

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

In re

MARKEL CATCO REINSURANCE FUND
LTD., *et al.*,

Debtors in Foreign Proceedings.¹

Chapter 15

Case No. 21-11733 (LGB)

(Jointly Administered)

**ORDER (I) SCHEDULING RECOGNITION HEARING AND
(II) SPECIFYING FORM AND MANNER OF SERVICE OF NOTICE OF THE NOTICE
DOCUMENTS AND OTHER DOCUMENTS FILED IN THE CHAPTER 15 CASES**

Upon the motion (the “**Motion**”)² of the Foreign Representatives of the above-captioned Debtors, for entry of an order (a) scheduling the Recognition Hearing, (b) setting the Objection Deadline, and (c) specifying the form and manner of service of notice, including the form of the Hearing Notice; and the Court having jurisdiction to consider the Motion and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334; and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before the Court pursuant to 28 U.S.C. § 1410; and adequate and sufficient notice of the filing of the Motion having been given by the Foreign Representatives under the circumstances; and it appearing that no other or further notice need be provided; and it appearing that the relief sought in the Motion is necessary and beneficial to the Debtors; and after due deliberation and sufficient cause appearing therefor; it hereby

¹ The Debtors are Bermuda companies registered with the Registrar of Companies in Bermuda. The Debtors’ respective registration numbers are as follows: Markel CATCo Reinsurance Fund Ltd. (50599); CATCo Reinsurance Opportunities Fund Ltd. (44855); Markel CATCo Investment Management Ltd. (50576); Markel CATCo Re Ltd. (50602). Each of the Debtors has its registered office located at Crawford House, 50 Cedar Avenue, Hamilton HM11, Bermuda.

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

ORDERED, ADJUDGED, AND DECREED THAT:

1. The Motion is GRANTED as set forth herein.
2. The Recognition Hearing shall be held before the Court on November 4, 2021, at 10:00 a.m. (prevailing Eastern Time) before the Honorable Lisa G. Beckerman, of the United States Bankruptcy Court for the Southern District of New York.
3. In accordance with General Order M-543, dated March 20, 2020 (Morris, C.J.) (a copy of which may be viewed on the Court's website at www.nysb.uscourts.gov), the Recognition Hearing will be conducted virtually unless otherwise ordered by the Court.
4. Any response or objection to the Verified Petition must be made in accordance with the Bankruptcy Code, the Bankruptcy Rules, and the Local Bankruptcy Rules, in a writing that sets forth the basis for such objection with specificity. Any such objection must be filed electronically with the Court on the Court's electronic filing system in accordance with and except as provided in General Order M-399 (a copy of which may be viewed on the Court's website at www.nysb.uscourts.gov) and the Court's Procedures for the Filing, Signing and Verification of Documents by Electronic Means, and served upon (i) the Foreign Representatives' counsel, Skadden, Arps, Slate, Meagher & Flom LLP, One Manhattan West, New York, New York 10001 (Attn: Lisa Laukitis) *and* 155 N. Wacker Drive, Chicago, Illinois 60606 (Attn: Justin M. Winerman and Anthony R. Joseph) *and* Skadden, Arps, Slate, Meagher & Flom (UK) LLP, 40 Bank Street, Canary Wharf, London, E14 5DS (Attn: Peter Newman); and (ii) the Office of the United States Trustee, U.S. Federal Office Building, 201 Varick Street, Suite 1006, New York, New York 10014, so as to be **received by 4:00 p.m. (prevailing Eastern Time) on October 28, 2021** (the "**Objection Deadline**"), with a courtesy copy served upon the Chambers of the Honorable Lisa G. Beckerman, United States Bankruptcy Judge, United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York 10004-1408.

5. If no response or objection is timely filed and served as provided above, the Court may grant the relief requested by the Foreign Representatives without further notice or hearing.

6. The Foreign Representatives may file a reply to any objections thereto by noon on the day before the Recognition Hearing.

7. The Recognition Hearing may be adjourned from time to time without further notice other than a notice of adjournment on the docket in the Chapter 15 Cases or an announcement in open court of the adjourned date or dates of any further adjourned hearing.

8. The Recognition Hearing shall be a final and evidentiary hearing at which witnesses may testify.

9. The Notice Procedures set forth in the Motion constitute due and sufficient notice of the Notice Documents and any other documents filed in the Chapter 15 Cases, and are hereby approved.

10. The form of Hearing Notice, substantially in the form attached hereto as **Exhibit 1**, is hereby approved. The Foreign Representatives may fill in any missing dates and other information as ordered by the Court, correct any typographical errors, conform the provisions thereof to the provisions of this order, and make such other and further non-material, non-substantive changes to the form of Hearing Notice as the Foreign Representatives deem necessary or appropriate.

11. Copies of the Notice Documents shall be served upon the Notice Parties in the manner set forth in the Motion within three business days following entry of this order.

12. If any party files a notice of appearance in the Chapter 15 Cases, the Foreign Representatives shall serve a copy of the Notice on such party or its counsel within three business

days following the filing of such notice of appearance if such documents have not already been served on such party (or its counsel).

13. The Foreign Representatives shall cause the Hearing Notice to be published in the national and international editions of the *New York Times* as soon as practicable following the entry of this order.

14. The notice requirements set forth in Bankruptcy Code section 1514(c) are inapplicable in the context of these cases, or, to the extent applicable, are hereby waived.

15. Service pursuant to this order shall constitute good and sufficient service and adequate notice of the Recognition Hearing under Bankruptcy Rule 2002(q) and the Notice Documents.

16. The Foreign Representatives are authorized and empowered to take all actions necessary to implement the relief granted in this order.

17. The terms and conditions of this order shall be immediately effective and enforceable upon its entry.

18. The Court shall retain exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, or enforcement of this order.

Dated: New York, New York

October 6, 2021

/s/ Lisa G. Beckerman
HON. LISA G. BECKERMAN
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT 1

Notice

SKADDEN, ARPS, SLATE, MEAGHER &
FLOM LLP
Lisa Laukitis
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Telephone: (212) 735-3000
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– and –

Justin M. Winerman (*pro hac vice*
admission pending)
Anthony R. Joseph (*pro hac vice* admission
pending)
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Telephone: (312) 407-0700
Fax: (312) 407-0411

Counsel to the Foreign Representatives

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

In re

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LTD., *et al.*,

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**NOTICE OF FILING AND HEARING ON THE VERIFIED PETITION FOR
(I) RECOGNITION OF FOREIGN MAIN PROCEEDINGS, (II) RECOGNITION
OF FOREIGN REPRESENTATIVES, AND (III) CERTAIN RELATED RELIEF**

PLEASE TAKE NOTICE that on October 5, 2021, Simon Appell of AlixPartners UK LLP and John C. McKenna of Finance & Risk Services Ltd., in their capacities as the joint provisional liquidators and as the authorized foreign representatives (in such capacities, the “JPLs” or the “**Foreign Representatives**”) of the above-captioned foreign debtors (the “**Debtors**”), seeking recognition of liquidation proceedings (the “**Provisional Liquidation Proceedings**”) under Part XIII of the Companies Act 1981 (the “**Bermuda Companies Act**”), currently pending before the Supreme Court of Bermuda (the “**Bermuda Court**”), and proposed reorganization proceedings concerning schemes of arrangement under section 99 of the Bermuda Companies Act (the “**Schemes**”) that will be filed before the Bermuda Court (the “**Scheme Proceedings**,” and together with the Provisional Liquidation Proceedings, the “**Bermuda Proceedings**”), filed the *Verified Petition for (I) Recognition of Foreign Main Proceedings, (II) Recognition of Foreign Representatives, and (III) Certain Related Relief* (the “**Verified Petition**”)¹ for relief under chapter 15 of title 11 of the United States Code (the “**Bankruptcy Code**”) for the Debtors with the United States Bankruptcy Court for the Southern District of New York (the “**Court**”).

PLEASE TAKE FURTHER NOTICE that, among other things, the Verified Petition requests entry of an order recognizing the Bermuda Proceedings as foreign main proceedings pursuant to Bankruptcy Code section 1517; recognizing each of the Foreign Representatives as a “foreign representative” as defined in Bankruptcy Code section 101(24); and granting related relief.

PLEASE TAKE FURTHER NOTICE that the Bankruptcy Court has scheduled an evidentiary hearing to consider the relief requested in the Verified Petition for November 4, 2021, at 10:00 a.m. (prevailing Eastern Time) (the “**Recognition Hearing**”) before the Honorable Lisa G. Beckerman, United States Bankruptcy Judge for the Southern District of New York, at the United States Bankruptcy Court for the Southern District of New York, Courtroom 601, One Bowling Green, New York, New York 10004.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Bankruptcy Rule 2002-4, at the Recognition Hearing, the Court may order the scheduling of a case management conference to consider the efficient administration of the chapter 15 cases.

PLEASE TAKE FURTHER NOTICE that the Recognition Hearing will be conducted remotely using Zoom for Government. Any parties wishing to appear at the Recognition Hearing, whether in a “live” or “listen only” capacity, must make an electronic appearance through the Court’s website at <https://ecf.nysb.uscourts.gov/cgi-bin/nysbAppearances.pl> **on or before 4:00 p.m. (Prevailing Eastern Time) the business day before the Recognition Hearing.** After the deadline for parties to make electronic appearances has passed, parties who have made their electronic appearance through the Court’s website will receive an invitation from the Court with a Zoom for Government link that will allow them to attend the Recognition Hearing. Requests to

¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Verified Petition.

receive a Zoom for Government link should not be emailed to the Court, and the Court will not respond to late requests that are submitted on the day of the hearing. Further information on the use of Zoom for Government can be found at the Court's website at <https://www.nysb.uscourts.gov/zoom-video-hearing-guide>.

PLEASE TAKE FURTHER NOTICE that any objection to the Verified Petition must be made in accordance with the Bankruptcy Code, the Bankruptcy Rules, and the Local Bankruptcy Rules, in a writing that sets forth the basis for such objection with specificity. Any such objection must be filed electronically with the Court on the Court's electronic case filing system in accordance with and except as provided in General Order M-399 (a copy of which may be viewed on the Court's website at www.nysb.uscourts.gov) and the Court's Procedures for the Filing, Signing and Verification of Documents by Electronic Means, and served upon (i) the Foreign Representatives' counsel, Skadden, Arps, Slate, Meagher & Flom LLP, One Manhattan West, New York, New York 10001 (Attn: Lisa Laukitis) *and* 155 N. Wacker Drive, Chicago, Illinois 60606 (Attn: Justin M. Winerman and Anthony R. Joseph) *and* Skadden, Arps, Slate, Meagher & Flom (UK) LLP, 40 Bank Street, Canary Wharf, London, E14 5DS (Attn: Peter Newman); and (ii) the Office of the United States Trustee, U.S. Federal Office Building, 201 Varick Street, Suite 1006, New York, New York 10014, so as to be **received by 4:00 p.m. (prevailing Eastern Time) on October 28, 2021**, with a courtesy copy served upon the Chambers of the Honorable Lisa G. Beckerman, United States Bankruptcy Judge, United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York 10004-1408.

PLEASE TAKE FURTHER NOTICE that if no objection is timely filed and served as provided above, the Court may grant the relief requested in the Verified Petition without a hearing or further notice.

PLEASE TAKE FURTHER NOTICE that all parties in interest opposing the Verified Petition or the relief requested therein must attend the Recognition Hearing.

PLEASE TAKE FURTHER NOTICE that the Recognition Hearing may be adjourned from time to time without further notice other than an announcement in open court or a notice of adjournment filed with the Court.

PLEASE TAKE FURTHER NOTICE that it is anticipated that the Court may communicate directly with, or request information or assistance directly from, the Bermuda Court or the Foreign Representatives pursuant to Bankruptcy Code section 1525.

PLEASE TAKE FURTHER NOTICE that, if you are receiving this notice in your capacity as a nominee or custodian on behalf of a holder of interests in shares in any of the Debtors, you should promptly forward a copy of this notice and any other materials received in connection with the Chapter 15 Cases to all persons on whose behalf you hold an interest. If you are receiving this notice but have assigned, sold, or otherwise transferred, or assign, sell, or otherwise transfer your interests in shares in any of the Debtors, you should promptly forward a copy of this notice and any other materials received in connection with the Chapter 15 Cases to the person or persons to whom you have assigned, sold or otherwise transferred, or assign, sell, or otherwise transfer, your interests.

PLEASE TAKE FURTHER NOTICE that copies of the Verified Petition and all other documents filed in this case can be accessed from the Court's website, <http://ecf.nysb.uscourts.gov> (a PACER login and password are required to retrieve documents), free of charge by visiting the Case Website at <https://catcobuyout.alixpartners.com>, or upon request to counsel to the Foreign Representatives.

Dated: _____, 2021
New York, New York

SKADDEN, ARPS, SLATE, MEAGHER
& FLOM LLP

DRAFT

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– and –

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