



CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed November 10, 2016


United States Bankruptcy Judge

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

In re: § **Chapter 11**
§
ERICKSON INCORPORATED, et al.,¹ § **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**"),² of Erickson Incorporated and its debtor affiliates, as debtors and debtors in possession (collectively, the "**Debtors**"), for entry

¹ 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.;³ (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.

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

³ 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 through Wednesday, December 14, 2016.

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

Kenric D. Kattner
State Bar No. 11108400
Kourtney Lyda
State Bar No. 24013330
1221 McKinney Street, Suite 2100
Houston, TX 77010
Telephone: 713.547.2000
Facsimile: 713.547.2600
Email: kenric.kattner@haynesboone.com
Email: kourtney.lyda@haynesboone.com

and

Ian T. Peck
State Bar No. 24013306
David Staab
State Bar No. 24093194
2323 Victory Avenue, Suite 700
Dallas, TX 75219
Telephone: 214.651.5000
Facsimile: 214.651.5940
Email: ian.peck@haynesboone.com
Email: david.staab@haynesboone.com

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). 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. 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.</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>	