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21 **UNITED STATES BANKRUPTCY COURT**
22 **CENTRAL DISTRICT OF CALIFORNIA**
23 **LOS ANGELES DIVISION**

24 In re:
25 ZETTA JET USA, INC., a California corporation,
26 Debtor.

24 Lead Case No.: 2:17-bk-21386-SK
25 Chapter 7
26 Jointly Administered With:
27 Case No.: 2:17-bk-21387-SK

28 In re:
29 ZETTA JET PTE, LTD., a Singaporean
30 corporation,
31 Debtor.

28 Adv. Proc. No. 2:19-ap-1147-SK

29 **REQUEST FOR JUDICIAL NOTICE**
30 **IN SUPPORT OF THE TRUSTEE'S**
31 **REPLY IN SUPPORT OF MOTION**
32 **FOR LEAVE TO AMEND**
33 **ADVERSARY COMPLAINT**

34 [Related to Docket No. 267]

35 JONATHAN D. KING, solely in his capacity as
36 Chapter 7 Trustee of Zetta Jet USA, Inc. and Zetta
37 Jet PTE, Ltd.,

38 Plaintiff,

39 v.

40 CAVIC AVIATION LEASING (IRELAND) 22
41 CO. DESIGNATED ACTIVITY COMPANY; and
42 BOMBARDIER AEROSPACE CORPORATION,

43 Defendants.

44 Hearing Date and Time:

45 Date: June 30, 2021
46 Time: 9:00 a.m. (PDT)
47 Place: Courtroom 1575
48 255 East Temple Street
49 Los Angeles, CA 90012

REQUEST FOR JUDICIAL NOTICE

Pursuant to Federal Rule of Evidence 201, the Trustee requests that the Court take judicial notice of certain objective facts related to the proofs of claims identified below. Specifically, the Trustee requests that the Court take judicial notice of the identity of the Defendants filing the proof of claim, the proof of claim number, the Debtor against which the proof of claim was filed, the amount of the claim filed, and the date the proof of claim was filed as set forth in the chart below, as well as the fact that the claims are based on the Plane 2-4 Finance Leases¹, which the Trustee seeks to have recharacterized as finance leases in Count I of this adversary proceeding:

Party Filing Proof of Claim	Proof of Claim Number	Amount of Claim	Debtor Filed Proof of Claim Filed Against	Date of Filing
CAVIC	162	\$1,416,591.45	Zetta PTE	04/24/2018
CAVIC	163	\$1,416,591.45	Zetta USA	04/24/2018
CAVIC	165	\$1,416,591.45	Zetta PTE	04/24/2018
CAVIC	166	\$1,416,591.45	Zetta USA	04/24/2018
ZJ6000-1 ST	119	\$1,311,855.20	Zetta PTE	04/16/2018
ZJ6000-1 ST	129	\$1,311,855.20	Zetta PTE	04/16/2018
ZJ6000-1 ST	163	\$42,446,021.23	Zetta PTE	04/24/2018
ZJ6000-1 ST	164	\$42,446,021.23	Zetta USA	04/24/2018
ZJ6000-1 ST	168	\$1,311,855.20	Zetta USA	04/13/2018
ZJ6000-2 ST	118	\$1,331,964.16	Zetta PTE	04/16/2018
ZJ6000-2 ST	131	\$1,331,964.16	Zetta USA	04/16/2018
ZJ6000-2 ST	155	\$1,331,964.16	Zetta USA	04/13/2018
ZJ6000-2 ST	158	\$1,331,964.16	Zetta PTE	04/13/2018
ZJ6000-2 ST	164	\$45,052,976.66	Zetta PTE	04/24/2018
ZJ6000-2 ST	167	\$45,052,976.66	Zetta USA	04/24/2018
ZJ6000-3 ST	117	\$1,348,078.12	Zetta PTE	04/16/2018
ZJ6000-3 ST	130	\$1,348,078.12	Zetta USA	04/16/2018
ZJ6000-3 ST	157	\$1,348,078.12	Zetta PTE	04/13/2018
ZJ6000-3 ST	166	\$48,033,621.40	Zetta PTE	04/24/2018
ZJ6000-3 ST	171	\$1,348,078.12	Zetta USA	04/13/2018

The facts sought to be noticed by this request are not subject to reasonable dispute because they can be accurately and readily determined from the proof of claims docket in the Debtors' bankruptcy cases. In addition, the filing of the proof of claims is relevant to the Trustee's argument because as a result of the Defendants filing the proofs of claims, Count I of the Trustee's first

¹ The Plane 2-4 Finance Leases are a series of complex finance lease transactions that are spread out over several agreements, and have been referred to as Aircraft Lease Agreements Aircraft Sub-Lease Agreements, and Head Leases. (CAVIC Am. Comp. ¶¶ 2; 139; 501; and Schedule 2; Jetcraft Am. Comp. ¶¶ 137; 140; and Schedule 2.) Each of them is attached as an exhibit to one or more of the proofs of claims.

1 amended complaint is not time-barred because recharacterization claims are part of the claims
2 allowance process, which is not subject to a statute of limitations.

3 Courts have recognized that they may take judicial notice of facts related to the filing of a
4 proof of claim. *See, e.g., Aceituno v. Vowell (In re Intelligent Direct Marketing)*, 2015 WL 925565
5 at * 1 (E.D. Cal. March 3, 2015) (taking judicial notice of the existence of the proof of claim
6 documents because they were public records and their authenticity was not disputed); *Gross Belsky*
7 *Alonso LLP v. Henry Edelson*, 2009 WL 1505284 at *5 (N.D. Cal. May 27, 2009 (“[T]he Court
8 may take judicial notice that a Proof of Claim in a bankruptcy proceeding *was filed* . . . [.]”)
9 (emphasis in original); *Wolff v. Chrysler Group LLC*, 2010 WL 1151 at *2 (C.D. Cal. Feb. 22,
10 2010) (granting defendant’s request for judicial notice of the proof of claim filed by the plaintiff in
11 the bankruptcy court). The Trustee is properly seeking judicial notice with respect to only the
12 objective facts related to the Defendants filing of the claims – not to prove the truth of any of the
13 contents of the claims (only that these claims are asserted based in whole or in part on the Plane 2-
14 4 Finance Leases) or that Defendants are entitled to the amounts sought by the claims.²

15 **Conclusion**

16 Accordingly, the Trustee respectfully requests that the Court grant this request and take
17 judicial notice of the objective facts related to the proofs of claims that are identified above.

18 Dated: June 9, 2021

DLA PIPER LLP (US)

/s/ John K. Lyons

David B. Farkas (SBN 257137)

John K. Lyons (admitted *pro hac vice*)

Jeffrey S. Torosian (admitted *pro hac vice*)

Joseph A. Roselius (admitted *pro hac vice*)

Attorneys for the Chapter 7 Trustee

28 ² The Trustee reserves all rights to contest each of these proofs of claims and does not waive any such right or consent
to the propriety of any of these proofs of claims by seeking judicial notice of their filing as stated herein.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
DLA Piper LLP (US)
2000 Avenue of the Stars, Suite 400 North Tower
Los Angeles, CA 90067-4704

A true and correct copy of (l) the entitled Request for Judicial Notice in Support of Trustee's Reply in Support of Motion for Leave to Amend Adversary Complaint will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing documents were served by the court via NEF and hyperlink to the document. On June 9, 2021, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On June 9, 2021, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on June 9, 2021, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

VIA HAND DELIVERY

VIA ELECTRONIC MAIL

(Party, who is being served if different, and email address for each)

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

June 9, 2021
Date

William L. Countryman, Jr.
Printed Name

/s/ William L. Countryman, Jr.
Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

Counsel via Electronic Mail

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Bombardier, Inc.**

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This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.