

R.G. No. 4888/2024



COURT OF RAVENNA

CIVIL SECTION - VG

**DECREE SETTING A HEARING pursuant to art. 19,
para. 3, of the CCI**

Having regard to the petition for confirmation of protective measures 4888 2024 filed by:

CFS EUROPE - SPA (tax code 03902320823), with registered office in Via Agostino Depretis, 6, Ravenna (RA), represented by Filippo Chiodini Innocenti Ducci, Bianca Lascialfari, and Sara Marziolo, with declared address for service purposes at the above-mentioned attorneys' office in Milan, via Broletto 20,

PETITIONER

Considering that the above-mentioned Court has jurisdiction as the petitioner's centre of main interest is established in the said Court's district, pursuant to art. 27, paras. 2 and 3, of the CCI;

Considering the timely submission of the petition, as it was lodged within the day following the publication in the companies' register - which took place on 13.11.2024 - of the application pursuant to art. 18, para. 1, of the CCI, and the appointment of the expert, pursuant to and for the purposes of art. 19, paras. 1 and 3, of the CCI;

Having noted that the declaration of acceptance by the expert Enrico MONTANARI was attached to the petition;

Having noted that the documentation required under art. 19, para. 2, of the CCI was attached to the petition;

Having noted that the petition seeks confirmation of the *erga omnes* effect of the protective measures, hence the need to indicate appropriate forms of service under art. 151 of the Italian Code of Civil Procedure;

Having deemed it necessary to provide for forms of "remote" handling of these proceedings, in accordance with the preference expressed by the Legislator in art. 19, para. 3, of the CCI,

Judge Paolo Gilotta hereby

SETS

The hearing of 7.01.2025 at 10 a.m. ff. for the examination of the parties and of the expert, while reserving the right to proceed with the preliminary evidence-gathering acts that are necessary for the purposes of the decision following the ordinary establishment of the adversarial process (*contraddittorio*);

ORDERS that the hearing be held by means of the Microsoft videoconferencing tool called "Teams", referred to at the link below, which is suitable for access to the Judge's virtual room:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZDU0YjM2ZDctMDViZS00YzJlThlNGMthlMWQ1YTk3N2I2%40threa.d.v2/0?context=%7b%22Tid%22%3a%22792bc8b1-9088-4858-b830-2aad443e9f3f%22%2c%22Oid%22%3a%228df10bb4-001b-4015-9737-15476113e02a%22%7d

(Operating instructions for access can be found at the end of this decree)

ORDERS the petitioner to serve a copy of the petition and of this decree on the expert and the creditors within 15 days prior to said hearing as follows:

- By certified e-mail or, if not viable, in the ordinary manner pursuant to Articles 137 *et seq.* of the Italian Code of Civil Procedure, as to the expert, the top ten creditors by amount and, in any event, the bank creditors, as indicated in the list, and, due to the presence of many foreign creditors:
- By publication on the petitioner's website, in such a graphic manner as to ensure immediate visibility, as to all other creditors;

ADVISES that the service of the copy of the petition and of this decree must be made on the parties personally and not on the attorneys assisting them in any pending enforcement and precautionary proceedings and that the assistance of an attorney is required to attend the hearing;

ORDERS the petitioner to lodge electronically, at least three days before the hearing, a summary statement of the names of the parties containing an indication of the methods used for service and their outcome, as well as proof of service; and the petitioner to lodge, at the hearing, a certificate of the sending of the request for publication of the general register number of these proceedings to the companies' register;

ADVISES

- that, from the day of the publication of the application for protective measures in the companies' register, creditors may not acquire pre-emption rights unless agreed with the company, nor may they initiate or continue enforcement and precautionary actions on its assets or on the assets and rights with and under which the company's business is carried on; and
- that the creditors affected by the protective measures may not unilaterally refuse to perform, or cause the termination of any pending contracts, nor may they accelerate their expiry or modify them to the detriment of the company solely on the ground of the non-payment of their claims prior to the publication of the application for protective measures;

ORDERS the Court Clerk's Office to serve this decree on the petitioner.

Ravenna, 21/11/2024

The Judge
Paolo Gilotta

Annexes as above

Operating instructions for participating in the hearing by videoconference

The message inviting you to participate in the hearing consists of the hyperlink above; once you activate it (if it is inactive, simply paste it into the navigation address bar of your browser), you will be asked to open the Teams software and, if it has not already been installed, to start its installation or to use the web version; if you opt for the connection via browser, correct audio and video functioning is technically not guaranteed unless you use Edge or Chrome. The use of other browsers may result in a failed connection.

If your identification details are not already stored in the Teams software, you must enter (in the field marked "enter name") your surname and first name, without using abbreviations or pseudonyms. When using the web version, enter your full first name and surname. You are advised to timely set up your computer equipment (fixed or portable computer or other suitable peripheral device) with an adequate connection to the Internet network to allow the reproduction of images and sounds coming from the judge's virtual room, as well as a video camera and microphone suitable for participation in the hearing, which must be started up using the appropriate Teams buttons upon connecting to the meeting (by default, they may be switched off when you turn on your device).