

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

In re	:	Chapter 11
	:	
Kumtor Gold Company CJSC and Kumtor Operating Company CJSC, ¹	:	Case No. 21-11051 (LGB)
	:	
	:	Jointly Administered
	:	
Debtors.	:	
	:	

**ORDER ENFORCING SECTIONS 362, 365(E)(1)
AND 525 OF THE BANKRUPTCY CODE**

Upon the motion (the “Motion”)² of Kumtor Gold Company CJSC and Kumtor Operating Company CJSC (collectively, the “Debtors”), for entry of an order (this “Order”), (a) enforcing and restating the automatic stay, *ipso facto* and antidiscrimination provisions under sections 362, 365(e)(1) and 525 of the Bankruptcy Code and (b) granting related relief; and this Court having jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334; and venue of these Chapter 11 Cases and the Motion in this district being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this matter being a core proceeding pursuant to 28 U.S.C. § 157(b); and this Court having found that proper and adequate notice of the Motion and the relief requested therein has been provided in accordance with the Bankruptcy Rules and the Local Rules of the United States Bankruptcy Court for the Southern District of New York, and that, except as otherwise ordered herein, no other or further notice is necessary; and any objections (if any) to the Motion having been withdrawn, resolved or overruled on the merits; and a hearing having been held to consider the relief requested in the Motion and upon the record of the hearing and all of the proceedings had before this Court; and this Court having found and

¹ The Debtors’ corporate headquarters is located at 24 Ibraimova Street, 720001, Bishkek, the Kyrgyz Republic.

² Capitalized terms not otherwise defined herein are to be given the meanings ascribed to them in the Motion.

determined that the relief sought in the Motion is in the best interests of the Debtors, their estates, their creditors and all other parties-in-interest; and that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor;

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED as set forth herein.
2. Pursuant to section 362 of the Bankruptcy Code, all persons (including individuals, partnerships, corporations, and all those acting for or on their behalf) and all foreign or domestic governmental units (and all those acting for or on their behalf) are stayed, restrained and enjoined from:
 - a. commencing or continuing any judicial, administrative, or other action or proceeding against the Debtors, including the issuance or employment of process, that was or could have been initiated before the Debtors' Chapter 11 Cases commenced;
 - b. enforcing, against the Debtors or their estates, a judgment obtained before the commencement of these Chapter 11 Cases;
 - c. collecting, assessing, or recovering a claim against the Debtors that arose before the commencement of these Chapter 11 Cases;
 - d. taking any action to obtain possession of property of the estates or to exercise control over property of the Debtors' estates or to interfere in any way with the conduct by the Debtors of their businesses, including, without limitation, attempts to seize or reclaim any equipment, supplies or other assets Debtors may use in their businesses;
 - e. taking any action to create, perfect, or enforce any lien against property of the Debtors' estates;
 - f. taking any action to create, perfect or enforce any lien against property of the Debtors, to the extent that such lien secures a claim that arose before the commencement of these Chapter 11 Cases; and
 - g. offsetting any debt owing to the Debtors that arose before the commencement of these Chapter 11 Cases against any claim against the Debtors.

3. All persons and all foreign and domestic governmental units, and all those acting on their behalf, including sheriffs, marshals, constables, and other or similar law enforcement officers and officials are stayed, restrained and enjoined from in any way seizing, attaching, foreclosing upon, levying against, or in any other way interfering with any and all property of the Debtors and the Debtors' estates, wherever located.

4. Courts of competent jurisdiction shall take all appropriate measures required to enforce and recognize these Chapter 11 Cases, including, but not limited to, application of the automatic stay and all other orders entered in these Chapter 11 Cases in the relevant jurisdictions.

5. Pursuant to sections 362 and section 365(e)(1) of the Bankruptcy Code, and subject to any relevant provisions or exceptions provided for in the Bankruptcy Code, all persons (including individuals, partnerships, corporations and all those acting for or on their behalf) and all foreign or domestic governmental units (and all those acting for or on their behalf) are prohibited from modifying or terminating any executory contract or unexpired lease, or any right or obligation under such contract or lease, at any time after the commencement of these Chapter 11 Cases solely because of a provision in such contract or lease that is conditioned on:

- a. the insolvency or financial condition of the debtor at any time before the closing of these Chapter 11 Cases;
- b. the commencement of these Chapter 11 Cases; or
- c. the appointment of a trustee in these Chapter 11 Cases.

6. The Debtors may use reasonable methods of providing notice to any persons (including individuals, partnerships, corporations, other entities and all those acting on their behalf) and governmental units, whether of the United States, any state or locality therein or

any territory or possession thereof, or any foreign country (including any division, department, agency, instrumentality or service thereof and all those acting on their behalf), that intends to, is or may violate the automatic stay using such methods as, including but not limited to, publication, certified and non-certified mail, service upon the person's or governmental unit's attorney, facsimile, email, posting on the Debtors' website, hand delivery, and courier.

7. This Order shall not affect (a) the substantive rights of any party or the availability of any of the exceptions contained in sections 362(b) and 365(e)(1) of the Bankruptcy Code or (b) the right of any party-in-interest to seek relief from the automatic stay in accordance with section 362(d) of the Bankruptcy Code or with respect to an executory contract or unexpired lease under section 365 of the Bankruptcy Code.

8. Pursuant to section 525 of the Bankruptcy Code, all foreign and domestic governmental units are prohibited and enjoined from (a) denying, revoking, suspending, or refusing to renew any license, permit, charter, franchise, or other similar grant to either of the Debtors, (b) placing conditions upon such a grant to either of the Debtors or (c) discriminating with respect to such a grant against either of the Debtors (or another person with whom either of the Debtors has been associated) solely because either of the Debtors is a debtor under the Bankruptcy Code, or may have been insolvent before or during these Chapter 11 Cases.

9. Nothing in this Order is intended to, or shall, alter the effect of any provision of the Bankruptcy Code, including, without limitation 11 U.S.C. §§ 362, 365, 525, 555, 556, 560 and 561.

10. The Debtors are authorized and empowered to execute and deliver such documents, and to take and perform all actions necessary to implement and effectuate the relief granted in this Order.

11. The requirements set forth in Local Rule 9013-1(b) are satisfied.

12. The Order is immediately effective and enforceable, notwithstanding the possible applicability of Bankruptcy Rule 6003(b) or otherwise.

13. On request of a party-in-interest, after notice and a hearing, this Court may grant relief from the restraints imposed herein in the event that it is necessary, appropriate and warranted so to terminate, annul, modify or condition the relief granted herein.

14. Notwithstanding anything to the contrary contained herein, this Order shall not be construed as enjoining or staying any act that is not stayed, or that is subject to an exception from the automatic stay, pursuant to the terms of section 362 of the Bankruptcy Code.

15. This Court shall retain jurisdiction with respect to any matters, claims, rights or disputes arising from or related to the Motion or the implementation of this Order.

Dated: June 8, 2021
New York, New York

/s/ Lisa G. Beckerman
The Honorable Lisa G. Beckerman
United States Bankruptcy Judge