

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NORTH DAKOTA

In Re: Bankruptcy No. 22-30100  
Chapter 15

Balanced Energy Oilfield Services Inc.,

Debtor.

\_\_\_\_\_/ In Re: Bankruptcy No. 22-30101  
Chapter 15

Balanced Energy Holdings, Inc.,

Debtor.

\_\_\_\_\_/ In Re: Bankruptcy No. 22-30102  
Chapter 15

Balanced Energy Oilfield Services (USA) Inc.,

Debtor.

**ORDER GRANTING RECEIVER'S REQUEST IN PART FOR  
PROVISIONAL RELIEF PURSUANT TO 11 U.S.C. § 1519**

Upon consideration of the Receiver's Emergency Application for Relief Pursuant to Sections 105(a) and 1519 of the Bankruptcy Code (Doc. #5) filed by FTI Consulting Canada Inc., in its capacity as court-appointed receiver and manager of Balanced Energy Oilfield Services Inc., Balanced Energy Holdings, Inc. and Balanced Energy Oilfield Services (USA) Inc. (collectively, "Debtors"), evidence offered in support of the Emergency Application and the statements of counsel at a hearing before this Court on April 15, 2022, the Court finds and concludes as follows:

- a. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and 11 U.S.C. §§ 109 and 1501;
- b. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(P);
- c. Venue is proper in this district pursuant to 28 U.S.C. § 1410;

- d. This Chapter 15 case has been properly commenced by a duly appointed foreign representative;
- e. This Court has the authority to grant the provisional relief requested by the Emergency Application pursuant to 11 U.S.C. §§ 105(a) and 1519;
- f. The provisional relief is urgently needed to protect the assets of Debtors and the interests of the creditors as required by 11 U.S.C. § 1519(a) and (e);
- g. The interests of Debtors, creditors and other interested entities are sufficiently protected in the Court's grant of the provisional relief, as required by 11 U.S.C. § 1522(a);
- h. FTI has argued and offered declarations showing a substantial likelihood that the pending proceeding in Canada is entitled to recognition as a foreign main proceeding, and that that the provisional relief will be granted on a final basis upon such recognition as a foreign main proceeding;
- i. In the absence of the relief granted in this Order, there is a material risk that Debtors or their creditors will suffer irreparable harm for which Debtors will have no adequate remedy at law. Pending the evidentiary hearing on the Emergency Application, the provisional relief is required to ensure the fair, efficient and centralized administration of Debtors' assets and to prevent individual creditors and other persons and entities from depleting or impairing the assets of Debtors to the detriment of the creditor body as a whole;
- j. Granting the Emergency Application, in part, will preserve the status quo and not result in significant harm to non-moving parties. Any harm that could

- conceivably result to non-moving parties is less than the irreparable harm that would result to Debtors and their creditors if relief is not granted; and
- k. Granting provisional relief will serve the public interest because it is necessary to realize the objectives of Chapter 15.

**IT IS THEREFORE ORDERED:**

1. The Emergency Application is GRANTED IN PART effective immediately on an interim basis until the evidentiary hearing on the Emergency Application.
2. Pending the evidentiary hearing on the Emergency Application, no person or entity may: (a) commence or continue any legal proceeding against Debtors, their assets located in the United States or their proceeds; (b) enforce any judicial, quasi-judicial, administrative or regulatory judgment, assessment or order, or arbitration award against Debtors' assets; (c) commence or continue any legal proceeding or action to create, perfect, or enforce any lien, setoff or other claim against Debtors' assets or their proceeds located in the United States.
3. This Order is without prejudice to any arguments for or against recognition of Debtors' Chapter 15 cases, and all rights of parties in interest to seek relief from this Order are reserved.
4. This Order is entered without prejudice to the right of FTI or Debtors to seek additional relief under applicable provisions of the Bankruptcy Code and without the prejudice to the right of Debtors to seek any remedy or to pursue any further relief.

5. Notwithstanding any provision in the Bankruptcy Rules to the contrary: (a) this Order shall be effective immediately and enforceable upon entry; (b) FTI is not subject to any stay in the implementation, enforcement or realization of the relief granted in this Order; and (c) FTI is authorized and empowered, and may, in its discretion and without further delay, take any action and perform any act necessary to implement and effectuate the terms of this Order.
6. The Court shall retain jurisdiction with respect to the enforcement, amendment or modification of this Order.
7. FTI shall provide notice by mail of this Order to: (a) the Office of the United States Trustee; (b) the United States Attorney's Office for the District of North Dakota; (c) all persons or bodies authorized to administer the Canadian Proceedings; (d) any other parties of which FTI becomes aware that are required to receive notice pursuant to Bankruptcy Rule 2002(q); and (e) all parties to litigation pending in the United States. FTI shall also provide notice of this Order by email to those parties whose email addresses are known to it.

Dated: April 15, 2022



SHON HASTINGS, JUDGE  
UNITED STATES BANKRUPTCY COURT