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**PROPOSED ATTORNEYS FOR DEBTORS**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**In re:** § **Chapter 11**  
§  
**ERICKSON INCORPORATED, et al.,<sup>1</sup>** § **Case No. 16-34393-hdh**  
§  
**Debtors.** § **(Joint Administration Requested)**

**DEBTORS’ EMERGENCY MOTION FOR ENTRY OF AN ORDER (I) EXTENDING THE TIME TO FILE SCHEDULES AND STATEMENTS, (II) WAIVING THE REQUIREMENT TO FILE AN EQUITY LIST AND PROVIDE NOTICES DIRECTLY TO EQUITY SECURITY HOLDERS, AND (III) APPROVING THE FORM AND MANNER OF NOTIFYING CREDITORS OF THE COMMENCEMENT OF THE DEBTORS’ CHAPTER 11 CASES**

Erickson Incorporated and its debtor affiliates, as debtors and debtors in possession in the above-captioned Chapter 11 cases (collectively, the “**Debtors**”), file this *Debtors’ Emergency Motion for Entry of an Order (I) Extending the Time to File Schedules and Statements, (II) Waiving the Requirement to File an Equity List and Provide Notices Directly to Equity Security*

<sup>1</sup> The Debtors in these Chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, include: Erickson Incorporated (7561); EAC Acquisition Corporation (3733); Erickson Helicopters, Inc. (5052); Erickson Transport, Inc. (9162); Evergreen Helicopters International, Inc. (1311); Evergreen Equity, Inc. (9209); and Evergreen Unmanned Systems, Inc. (3961). The location of the Debtors’ service address is 5550 SW Macadam Avenue, Suite 200, Portland, OR 97239.



*Holders, and (III) Approving the Form and Manner of Notifying Creditors of the Commencement of Debtors' Chapter 11 Cases* (this "**Motion**"), and respectfully represent as follows:

**Jurisdiction and Venue**

1. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

**Background**

2. The Debtors, together with their non-debtor affiliates (collectively, "**Erickson**"), are a vertically-integrated manufacturer and operator of the powerful heavy-lift Erickson S-64 Aircrane helicopter (the "**Aircrane**"), and are a leading global provider of aviation services. Erickson currently possesses a diverse fleet of 69 rotary-wing and fixed-wing aircraft that support a variety of government and civil customers worldwide. These customers rely on Erickson for a broad range of aerial services, including critical supply and logistics for deployed military forces, humanitarian relief, firefighting, timber harvesting, infrastructure construction, and crewing.

3. Included among Erickson's fleet are 20 Aircranes, for which Erickson owns the Type and Production Certificates. Erickson manufactures the Aircranes and related components for sale to government and commercial customers. Erickson also provides aftermarket support and maintenance, repair, and overhaul services for the Aircranes and other aircraft.

4. To facilitate a further restructuring of the Debtors' businesses, on the date hereof (the "**Petition Date**"), each of the Debtors commenced cases under Chapter 11 of the Bankruptcy Code (the "**Chapter 11 Cases**"). The Debtors are operating their businesses and managing their properties as debtors in possession pursuant to Sections 1107(a) and 1108 of the

Bankruptcy Code. Concurrently with the filing of this Motion, the Debtors have requested procedural consolidation and joint administration of the Chapter 11 Cases. No request for the appointment of a trustee or examiner has been made in the Chapter 11 Cases, and no committees have been appointed or designated.

5. Additional information about Erickson's businesses, capital structure, and the circumstances leading to the commencement of these Chapter 11 Cases can be found in the *Declaration of David Lancelot in Support of the Debtors' Chapter 11 Petitions and First Day Motions* (the "**Lancelot Declaration**"), filed concurrently herewith.

#### **Relief Requested**

6. The Debtors seek entry of an order, substantially in the form attached hereto as **Exhibit B** (i) extending the deadline by which the Debtors must file their schedules of assets and liabilities, schedules of current income and expenditures, schedules of executory contracts and unexpired leases, and statements of financial affairs (collectively, the "**Schedules and Statements**") by 30 days, for a total of 44 days from the Petition Date, through and including December 22, 2016, (ii) waiving the requirement to file a list of and provide notice directly to Debtor Erickson Incorporated's equity security holders, and (iii) approving the form and manner of notice of commencement of these Chapter 11 Cases and the scheduling of the meeting of creditors to be held pursuant to Bankruptcy Code § 341 (the "**Notice of Commencement**").

#### **Basis for Relief Requested**

##### **A. Extension of Deadline to File Schedules and Statements**

7. Bankruptcy Code § 521 and Bankruptcy Rule 1007 require debtors to file their schedules of assets and liabilities, schedules of current income and expenditures, and schedules of executory contracts and unexpired leases, and statements of financial affairs within 14 days of

their petition date. However, pursuant to Bankruptcy Rules 1007(c) and 9006(b), the Court has authority to extend the time required for the filing of the Schedules and Statements “for cause.” Fed. R. Bankr. P. 1007(c) and 9006(b).

8. The Debtors submit that good and sufficient cause exists for granting an extension of time to file the Debtors’ Schedules and Statements. There are seven Debtors in these Chapter 11 Cases. To prepare the Schedules and Statements, the Debtors must compile information from books, records, and documents maintained by each of these seven Debtors, relating to the claims of thousands of creditors, as well as the Debtors’ many assets and contracts. Given the scope of the Debtors’ operations, it will take substantial time to gather and process such information. The Debtors have a limited number of employees with detailed knowledge of the Debtors’ financial affairs and the skill to perform the necessary review and analysis of the Debtors’ financial records. In light of the size and complexity of the Debtors’ businesses, and the resulting significant amount of work required to complete the Schedules and Statements, as well as the competing demands on the Debtors’ employees and professionals to assist in critical efforts to stabilize the Debtors’ business operations during the initial postpetition period, an extension is necessary.

9. The requested extension also will aid the Debtors in efficiently preparing accurate Schedules and Statements, as it will allow the Debtors to account for prepetition invoices not yet received or entered into their accounting systems as of the Petition Date, and will minimize the possibility that any subsequent amendments to the Schedules and Statements are necessary. As such, the extension will benefit not only the Debtors, but all creditors and other parties in interest.

10. Although the Debtors, with the assistance of their professional advisors, have begun to compile the information necessary for the Schedules and Statements, the Debtors have been consumed with a multitude of other legal, business, and administrative matters in the weeks prior to the Petition Date. Nevertheless, recognizing the importance of the Schedules and Statements in these Chapter 11 Cases, the Debtors intend to complete the Schedules and Statements as quickly as possible under the circumstances.

11. The Debtors expect that they will require at least thirty (30) additional days to finalize the Schedules and Statements. The Debtors therefore request that the Court extend the 14-day period for an additional thirty (30) days (making the Schedules and Statements due on or before 44 days after the Petition Date), without prejudice to the Debtors' right to request further extensions, for cause shown.

12. In view of the amount of information that must be assembled and compiled, and the limited time available to do so, ample cause exists for the requested extension. Further, courts in this district have previously granted similar relief. *See, e.g., In re CHC Group Ltd., et al.*, Case No. 16-31854 (Bankr. N.D. Tex. May 7, 2016); *Forest Park Medical Center at Southlake, LLC*, Case No. 16-40273 (Bankr. N.D. Tex. Feb. 2, 2016); *DDS Hospitality, LLC*, Case No. 16-20001 (Bankr. N.D. Tex. Jan. 15, 2016); *Forest Park Medical Center at Fort Worth, LLC*, Case No. 16-40198 (Bankr. N.D. Tex. Jan. 12, 2016); *Pennington Investment Corporation*, Case No. 15-42416 (Bankr. N.D. Tex. June 25, 2015); *Hairston Global Protective Services, Inc.*, Case No. 15-43180 (Bankr. N.D. Tex. Aug. 20, 2015); and *Sophisticated Style, Inc.*, Case No. 15-44258 (Bankr. N.D. Texas. Nov. 3, 2015).

**B. Waiver of the Requirement to File an Equity List for Erickson Incorporated and Provide Notices Directly to Equity Security Holders**

13. Bankruptcy Rule 1007(a)(3) provides that, “unless the court orders otherwise, the debtor shall file within fourteen (14) days after entry of the order for relief a list of the debtor’s equity security holders of each class showing the number and kind of interests registered in the name of each holder, and the last known address or place of business of each holder.” Fed. R. Bankr. P. 1007(a)(3). Bankruptcy Rule 2002(d) provides that, “unless otherwise ordered by the court,” notice shall be provided to all equity holders of the commencement of the case, any equity holders’ meeting under Bankruptcy Code § 341, certain asset sales, conversion or dismissal hearings, the disclosure statement deadline, the confirmation objection deadline, and the voting deadline. Fed. R. Bankr. P. 2002(d).

14. Debtor Erickson Incorporated, the direct or indirect parent of all the other Debtors, is a public company traded on the NASDAQ under the ticker “EAC.” As of October 28, 2016, Erickson had 13,895,421 shares of common stock outstanding. Further, the holders of such common stock change on a regular basis through active trading. Erickson Incorporated does not maintain a list of its equity security holders (an “**Equity List**”) and therefore must obtain the names and addresses of its shareholders from a securities agent.

15. The Debtors submit that preparing an Equity List for Erickson Incorporated with accurate names and last known addresses, and providing notices to all such parties of the commencement of these Chapter 11 Cases would create undue expense and administrative burden without a corresponding benefit to the estates or parties in interest. Moreover, Erickson Incorporated filed with its petition a list of significant holders of its outstanding common stock based on information ascertained from filings with the Securities and Exchange Commission. Further, as soon as is practicable following the date hereof, the Debtors intend to cause the

notices required under Bankruptcy Rule 2002(d) to be served on *registered* holders of Erickson Incorporated's common stock. Accordingly, the Debtors respectfully request that the requirements to file a list of and to provide notice directly to Erickson Incorporated's equity security holders be waived.

16. Bankruptcy courts in the Fifth Circuit and others routinely grant substantially similar relief in cases involving publicly-traded debtors. *See, e.g., In re CJ Holding Co.*, No. 16-33590 (DRJ) (Bankr. S.D. Tex. July 21, 2016) (waiving the requirements to file a list of and to provide notice of commencement of the case to equity security holders); *In re Linn Energy LLC*, No. 16-60040 (DRJ) (Bankr. S.D. Tex. May 13, 2016) (waiving the requirements to file a list of and to provide notice of commencement of the case to equity security holders); *In re Ultra Petrol. Corp.*, No. 16-32202 (MI) (Bankr. S.D. Tex. May 3, 2016) (waiving the requirement to file a list of equity security holders and provide direct notice); *In re Lehman Bros. Holdings Inc.*, No. 08-13555 (JMP) (Bankr. S.D.N.Y. Sept. 16, 2008) (same)

17. Based on the foregoing, the Debtors submit that the relief requested is necessary and appropriate, is in the best interests of their estates and creditors, and should be granted in all respects.

**C. Form and Manner of Notifying Creditors of the Commencement of the Debtors' Chapter 11 Cases**

18. Bankruptcy Rule 2002(a) provides, in relevant part, that "the clerk, or some other person as the court may direct, shall give the debtor, the trustee, all creditors and indenture trustees at least 21 days' notice by mail of: the meeting of creditors under § 341 or § 1104(b) of the Code." Fed. R. Bankr. P. 2002(a). Furthermore, Bankruptcy Rule 2002(f) provides that notice of the order for relief shall be sent by mail to all creditors. Fed. R. Bankr. P. 2002(f). The

Court has authority under Bankruptcy Rule 2002(*l*) to “order notice by publication if it finds notice by mail is impracticable.” Fed. R. Bankr. P. 2002(*l*).

19. Through Kurtzman Carson Consultants LLC, the Debtors’ proposed noticing, claims, and balloting agent (the “**Noticing and Claims Agent**”) as soon as practicable after entry of the Order, the Debtors propose to mail or cause to be mailed the Notice of Commencement, substantially in the form of **Exhibit A**, to all creditors and all parties required to receive notice under Bankruptcy Rule 2002. In addition, the Debtors propose to publish, as soon as practicable, the Notice of Commencement once in the national edition of USA Today.

20. The Debtors submit that publication of the Notice of Commencement is the most practical method by which to notify those creditors and other parties in interest who do not receive the Notice of Commencement by mail of the commencement of these Chapter 11 Cases and constitutes an efficient use of the estates’ resources.

### **Notice**

21. No trustee, examiner or creditors’ committee has been appointed in these chapter 11 cases. Notice of this Motion will be provided to: (i) the Office of the United States Trustee; (ii) the holders of the 20 largest unsecured claims against Erickson Incorporated and Erickson Helicopters, Inc.;<sup>2</sup> (iii) Randall Klein, Goldberg Kohn, Ltd., 55 East Monroe Street, Suite 3300, Chicago, Illinois 60603-5792, lead counsel for Wells Fargo Bank, N.A., as DIP Revolving Agent and Existing First Lien Agent; (iv) David Weitman, K&L Gates LLP, 1717 Main Street, Suite 2800, Dallas, Texas 75201, local counsel for Wells Fargo Bank, N.A., as DIP Revolving Agent and Existing First Lien Agent; (v) Scott L. Alberino, Akin Gump Strauss Hauer & Feld LLP, 1333 New Hampshire Avenue, N.W., Washington, DC 20036-1564, counsel for an ad hoc group

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<sup>2</sup> Erickson Incorporated and Erickson Helicopters, Inc. are the only Debtors with holders of unsecured claims.



of holders of 8.25% Second Priority Senior Secured Promissory Notes due 2020; (vi) Edward M. Fox, Esq., Seyfarth Shaw LLP, 620 8th Avenue, New York, NY 10018, counsel to Wilmington Trust, National Association, as indenture trustee and notes collateral agent for the 8.25% Second Priority Senior Secured Promissory Notes due 2020; (vii) the Securities and Exchange Commission; and (viii) the Internal Revenue Service. Due to the urgency of the circumstances surrounding this Motion and the nature of the relief requested herein, the Debtors respectfully submit that no further notice of this Motion is required.

WHEREFORE, the Debtors respectfully request that the Court grant the relief requested herein and such other and further relief as it deems just and proper.

RESPECTFULLY SUBMITTED this 9th day of November, 2016.

**HAYNES AND BOONE, LLP**

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**PROPOSED ATTORNEYS FOR DEBTORS**

**CERTIFICATE OF CONFERENCE**

I hereby certify that on or before November 8, 2016, the undersigned counsel for the Debtors conferred with and received comments to this Motion from (i) Randall Klein, Goldberg Kohn, Ltd., lead counsel for Wells Fargo Bank, N.A., as DIP Revolving Agent and Existing First Lien Agent, (ii) Scott L. Alberino and Brad M. Kahn, Akin Gump Strauss Hauer & Feld LLP, counsel for an ad hoc group of holders of 8.25% Second Priority Senior Secured Promissory Notes due 2020, and (iii) Edward M. Fox, Esq., Seyfarth Shaw LLP, counsel to Wilmington Trust, National Association, as indenture trustee and notes collateral agent for the 8.25% Second Priority Senior Secured Promissory Notes due 2020.

I hereby also certify that on November 8, 2016, the undersigned counsel for the Debtors conferred regarding this Motion with the Office of the United States Trustee for the Northern District of Texas, which has not indicated whether it consents or objects to this Motion.

*/s/ Ian T. Peck*

\_\_\_\_\_  
Ian T. Peck

**EXHIBIT A**

**Notice of Commencement**

**UNITED STATES BANKRUPTCY COURT, NORTHERN DISTRICT OF TEXAS**

**In re  
Erickson Incorporated, et al.**

**Chapter 11  
Case No. 16-**

**NOTICE OF COMMENCEMENT OF CASES UNDER CHAPTER 11 OF THE BANKRUPTCY CODE,  
MEETING OF CREDITORS, AND OTHER MATTERS**

On November 8, 2016, Erickson Incorporated and certain of its affiliates (collectively, the “**Debtors**”) filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code (the “**Bankruptcy Code**”). You may be a creditor of one of the Debtors. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. **You are not being sued or forced into bankruptcy.** All documents filed with the Court, including lists of the Debtors’ assets and liabilities, are or will be available for inspection at the Office of the Clerk of the Bankruptcy Court, on the Court’s website, and on the website created for these Chapter 11 cases ([www.kccllc.net/erickson](http://www.kccllc.net/erickson)). Note that you need a PACER password and login to access documents on the Court’s website (a PACER password is obtained by accessing the PACER website, <http://pacer.psc.uscourts.gov>)

NOTE: The staff of the Bankruptcy Clerk’s Office and the office of the United States Trustee cannot give legal advice.

<u>Name of Debtors</u>	<u>Other Names Used by the Debtors in the last 8 years</u>	<u>Taxpayer ID Numbers</u>	<u>Case Numbers</u>
Erickson Incorporated Evergreen Helicopters International, Inc. EAC Acquisition Corporation Erickson Helicopters, Inc. Erickson Transport, Inc. Evergreen Equity, Inc. Evergreen Unmanned Systems, Inc.	Erickson Air-Crane Incorporated  Evergreen Helicopters, Inc.	93-1307561 93-1021311 46-2203733 93-0495052 27-0893961 93-0859209 92-0029162	16-34393 16-34392 16-34394 16-34395 16-34396 16-34397 16-34398
<u>Address of Debtors</u>	<u>Name, Address, Telephone Number and Facsimile Number for Attorneys for the Debtors</u>	<u>Name, Address and Telephone of Trustee</u>	<u>Date Cases Filed</u>
5550 S.W. Macadam Avenue, Suite 200 Portland, Oregon 97239	Kenric D. Kattner                      Ian T. Peck Haynes and Boone, LLP              Haynes and Boone, LLP 1221 McKinney Street              2323 Victory Avenue Suite 2100                                  Suite 700 Houston, TX 77010                      Dallas, TX 75219 Telephone: 713.547.2000              Telephone: 214.651.5000 Facsimile: 713.547.2600              Facsimile: 214.651.5940	NOT APPLICABLE	November 8, 2016

**DATE, TIME, AND LOCATION OF MEETING OF CREDITORS**

**PURSUANT TO BANKRUPTCY CODE SECTION 341(a)**

\_\_\_\_\_, 2016, \_\_\_\_:\_\_\_\_.m. (Central Time)

**1100 Commerce Street, Room \_\_\_\_\_**

**Dallas, Texas 75242**

**DEADLINE TO FILE PROOFS OF CLAIMS WILL BE SET AT A LATER DATE**

**Creditor With a Foreign Address:**

**A Creditor to Whom This Notice is Sent at a Foreign Address Should Read the Information Under “Claims” on the Reverse Side**

**CREDITORS MAY NOT TAKE CERTAIN ACTIONS**

Prohibited collection actions are listed in Bankruptcy Code § 362. In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor’s property. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Common examples of prohibited actions by creditors are contacting the Debtors to demand payment, taking action against the Debtors to collect money owed or to take property of the Debtors, and starting or continuing collection actions, foreclosure actions, or repossessions. Consult a lawyer to determine your rights in this case.

Address of the Clerk of the Bankruptcy Court

Earle Cabell Federal Building  
1100 Commerce Street, Room 1254  
Dallas, TX 75242-1496

Approved by the Clerk of the Bankruptcy Court

Hours Open:

8:30 a.m. to 4:30 p.m., Monday through Friday

Date: \_\_\_\_\_, 2016

**FILING OF CHAPTER 11 BANKRUPTCY CASE.** A bankruptcy case under Chapter 11 of the Bankruptcy Code has been filed in this Court by the Debtors listed on the front side, and an order for relief has been entered. Chapter 11 allows a debtor to reorganize or liquidate pursuant to a plan. A plan is not effective unless confirmed by the court. You may be sent a copy of the plan and a disclosure statement telling you about the plan, and you might have the opportunity to vote on the plan. You will be sent notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the Debtors will remain in possession of the Debtors' property and may continue to operate any business.

**LEGAL ADVICE:** The staff of the Clerk of the Bankruptcy Court is not permitted to give legal advice.

**MEETING OF CREDITORS.** A meeting of creditors is scheduled for the date, time, and location listed on the front side. The Debtors' representative must be present at the meeting to be questioned under oath by the trustee and by creditors. Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.

**CLAIMS.** A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. You may look at the schedules that have been or will be filed at the bankruptcy clerk's office. If your claim is scheduled and is not listed as disputed, contingent, or unliquidated, it will be allowed in the amount scheduled unless you filed a Proof of Claim or you are sent further notice about the claim. Whether or not your claim is scheduled, you are permitted to file a Proof of Claim. If your claim is not listed at all or if your claim is listed as disputed, contingent or unliquidated, then you must file a Proof of Claim or you might not be paid any money on your claim and may be unable to vote on a plan. The Court has not yet set a deadline to file a Proof of Claim. If a deadline is set, you will be sent another notice. A secured creditor retains rights in its collateral regardless of whether that creditor files a Proof of Claim. Filing a Proof of Claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a Proof of Claim may surrender important nonmonetary rights, including the right to a jury trial. **Filing Deadline for a Creditor with a Foreign Address:** The deadline for filing claims will be set by a later court order and will apply to all creditors unless the order provides otherwise. If notice of the order setting the deadline is sent to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.

**DISCHARGE OF DEBTS.** Confirmation of a Chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See Bankruptcy Code § 1141(d). A discharge means that you may never try to collect the debt from the Debtors, except as provided in the plan. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 1141(d)(6)(A), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint to Determine Dischargeability of Certain Debts," which will be set at a later date. The bankruptcy clerk's office must receive the complaint and any required filing fee by that deadline.

**BANKRUPTCY CLERK'S OFFICE.** Any paper that you file in these bankruptcy cases should be filed at the Office of the Clerk of the Bankruptcy Court at the address listed above.

**CREDITORS WITH A FOREIGN ADDRESS.** Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in these cases.

**EXHIBIT B**

**Proposed Order**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**In re:** § **Chapter 11**  
§  
**ERICKSON INCORPORATED, et al.,**<sup>1</sup> § **Case No. 16-34393-hdh**  
§  
**Debtors.** § **(Joint Administration Requested)**

**ORDER (I) EXTENDING THE TIME TO FILE SCHEDULES AND STATEMENTS, (II)  
WAIVING THE REQUIREMENT TO FILE AN EQUITY LIST AND PROVIDE  
NOTICES DIRECTLY TO SECURITY HOLDERS, AND (III) APPROVING THE FORM  
AND MANNER OF NOTIFYING CREDITORS OF THE COMMENCEMENT OF THE  
DEBTORS' CHAPTER 11 CASES**

Upon the Motion, dated November 8, 2016 (the “**Motion**”),<sup>2</sup> of Erickson Incorporated and its debtor affiliates, as debtors and debtors in possession (collectively, the “**Debtors**”), for entry

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<sup>1</sup> The Debtors in these Chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, include: Erickson Incorporated (7561); EAC Acquisition Corporation (3733); Erickson Helicopters, Inc. (5052); Erickson Transport, Inc. (9162); Evergreen Helicopters International, Inc. (1311); Evergreen Equity, Inc. (9209); and Evergreen Unmanned Systems, Inc. (3961). The location of the Debtors’ service address is 5550 SW Macadam Avenue, Suite 200, Portland, OR 97239.



of an order (this “**Order**”), (i) the Office of the United States Trustee; (ii) the holders of the 20 largest unsecured claims against Erickson Incorporated and Erickson Helicopters, Inc.;<sup>3</sup> (iii) Randall Klein, Goldberg Kohn, Ltd., 55 East Monroe Street, Suite 3300, Chicago, Illinois 60603-5792, lead counsel for Wells Fargo Bank, N.A., as DIP Revolving Agent and Existing First Lien Agent; (iv) David Weitman, K&L Gates LLP, 1717 Main Street, Suite 2800, Dallas, Texas 75201, local counsel for Wells Fargo Bank, N.A., as DIP Revolving Agent and Existing First Lien Agent; (v) Scott L. Alberino, Akin Gump Strauss Hauer & Feld LLP, 1333 New Hampshire Avenue, N.W., Washington, DC 20036-1564, counsel for an ad hoc group of holders of 8.25% Second Priority Senior Secured Promissory Notes due 2020; (vi) Edward M. Fox, Esq., Seyfarth Shaw LLP, 620 8th Avenue, New York, NY 10018, counsel to Wilmington Trust, National Association, as indenture trustee and notes collateral agent for the 8.25% Second Priority Senior Secured Promissory Notes due 2020; (vii) the Securities and Exchange Commission; and (viii) the Internal Revenue Service; and it appearing that no other or further notice need be provided; and a hearing having been held to consider the relief requested in the Motion; and upon the *Declaration of David Lancelot in Support of the Debtors’ Chapter 11 Petitions and First Day Relief*, filed contemporaneously with the Motion, the record of the hearing and all of the proceedings had before the Court; and the Court having found and determined that the relief sought in the Motion is in the best interests of the Debtors, their estates and creditors, and all 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.

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<sup>2</sup> Capitalized terms not defined herein shall have the meanings ascribed to them in the Motion.

<sup>3</sup> Erickson Incorporated and Erickson Helicopters, Inc. are the only Debtors with holders of unsecured claims.

2. Pursuant to Bankruptcy Code § 521 and Bankruptcy Rule 1007(c), the time by which the Debtors shall file their Schedules and Statements is extended by an additional thirty (30) days beyond the 14-day extension provided for pursuant to Bankruptcy Rule 1007(c).

3. Such extension is without prejudice to the Debtors' right to request a further extension.

4. The requirement under Bankruptcy Rule 1007(a)(3) to file an Equity List for Debtor Erickson Incorporated is waived.

5. Any requirement that Debtor Erickson Incorporated provide notice directly to equity security holders under Bankruptcy Rule 2002(d) is waived, and the Debtors are authorized to serve the notices required under Bankruptcy Rule 2002(d) on the registered holders of Debtor Erickson Incorporated's equity securities.

6. The notice of the commencement of these Chapter 11 Cases and the meeting of creditors to be held pursuant to Bankruptcy Code § 341 (the "**341 Meeting**"), substantially in the form annexed hereto as **Exhibit 1** (the "**Notice of Commencement**") is hereby approved.

7. The Debtors, with the assistance of the Notice and Claims Agent are hereby authorized and directed to mail the Notice of Commencement not later than the date that is twenty (20) days prior to the date on which the 341 Meeting is to be held, to all parties identified on the Debtors' list of creditors.

8. The Debtors, with the assistance of the Notice and Claims Agent, shall cause the Notice of Commencement (with such changes as may be required for publication) to be published once in the national edition of USA Today and the form of the publication notice is hereby approved and authorized pursuant to Bankruptcy Rule 2002(l).

9. Notice of the Motion as provided herein shall be deemed good and sufficient notice of such Motion.

10. The Debtors are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Motion.

11. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, and/or enforcement of this Order.

**###END OF ORDER###**

Submitted by:

**HAYNES AND BOONE, LLP**

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and

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**PROPOSED ATTORNEYS FOR DEBTORS**

**EXHIBIT 1**

**Notice of Commencement**

**UNITED STATES BANKRUPTCY COURT, NORTHERN DISTRICT OF TEXAS**

**In re  
Erickson Incorporated, et al.**

**Chapter 11  
Case No. 16-**

**NOTICE OF COMMENCEMENT OF CASES UNDER CHAPTER 11 OF THE BANKRUPTCY CODE,  
MEETING OF CREDITORS, AND OTHER MATTERS**

On November \_\_, 2016, Erickson Incorporated and certain of its affiliates (collectively, the “Debtors”) filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code (the “**Bankruptcy Code**”). You may be a creditor of one of the Debtors. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. **You are not being sued or forced into bankruptcy.** All documents filed with the Court, including lists of the Debtors’ assets and liabilities, are or will be available for inspection at the Office of the Clerk of the Bankruptcy Court, on the Court’s website, and on the website created for these Chapter 11 cases ([www.kccllc.net/erickson](http://www.kccllc.net/erickson)). Note that you need a PACER password and login to access documents on the Court’s website (a PACER password is obtained by accessing the PACER website, <http://pacer.psc.uscourts.gov>)

NOTE: The staff of the Bankruptcy Clerk’s Office and the office of the United States Trustee cannot give legal advice.

<u>Name of Debtors</u>	<u>Other Names Used by the Debtors in the last 8 years</u>	<u>Taxpayer ID Numbers</u>	<u>Case Numbers</u>
Erickson Incorporated Evergreen Helicopters International, Inc. EAC Acquisition Corporation Erickson Helicopters, Inc. Evergreen Unmanned Systems, Inc. Evergreen Equity, Inc. Erickson Transport, Inc.	Erickson Air-Crane Incorporated  Evergreen Helicopters, Inc.	93-1307561 93-1021311 46-2203733 93-0495052 27-0893961 93-0859209 92-0029162	16- 16- 16- 16- 16- 16- 16-
<u>Address of Debtors</u>	<u>Name, Address, Telephone Number and Facsimile Number for Attorneys for the Debtors</u>	<u>Name, Address and Telephone of Trustee</u>	<u>Date Cases Filed</u>
5550 S.W. Macadam Avenue, Suite 200 Portland, Oregon 97239	Kenric D. Kattner                      Ian T. Peck Haynes and Boone, LLP              Haynes and Boone, LLP 1221 McKinney Street                  2323 Victory Avenue Suite 2100                                      Suite 700 Houston, TX 77010                          Dallas, TX 75219 Telephone: 713.547.2000                  Telephone: 214.651.5000 Facsimile: 713.547.2600                  Facsimile: 214.651.5940	NOT APPLICABLE	November __, 2016

**DATE, TIME, AND LOCATION OF MEETING OF CREDITORS  
PURSUANT TO BANKRUPTCY CODE SECTION 341(a)**

\_\_\_\_\_, 2016, \_\_: \_\_ .m. (Central Time)  
**1100 Commerce Street, Room \_\_\_\_  
Dallas, Texas 75242**

**DEADLINE TO FILE PROOFS OF CLAIMS WILL BE SET AT A LATER DATE  
Creditor With a Foreign Address:**

**A Creditor to Whom This Notice is Sent at a Foreign Address Should Read the Information Under “Claims” on the Reverse Side**

**CREDITORS MAY NOT TAKE CERTAIN ACTIONS**

Prohibited collection actions are listed in Bankruptcy Code § 362. In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor’s property. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Common examples of prohibited actions by creditors are contacting the Debtors to demand payment, taking action against the Debtors to collect money owed or to take property of the Debtors, and starting or continuing collection actions, foreclosure actions, or repossessions. Consult a lawyer to determine your rights in this case.

Address of the Clerk of the Bankruptcy Court  
Earle Cabell Federal Building

Approved by the Clerk of the Bankruptcy Court

1100 Commerce Street, Room 1254 Dallas, TX 75242-1496	
<u>Hours Open:</u> 8:30 a.m. to 4:30 p.m., Monday through Friday	Date: _____, 2016
<p>FILING OF CHAPTER 11 BANKRUPTCY CASE. A bankruptcy case under Chapter 11 of the Bankruptcy Code has been filed in this Court by the Debtors listed on the front side, and an order for relief has been entered. Chapter 11 allows a debtor to reorganize or liquidate pursuant to a plan. A plan is not effective unless confirmed by the court. You may be sent a copy of the plan and a disclosure statement telling you about the plan, and you might have the opportunity to vote on the plan. You will be sent notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the Debtors will remain in possession of the Debtors' property and may continue to operate any business.</p> <p>LEGAL ADVICE: The staff of the Clerk of the Bankruptcy Court is not permitted to give legal advice.</p> <p>MEETING OF CREDITORS. A meeting of creditors is scheduled for the date, time, and location listed on the front side. The Debtors' representative must be present at the meeting to be questioned under oath by the trustee and by creditors. Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.</p> <p>CLAIMS. A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. You may look at the schedules that have been or will be filed at the bankruptcy clerk's office. If your claim is scheduled and is not listed as disputed, contingent, or unliquidated, it will be allowed in the amount scheduled unless you filed a Proof of Claim or you are sent further notice about the claim. Whether or not your claim is scheduled, you are permitted to file a Proof of Claim. If your claim is not listed at all or if your claim is listed as disputed, contingent or unliquidated, then you must file a Proof of Claim or you might not be paid any money on your claim and may be unable to vote on a plan. The Court has not yet set a deadline to file a Proof of Claim. If a deadline is set, you will be sent another notice. A secured creditor retains rights in its collateral regardless of whether that creditor files a Proof of Claim. Filing a Proof of Claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a Proof of Claim may surrender important nonmonetary rights, including the right to a jury trial. <b>Filing Deadline for a Creditor with a Foreign Address:</b> The deadline for filing claims will be set by a later court order and will apply to all creditors unless the order provides otherwise. If notice of the order setting the deadline is sent to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.</p> <p>DISCHARGE OF DEBTS. Confirmation of a Chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. <u>See</u> Bankruptcy Code § 1141(d). A discharge means that you may never try to collect the debt from the Debtors, except as provided in the plan. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 1141(d)(6)(A), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint to Determine Dischargeability of Certain Debts," which will be set at a later date. The bankruptcy clerk's office must receive the complaint and any required filing fee by that deadline.</p> <p>BANKRUPTCY CLERK'S OFFICE. Any paper that you file in these bankruptcy cases should be filed at the Office of the Clerk of the Bankruptcy Court at the address listed above.</p> <p>CREDITORS WITH A FOREIGN ADDRESS. Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in these cases.</p>	