Frans De Roy and Mr. Benny Goossens (the “Trustees in Bankruptcy”), hereby files and serves this Corporate Ownership Statement as follows:

1. There are no entities to report under Fed. R Bankr. P. 7007.1(a).

Dated: November 10, 2017  
Wilmington, DE

/s/ J. William Boone  
JAMES-BATES-BRANNAN-GROOVER-LLP  
J. William Boone (*Pro Hac Vice Pending*)  
Georgia Bar No. 067856  
Doroteya N. Wozniak (*Pro Hac Vice Pending*)  
Georgia Bar No. 627491  
3399 Peachtree Road NE, Suite 1700  
Atlanta, GA 30326  
Telephone: (404) 997-6020  
Facsimile: (404) 997-6021  
Email: [bboone@jamesbatesllp.com](mailto:bboone@jamesbatesllp.com)  
[dwozniak@jamesbatesllp.com](mailto:dwozniak@jamesbatesllp.com)

-and-

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<sup>1</sup> The last four digits of the Debtor’s commercial number are 1071. The Debtor’s main corporate and mailing address is Schupstraat 9-11 Box No. 75, Antwerp 2018.

/s/ Derek C. Abbott

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

Derek C. Abbott (No. 3376)

Daniel B. Butz (No. 4227)

1201 North Market Street, 16th Floor

Wilmington, DE 19899

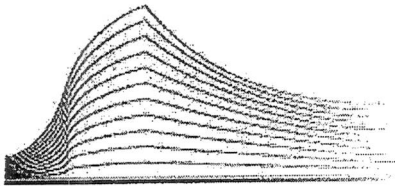
Telephone: (302) 658-9200

Facsimile: (302) 658-3989

E-mail: [dabbott@mnat.com](mailto:dabbott@mnat.com)

[dbutz@mnat.com](mailto:dbutz@mnat.com)

*Counsel for the Trustees in Bankruptcy*



rechtbank van koophandel Antwerpen

secretariaat: voorzitter  
Tel.: 03/257.84.04  
Fax: 03/257/84.05

Antwerpen, 8 november 2017

**A certificate from the foreign court affirming the existence of such foreign proceeding and of the appointment of the foreign representative ( US Bankruptcy code §1515 b,2)**

I, Maruschka Caers, Court clerk of the Commercial Court of Antwerp, district Antwerp, hereby declare and affirm that according to the judgment dated 02/11/2017, Commercial Court of Antwerp, Antwerp Division-A/17/07169 in the matter of the public ministry againsts Exelco NV appointing mr. Frans De Roy Paleisstraat 47-B 2018 Antwerp - Belgium, lawyer, and, mr. Benny Goossens, Marktplaats 22 B 2110 Wijnegem Belgium, both as trustees in bankruptcy over the company Exelco NV, with headoffice Schupstraat 9 - 11 bus 75 B 2018 Antwerp - Belgium KBO 054.661.071, and mr Henri Colman, judge commissioner according to Belgian bankruptcy law who supervises this bankruptcy.

The trustees in bankruptcy have full powers under the Belgian bankruptcy law in order to manage the bankruptcy of Exelco NV, to seize, and, take care of the realization of all assets of that Company wherever they are located, and, have the legal duty to notify the District Attorney in Antwerp of all criminal facts that they come across in this bankruptcy.

I also declare hereby that I am aware that the above mentioned trustees in bankruptcy seek recognition as foreign representatives to be granted by the US Courts, and, I fully support and encourage such application for recognition.

Signed,

M. Caers

Court clerk

Antwerp 08/11/2017



Gezien voor wettiging van handtekening  
van de heer / mevrouw H. Caers  
griffier bij de rechtbank van koophandel  
te Antwerpen,

De Voorzitter

Thomas Van Houtte

Publication

Judgment Number
Date of the delivery of the decision 02 November 2017
Index book (A2B00)
Number on the List A/17/07169

Bankruptcy chart

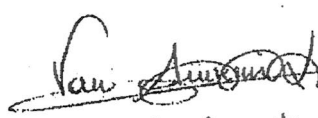
Commercial Court


Antwerp,

Antwerp division

JUDGMENT

11<sup>th</sup> Chamber

  
Leona Van Aartsen



Commercial Court of ANTWERP, ANTWERP division – A/17/07169 – P. 2

In the matter of:

THE PUBLIC MINISTRY, represented by the Public Prosecutor with the Court of First Instance.  
Antwerp, Antwerp division, choosing domicile at his office, court house, Bollvarplaats 20 in 2000  
Antwerp; (AN75. DH.319-17)

Plaintiff, represented by Mrs. F. De Bruyne

Against:

EXELCO NV, with head office located in 2018 ANTWERP 1, SCHUPSTRAAT 9-11 BOX 75, with  
Commercial Number 0454.661.071

Defendant, at the hearing represented by Mr. P. Baert loco Mr. Ph. Van Den Broecke, with office in  
2000 Antwerp, Rijnkaai 93.

\*\*\*

The introductory subpoena was notified on October 19, 2017 and aims at hearing the defendant being  
declared bankrupt.

At today's hearing the plaintiff appears, through Mrs. F. De Bruyne, Substitute Public Prosecutor

The defendant is heard through its counselor.

Mr. E. Van Camp was appointed Interim Administrator of EXELCO NV by disposition dated October  
13, 2017 in conformity with Art. 8 Bankruptcy Code. Mr. I. Mertens, in his capacity of counselor of  
the Interim Administrator, gives an explanatory statement at the hearing.

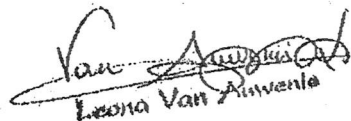
From the explanation at the hearing and from the documents presented, it appears that the defendant  
stopped payments in a permanent way and that its credit is shaken.


The plaintiff's claim as such is well-founded.

**DECISION:**

The court, after deliberation,

In a defended action:

  
Leona Van Ammenla



Commercial Court of ANTWERP, ANTWERP division – A/17/07169 – P. 3

The legal proceedings took place in conformity with the law of June 15, 1935 on the use of languages in judicial cases.

Declares the plaintiff's claim admissible and well-founded;

Declares EXELCO NV, with head office located in 2018 ANTWERP in SCHUPSTRAAT 9-11 BOX 75, with commercial number: 0454.661.071; nature of the commercial activities: wholesale trade in diamonds and other gems, bankrupt.

Sets the time of the suspension of payments in this bankruptcy at the present date.

Appoints as bankruptcy judge M. C. Cohnan, judge in commercial matters, and as trustees Mr. F. De Roy, with office in 2018 Antwerp, Paleisstraat 47 and Mr. B. Goossens, master at law, having office in 2110 Wijnegem, Marktplaatsplein 22.

Orders to proceed to the immediate description of the goods under the supervision of the bankruptcy judge.

Orders the creditors of the bankrupt company to lodge their claim in the Central Solvency Register by December 1, 2017 at the latest.

Orders the trustees in this bankruptcy to deposit the first process-verbal of verification of the claims in the Central Solvency Register on December 28, 2017.

States that the persons who personally stood surety (such as amongst others the persons who put bail) for the bankrupt company, will be able to depose evidence thereof at the office of the court clerk.

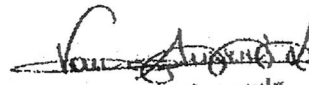
Orders the present judgment to be published by extract in the Belgian Official Gazette by the court clerk within five days to be counted as of today.


Discharges the trustees of the publication in two newspapers or periodic publications with regional range of distribution;

Authorizes the trustees to open a bank account with a private banking institution and to safeguard an amount of 2.500,00 Euros (two thousand five hundred Euros) maximum thereupon;

Authorizes the trustees to charge a social accountant in case personnel should still be working there on the date of the bankruptcy;

Orders the legal proceedings free of charge as foreseen in Article 666 of the judicial code, given that the assets of the bankruptcy will most probably be insufficient to cover the first costs of liquidation.

  
Leona Van Auwerke



Commercial Court of ANTWERP, ANTWERP division – A/17/07169 – P. 4

Appoints as bailiff Mr. P. Van Noten in 2000 Antwerp, Amerikalei 207 to provide his office free of charge.

Puts the costs at the charge of the estate of the bankruptcy budgeted on the part of the claimant at € 25,06 for the subpoena and the entry in cause list.

Condemns the defendant to the payment of € 20,00 to the Funds of Judicial Second-line Assistance.

This judgment has been rendered by the eleventh chamber of the commercial court of Antwerp, Antwerp division, where served:

I. De Vel	Judge, President of the Chamber
A. Van Gelder	Judge in Commercial Matters
D. Peeters	Judge in Commercial Matters
L. Boets	Court clerk

And pronounced in the public hearing of the same chamber on Thursday 02/11/2017 by the president, assisted by the court clerk.

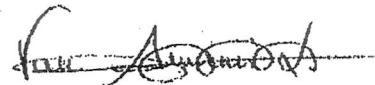
Signed L. Boets

Signed I. De Vel

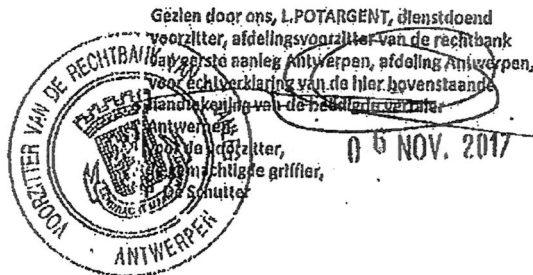
Signed D. Peeters

Signed A. Van Gelder

Voor eensluidende vertaling  
Uit het Nederlands naar het Engels  
Antwerpen, 3 november 2017



Leona Van Aken, beëdigd vertaler  
Bij de rechtbank van eerste aanleg in Antwerpen  
Afdeling Antwerpen



06 NOV. 2017

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

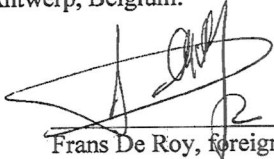
In re:	)	Chapter 15
	)	
Exelco NV,	)	Case No. 17-_____ ( )
	)	
	)	
Debtor in a Foreign Proceeding. <sup>1</sup>	)	

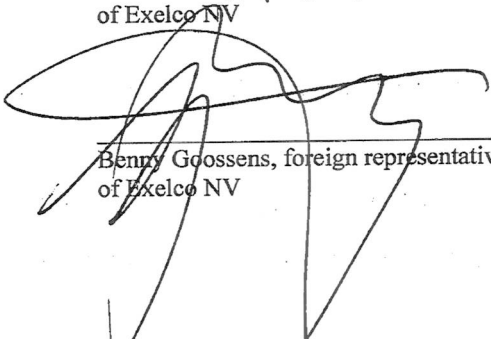
VERIFICATION OF CHAPTER 15

We, Frans De Roy and Benny Goossens, pursuant to 28 U.S.C. § 1746, hereby declare under penalty of perjury as follows:

1. We have been authorized to act as foreign representatives of Exelco NV ("Exelco") and, accordingly, have full authority to verify this petition.
2. We have read the foregoing petition and we are informed and believe, based on our personal knowledge and review of information provided to me, that the factual allegations contained therein are true and accurate.
3. We declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 10<sup>th</sup> day November, 2017 in Antwerp, Belgium.

  
\_\_\_\_\_  
Frans De Roy, foreign representative  
of Exelco NV

  
\_\_\_\_\_  
Benny Goossens, foreign representative  
of Exelco NV

<sup>1</sup> The last four digits of the Debtor's commercial number are 1071. The Debtor's main corporate and mailing address is Schupstraat 9-11 Box, Antwerp 2018.