

1 DAVID B. FARKAS (SBN 257137)
2 david.farkas@us.dlapiper.com
3 DLA PIPER LLP (US)
4 2000 Avenue of the Stars
5 Suite 400 North Tower
6 Los Angeles, California 90067-4704
7 Tel: (310) 595-3000
8 Fax: (310) 595-3300

9 JOHN K. LYONS (*Pro Hac Vice*)
10 john.lyons@us.dlapiper.com
11 JEFFREY S. TOROSIAN (*Pro Hac Vice*)
12 jeffrey.torosian@us.dlapiper.com
13 JOSEPH A. ROSELIUS (*Pro Hac Vice*)
14 joseph.roselius@us.dlapiper.com
15 DLA PIPER LLP (US)
16 444 West Lake Street, Suite 900
17 Chicago, Illinois 60606-0089
18 Tel: (312) 368-4000
19 Fax: (312) 236-7516

20 Attorneys for Jonathan D. King as Chapter 7 Trustee

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

24 In re:
25 ZETTA JET USA, INC., a California
26 corporation,
27 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. 2:19-01147-SK

29 **NOTICE OF FILING OF COLOR-**
30 **CODED OPTIONS OF PROPOSED**
31 **AMENDED COMPLAINT**

32 JONATHAN D. KING, solely in his capacity
33 as Chapter 7 Trustee of Zetta Jet USA, Inc. and
34 Zetta Jet PTE, Ltd.

32 [Relates to Docket No. 242 and 243]

33 Plaintiff,

33 Next Status Conference:

34 v.

34 Date: June 30, 2021
35 Time: 9:00 a.m. (PDT)
36 Place: Courtroom 1575
37 255 East Temple Street
38 Los Angeles, CA 90012

35 CAVIC AVIATION LEASING (IRELAND)
36 22 CO. DESIGNATED ACTIVITY
37 COMPANY; and BOMBARDIER
38 AEROSPACE CORPORATION,
39 Defendants.

1 **TO THE HONORABLE SANDRA R. KLEIN, UNITED STATES BANKRUPTCY JUDGE,**
2 **THE UNITED STATES TRUSTEE AND ALL DEFENDANTS:**

3 **PLEASE TAKE NOTICE** that on April 28, 2021, Jonathan D. King, solely in his capacity
4 as the duly appointed chapter 7 trustee in the above-captioned, jointly administered bankruptcy
5 cases of Zetta Jet USA, Inc. and Zetta Jet PTE, Ltd., through his undersigned counsel, filed the
6 *Trustee’s Notice of Motion and Motion for Leave to Amend Adversary Complaint* [Adversary
7 Docket No. 242] and the *Motion to File Unredacted Amended Complaint and Redline Under Seal*
8 [Adversary Docket No. 243] (collectively, the “Motions”).

9 **PLEASE TAKE FURTHER NOTICE** that on May 17, 2021, the Court held a status
10 conference (the “Status Conference”) on the Motions.

11 **PLEASE TAKE FURTHER NOTICE** that, pursuant to the Court’s request at the Status
12 Conference, attached hereto as **Exhibits 1, 2 and 3** are select pages from the proposed Amended
13 Complaint each with differently color-coded revisions.

14 Respectfully submitted,
15 DATED: May 18, 2021 **DLA PIPER LLP (US)**

16 By: /s/ John K. Lyons
17 DAVID B. FARKAS
18 JOHN K. LYONS (*Pro Hac Vice*)
19 JEFFREY S. TOROSIAN (*Pro Hac Vice*)
20 JOSEPH A. ROSELIUS (*Pro Hac Vice*)

Attorneys for the Trustee / Plaintiff

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit 1
(Red/Dark Green/Blue)

~~British Virgin Islands company, with a registered office at P.O. Box 957, Offshore Incorporations Centre, Road Town, Tortola, British Virgin Islands.~~

~~38. The ZJ6000-4 Statutory Trust (the “ZJ6000-4 ST”) is, and was at all relevant times, a statutory trust formed under the laws of Wyoming, with a registered office at c/o Frontier Registered Agency Services, LLC, 270 West Pearl, Suite 103, Jackson, Wyoming 83001. The ZJ6000-4 ST is a SPV, established by CAVIC specifically for the Leveraged Lease of the Undelivered Aircraft, with all control and decisions made by the trust under the control of CAVIC.~~

~~39. The Zetta MSN 9788 Statutory Trust (the “186 Trust”) is, and was at all relevant times, a statutory trust formed under the laws of Wyoming, with a principal office located at 39 East Eagle Ridge Drive, Suite 201, North Salt Lake, Utah 84054 and registered agent located at c/o Frontier Registered Agency Services, LLC, 270 West Pearl, Suite 103, Jackson, Wyoming 83001. The 186 Trust is a trust formed by Zetta PTE. Zetta PTE exercised sole authority and control over the 186 Trust.~~

E. M. ~~Factual Background~~ Nominal Defendants

48. TVPX is, and was at all relevant times, a Wyoming corporation. TVPX acted not in its individual capacity but only as the owner trustee or lessee trustee in certain aircraft transactions. TVPX was a party to various trust agreements with subsidiaries of Zetta PTE, by which TVPX agreed to hold the finance leases for aircraft in trust for the benefit of these subsidiaries. At all times, the Debtors were the ultimate beneficial owners and obligors of legal and economic interests subject to the trusts. In the aviation industry, it is commonplace for non-citizen US corporate trusts to be formed to register aircraft in the US with the Federal Aviation Administration (“FAA”). TVPX also acted as signatory for the CAVIC Statutory Trusts.

F. Relevant Non-Parties

49. Export Development Canada (“EDC”) is, and was at all relevant times, a Canadian corporation located at 150 Slater Street, Ottawa, Ontario, Canada K1A 1K3, and CAVIC’s secured lender under the Finance Leases.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit 2
(Red/Green/Blue)

~~British Virgin Islands company, with a registered office at P.O. Box 957, Offshore Incorporations Centre, Road Town, Tortola, British Virgin Islands.~~

~~38. The ZJ6000-4 Statutory Trust (the “ZJ6000-4 ST”) is, and was at all relevant times, a statutory trust formed under the laws of Wyoming, with a registered office at c/o Frontier Registered Agency Services, LLC, 270 West Pearl, Suite 103, Jackson, Wyoming 83001. The ZJ6000-4 ST is a SPV, established by CAVIC specifically for the Leveraged Lease of the Undelivered Aircraft, with all control and decisions made by the trust under the control of CAVIC.~~

~~39. The Zetta MSN 9788 Statutory Trust (the “186 Trust”) is, and was at all relevant times, a statutory trust formed under the laws of Wyoming, with a principal office located at 39 East Eagle Ridge Drive, Suite 201, North Salt Lake, Utah 84054 and registered agent located at c/o Frontier Registered Agency Services, LLC, 270 West Pearl, Suite 103, Jackson, Wyoming 83001. The 186 Trust is a trust formed by Zetta PTE. Zetta PTE exercised sole authority and control over the 186 Trust.~~

E. M. Factual Background Nominal Defendants

48. TVPX is, and was at all relevant times, a Wyoming corporation. TVPX acted not in its individual capacity but only as the owner trustee or lessee trustee in certain aircraft transactions. TVPX was a party to various trust agreements with subsidiaries of Zetta PTE, by which TVPX agreed to hold the finance leases for aircraft in trust for the benefit of these subsidiaries. At all times, the Debtors were the ultimate beneficial owners and obligors of legal and economic interests subject to the trusts. In the aviation industry, it is commonplace for non-citizen US corporate trusts to be formed to register aircraft in the US with the Federal Aviation Administration (“FAA”). TVPX also acted as signatory for the CAVIC Statutory Trusts.

E. Relevant Non-Parties

49. Export Development Canada (“EDC”) is, and was at all relevant times, a Canadian corporation located at 150 Slater Street, Ottawa, Ontario, Canada K1A 1K3, and CAVIC’s secured lender under the Finance Leases.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit 3
(Red/Dark Orange/Blue)

~~British Virgin Islands company, with a registered office at P.O. Box 957, Offshore Incorporations Centre, Road Town, Tortola, British Virgin Islands.~~

~~38. The ZJ6000-4 Statutory Trust (the “ZJ6000-4 ST”) is, and was at all relevant times, a statutory trust formed under the laws of Wyoming, with a registered office at c/o Frontier Registered Agency Services, LLC, 270 West Pearl, Suite 103, Jackson, Wyoming 83001. The ZJ6000-4 ST is a SPV, established by CAVIC specifically for the Leveraged Lease of the Undelivered Aircraft, with all control and decisions made by the trust under the control of CAVIC.~~

~~39. The Zetta MSN 9788 Statutory Trust (the “186 Trust”) is, and was at all relevant times, a statutory trust formed under the laws of Wyoming, with a principal office located at 39 East Eagle Ridge Drive, Suite 201, North Salt Lake, Utah 84054 and registered agent located at c/o Frontier Registered Agency Services, LLC, 270 West Pearl, Suite 103, Jackson, Wyoming 83001. The 186 Trust is a trust formed by Zetta PTE. Zetta PTE exercised sole authority and control over the 186 Trust.~~

E. M. Factual Background Nominal Defendants

48. TVPX is, and was at all relevant times, a Wyoming corporation. TVPX acted not in its individual capacity but only as the owner trustee or lessee trustee in certain aircraft transactions. TVPX was a party to various trust agreements with subsidiaries of Zetta PTE, by which TVPX agreed to hold the finance leases for aircraft in trust for the benefit of these subsidiaries. At all times, the Debtors were the ultimate beneficial owners and obligors of legal and economic interests subject to the trusts. In the aviation industry, it is commonplace for non-citizen US corporate trusts to be formed to register aircraft in the US with the Federal Aviation Administration (“FAA”). TVPX also acted as signatory for the CAVIC Statutory Trusts.

E. Relevant Non-Parties

49. Export Development Canada (“EDC”) is, and was at all relevant times, a Canadian corporation located at 150 Slater Street, Ottawa, Ontario, Canada K1A 1K3, and CAVIC’s secured lender under the Finance Leases.

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 the foregoing document entitled *Notice of Filing of Color-Coded Options of Proposed Amended 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 May 18, 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 May 18, 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 May 18, 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.

May 18, 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

**Bombardier Aerospace Corporation and
Bombardier, Inc.**

Attn.: Matthew S. Walker
Email: matthew.walker@pillsburylaw.com

Attn.: Andrew Troop
Email: andrew.troop@pillsburylaw.com

Attn.: Carolina A. Fornos
Email: carolina.fornos@pillsburylaw.com

**CAVIC Aviation Leasing (Ireland) 22 Co.
Designated Activity Company**

Attn.: Alan Watson
Email: alan.watson@hklaw.com

Attn.: Robert J. Labate
Email: robert.labate@hklaw.com

United States Trustee

Attn.: Dare Law
Email: dare.law@usdoj.gov

Attn.: Ron Maroko
Email: ron.maroko@usdoj.gov

Attn.: Jill Sturtevant
Email: jill.sturtevant@usdoj.gov

Attn.: Peter C. Anderson
Email: peter.c.anderson@usdoj.gov

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