

- Certified copy -

Bad Homburg v.d.Höhe District Court

27.11.2019

- Insolvency court -

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(please always quote)

[coat of arms]

Decision

In the insolvency proceedings concerning the assets of

Thomas Cook GmbH, represented by managing director S. Patzak et al, Thomas Cook Platz 1, 61440 Oberursel (Bad Homburg v.d. Höhe District Court, commercial register HRB 13588),

the insolvency proceedings pursuant to §§ 2, 3, 11, 16 et seq. InsO (Insolvency Regulation) are opened today, on 27.11.2019 at 07:45 a.m.

Appointed as insolvency administrator is:

Lawyer Fabio Algari, Goldsteinstr. 114, 60528 Frankfurt am Main, tel.: 069/34 87 13 2-0, fax: 069-34 87 13 2-99

The debtor is prohibited from disposing of its current and future assets belonging to the insolvency estate for the duration of the insolvency proceedings. The power of disposal is assigned to the insolvency administrator.

Debt-relieving payments to the debtor can no longer be made after the opening date. If, nevertheless, the debtor is paid and the funds do not come into the insolvency estate, there is a risk of a renewed obligation to pay the insolvency administrator.

The insolvency administrator is charged with serving pursuant to § 8 paragraph 3 InsO. Further, pursuant to Art. 54 EulnsVO (European Insolvency Regulation) he assumes the provision of the required information to all known foreign creditors.

The creditors are requested:

- a) to file insolvency claims (§ 38 InsO) with the insolvency administrator in writing, enclosing documents, invoices and any other documents existing with regard to the claim in compliance with § 174 InsO by:

08.05.2020,

- b) to immediately inform the insolvency administrator which security interests they claim to have in movable property or rights of the debtor. Details are to be provided of the object of the claimed security interest, the nature and causal origin of the security interest as well as the secured claim. Any person who by fault omits to provide this information, or provides it late, shall be liable for the consequent damage (§ 28 para. 2 InsO).

Persons who have obligations to the debtor are required no longer to fulfil these obligations to the debtor, but to the insolvency administrator (§ 28 para. 3 InsO).

Claims may be lodged electronically.

The following meetings will be held before the insolvency court:

1. a creditors' assembly for reporting by the insolvency administrator (**report date**) on:

Wednesday, 29.01.2020. 11:00 a.m., Bad Homburg Congress Centre - Landgraf-Friedrich-Saal -, Louisenstraße 58, 61348 Bad Homburg

**Approach via
Ludwigstraße 3
(entrance through Maritim Hotel Kurhaus garage)**

Admission from 9:00 a.m.

An admission control will be carried out. It is therefore recommended to arrive at the venue early.

When authorizing to attend the meeting, § 79 ZPO (Code of Civil Procedure) in conjunction with § 4 InsO must be observed. Pursuant to § 79 ZPO it is only possible to be represented by one of the persons named therein.

At the same time the meeting serves the decision of the creditors on

- the person of the insolvency administrator (§ 57 InsO),
- the establishment or maintenance in office and appointment of a creditors' committee (§ 68 InsO).

and optionally on:

- rendering of intermediate accounts to the creditors' assembly (§ 66 para. 3 InsO),
- an agency and conditions of deposit for investment of currency, securities and objects of value (§ 149 InsO),
- the progress of the proceedings (§ 157 InsO); e.g. company closure, provisional continuation or insolvency plan,
- the disposition of the insolvency estate (§ 159 InsO),

- particularly important legal transactions of the insolvency administrator (§160 InsO); in particular: the sale of the company or the business of the debtor, the entire stock, a part of the immovable property to be disposed of by private sale, the debtor's shares in another undertaking if such shares are intended to bring about a permanent affiliation to such other undertaking, the entering into of a loan which would considerably burden the insolvency estate, bringing, joining, negotiating a settlement in respect of or avoiding a court action amounting to a considerable value in dispute,
- a sale of a business to persons with specific interests or a sale of a business below value (§§ 162, 163 InsO),
- an application for an order for debtor-in-possession management (§ 271 InsO),
- a discontinuation of the proceedings by the court pursuant to § 207 InsO without convening a special creditors' assembly,

2. The key date corresponding to the review date is **08.06.2020** due to the large number of expected claims. The review will be carried out **as written proceedings** (§ 5 para. 2 sentence 1 InsO).

By this date it is necessary for the court to have received:

> Objections disputing claims

The insolvency table and the registration documents will be deposited for inspection by the parties involved at the registry of the insolvency court within the first third of the period which lies between the expiration of the registration period (08.05.2020) and the above mentioned key date upon which the claims will be reviewed in writing (08.06.2020).

The deposition will be effected in digital form.

Deletion periods:

The deletion of publications in an electronic information and communication system takes place according to § 3 InsoBekV (Regulation on Public Notices in Insolvency Proceedings). The deletion periods are as follows:

- > Publications made in the lodgement or insolvency proceedings are deleted no later than six months after the cancellation or the legal validity of the termination of the insolvency proceedings. If the proceedings are not opened, the deadline begins with the repeal of the published safeguards.
- > Other publications under the Insolvency Code are deleted one month after the first day of publication.

Further instructions:

The **creditors' committee** appointed in the insolvency proceedings will be maintained in office. This consists of the following **members**:

- Pensionssicherungsverein, represented by Lawyer Dr. Marko Brambach, Bahnstr. 6, 50996 Cologne
- Vorsitzender des Betriebsrats Mitte (Chairman of the Works Council Centre) Dr. Tobias Nägele, Schulstr. 7, 61350 Bad Homburg v.d.Höhe

- Zürich Versicherungen, represented by Mr Thart, Solmsstr. 27-37, 604 Frankfurt am Main
- Bundesagentur für Arbeit (Federal Employment Agency), represented by Ms Claudia Weber-Arnoldt, Fischerfeldstr. 10-12 und 13, 60311 Frankfurt am Main
- Amadeus Leisure IT GmbH, represented by Ms Uta Martens, Carlo-Schmid-Str. 12, 52146 Würselen/Aachen

The insolvency administrator has pursuant to § 208 InsO notified the court that there is an insufficiency of funds. This means that the insolvency estate is insufficient to settle the other debts of the insolvency assets which are due or will become due in the future.

Reasons:

The debtor is insolvent. This is established to the satisfaction of the court on the basis of the investigations carried out, in particular on the basis of the opinion of the expert lawyer Fabio Algari of 22.11.2019.

The international jurisdiction of the District Court of Bad Homburg v.d.Höhe arises from Article 3 para. 1 of Regulation (EU) 2015/848, as the debtor has the centre of its main interests in the Federal Republic of Germany.

Right to appeal

The decision may be challenged by the debtor, the Pension Security Association, the Federal Financial Supervisory Authority and, in the case of legal persons and associations without legal personality, by any member of the representative body or any personally liable partner with an immediate appeal. Moreover, if Article 5 paragraph 1 of Regulation (EU) 2015/848 seeks to challenge the lack of international jurisdiction to open main insolvency proceedings, the immediate appeal can also be lodged by any creditor.

It is to be lodged within an emergency period of 2 weeks at the Amtsgericht Bad Homburg v.d.Höhe, Auf der Steinkaut 10-12, 61352 Bad Homburg v.d.Höhe.

The period begins with the service or with the announcement of the decision. Insofar as the service is effected by public notice, it shall commence as soon as two further days have elapsed after the date of publication. If the public announcement is made in addition to the service, the earlier event shall be decisive for the beginning of the period.

The appeal may be filed by lodging a notice of appeal at the above mentioned District Court or recorded at the registry of any district court, whereby the observance of the deadline is determined by the time of receipt at the a. m. court. It shall be signed by the complainant or his duly authorized representative. The appeal must include the title of the contested decision and the statement that the appeal is being brought against this decision. If the decision is to be challenged only in part, the extent of the challenge must be designated.

The complaint should be justified.

Marhold

District Court Judge

Certified

Bad Homburg v.d.Höhe, dated 27.11.2019

[signed: illegible] [stamp: BAD HOMBURG v.d. Höhe District Court 37]

Jagelke, Court Clerk

as Registrar of the Court

 Ende der Übersetzung / End of translation

Als in Bayern öffentlich bestellter und beeidigter Übersetzer für die englische Sprache bestätige ich: Vorstehende Übersetzung der mir ~~im~~ ~~Original/in beglaubigter Abschrift/in~~ Fotokopie vorgelegten, in deutscher Sprache abgefassten Urkunde/n ist/sind richtig und vollständig.

Certified true and complete translation of the ~~original/certified~~ ~~copy/photocopy~~ presented to me in the German language.

München, 10.12.2019

Myles M. F. OLIVER

Myles Oliver

