

AMMINISTRAZIONE STRAORDINARIA CONVERTITA
IN LIQUIDAZIONE GIUDIZIALE RG. 18/2023
TESSITURA MONTI S.p.a

Maserada sul Piave - Milan, 12 April 2023

Transmission by PEC

Judicial Liquidation Tessitura Monti S.p.a. - Number/Year: 18/2023 Court of Venice - Tax code: 01141930261

Delegated Judge: Dr. Silvia Bianchi

Curator: Dr. Fabio Pettinato

E-mail PEC: lg18.2023venezia@pecliquidazionigiudiziariali.it

Judicial liquidation TESSITURA MONTI S.P.A. R.G. 18/2023 opened by the Court of Venice with judgment no. 32/2023 of 31.03.2023 (deposit 31.03.2023) - communication pursuant to art. 200 CCII

I hereby inform you that the Court of Venice with judgment dated 31.03.2023 (dep. 31.03.2023) registered with the R.G. n. 18/2023, noted that it was not possible to complete the program of sale of the business complexes within the deadline that cannot be further extended on 28.02.2023, at the request of the Extraordinary Commissioner declared the conversion of the Extraordinary Administration procedure into the judicial liquidation procedure of the company indicated in question pursuant to art. 121 et seq. of the Corporate Crisis and Insolvency Code ("CCII") (VAT number 01141930261).

With the same sentence, Dr. Silvia Bianchi and myself as curator were confirmed as delegated judge.

With the same sentence, the Court ordered pursuant to and for the purposes of art. 211 of the CCII, the provisional exercise until 31.5.2023 according to the guidelines and with the methods indicated in the explanatory report on the provisional exercise prepared by the Extraordinary Commissioner and attached to the conversion request.

In particular, the Court authorized the provisional exercise, in consideration of substantial continuity with the Extraordinary Administration, to allow the completion of the activities still in progress aimed at the sale to third parties of the business complexes (or part of them) in operation and, in any case, to complete the work currently in place and proceed with the related deliveries to customers.

I point out, therefore, that pursuant to art. 211 paragraphs 8 and 9 of the CCII:

1. **during the provisional exercise, pending contracts shall continue, unless the liquidator intends to suspend or terminate them;**
2. **receivables arising during the provisional exercise are satisfied in pre-deduction pursuant to art. 6 paragraph 1 letter d) and art. 221 paragraph 1 letter a) of the CCII;**
3. **at the time of termination of the exercise, the provisions of Section V of Chapter I of Title V of the CCII, which regulate the effects of judicial liquidation on pending legal relationships, shall apply;**

I remind you that, in accordance with the provisions of art. 71 paragraph 2 of Legislative Decree 270/99, that "the assessment of the state of *liabilities, if not concluded, continues on the basis of the provisions of the declaratory judgment of the state of insolvency*" with this meaning that the judicial effects of the creditors' competition are unchanged with respect to the decree declaring the state of insolvency issued by the Court of Venice on 23.12.2019 and that, therefore, the passive status

formed during the Extraordinary Administration procedure remains unchanged and valid in all its legal effects.

I inform you, therefore, that:

1. the hearing of **creditors for the continuation** of the examination of the passive status will take place in the presence before Judge Delegate Dr. Silvia Bianchi on 21.06.2023 **at 11.00 am**;
2. at the hearing indicated, and any subsequent ones that may prove necessary, only the requests relating to **credit reasons having title and origin on a date subsequent to the declaration of insolvency (23.12.2019) will be examined**, having to consider any requests for filing relating to claims prior to that date late pursuant to art. 101 l. fall and art. 208 of the CCII;
3. creditors who have already submitted an application for admission to the passive state and for whom a measure has already been issued by the Delegated Judge included in the passive state made enforceable (last hearing of formation of the passive state of 14.12.2022) **cannot and must not submit a new application for the same debt securities**;
4. applications for admission to the liabilities, also relating to the ownership of real and / or personal rights on movable and immovable property owned or in possession of the procedure, must be submitted together with the relative documents peremptorily up to thirty days before the hearing to verify the credits (the peremptory deadline for submitting applications for admission is subject to holiday suspension; the period from 1 to 31 August must not be taken into account in the calculation);
5. the application may be submitted by the common representative of the bondholders pursuant to art. 2418, second paragraph of the Italian Civil Code, also for individual groups of creditors;
6. anyone in possession of goods, equipment or other property of the debtor is required to immediately notify the Curator.

1. Instructions on filing applications

The application of creditors claims **must be sent exclusively by means of a certified e-mail address (PEC)**.

The application can also be submitted without the assistance of a defender and must contain::

- 1) the name and number of the procedure and the generalities of the creditor applying (including the tax code and VAT number);
- 2) the amount of the liabilities (with an invitation to indicate separate amounts in the application the amounts required for capital, expense reimbursements, interest and VAT), i.e. the description of the property claimed or requested in restitution (creditors who also have rights to the debtor's property or property, must submit separate applications for the admission of the credit to the liabilities and to claim or return of the property);
- 3) the succinct display of the facts and elements of law that constitute the reason for the application;
- 4) the possible indication of a preemption title, also in relation to the graduation of the credit, and, where it is special, the description of the asset on which it is intended to be exercised;
- 5) the certified e-mail address at which the applicant intends to receive the communication of the full draft passive status and the enforceable passive status and the subsequent communications from the curator (art. 201 c. 3 letter e CCII). If the certified e-mail address is not indicated in the application or if the delivery of the messages is not possible for reasons attributable to the addressee, the curator will make communications exclusively by depositing a copy of the document at the registry without further notice (art. 10 c. 3 CCII). It is the responsibility of those who intend to indicate a different certified e-mail address at which to receive subsequent communications to communicate the new address with a message sent to the certified e-mail address of the curator.

If you do not have your own PEC address, you can also use the PEC address of a trusted third party (e.g. lawyer, consultant, professional and / or trade association).

In this case, lawyers, consultants, professionals and trade associations are reminded that sending the

PEC message cannot be cumulative for several creditors, in the sense that it will be necessary to send a separate certified e-mail for each assisted / creditor.

It should also be noted that if one of the requirements referred to in the aforementioned numbers 1), 2) or 3 is omitted or absolutely uncertain, the appeal will be declared inadmissible; If, on the other hand, the requirement referred to in paragraph 4 is omitted or absolutely uncertain, the credit will be considered unsecured.

In case of failure to declare containing the indication of the PEC address where the applicant intends to receive the planned communications, or failure to deliver the certified e-mail message for reasons attributable to the recipient, all communications that the law or the Delegated Judge places on the Curator will be considered made with the simple deposit at the registry, without further notice.

It should also be noted that the application for lodging the liabilities must be proposed with appeal, which must be signed, even personally by the party, and can be created in two alternative ways:

A) created in digital format and signed with digital signature;

B) created by writing the text on paper and signed by hand on the original of the document and then digitally scanned (scanned by scan) for the purpose of its electronic transmission.

Even the documents proving the right asserted must not be deposited or sent in paper form, but digitally scanned for electronic transmission according to the instructions indicated in the following paragraph.

To facilitate easy administration of the procedure, it is recommended to check the actual legibility of the scanned documents on the screen before sending, as well as to insert the documents in the scanner in the correct direction, in order to allow the recipients an easy reading.

Appeal and documents in support of the right asserted must therefore be sent to the Curator exclusively by certified e-mail, to the following certified e-mail address:

lg18.2023venezia@pecliquidazionigiudiziali.it

In accordance with the provisions of art. 201 of the CCII, it should be noted that this method of sending does not admit equivalents, with the consequence that the filing or sending by mail of a paper application neither at the registry of the Court of Venice, nor at the Curator's office, nor the electronic sending to the registry cannot be considered valid.

Appeals and documents filed at the registry of the Court, or sent to the Curator in paper form, or by simple e-mail (not PEC) will be considered inadmissible and therefore the applications contained therein will not be examined.

Only the debt securities (cheques, bills of exchange, etc.) must be deposited in original at the competent registry of the Court, which will issue a deposit receipt. However, the same must, in any case, be scanned and sent together with the other attachments contained in the PEC message of insinuation to the passive. Creditors who also have rights to the movable or immovable property of the bankrupt are advised to submit separate applications for the admission of the claim to the liabilities and for the claim or restitution.

If a creditor intends to activate a PEC address, it will be sufficient to contact one of the managers indicated at the address <https://www.agid.gov.it/it/piattaforme/posta-elettronica-certificata/elenco-gestori-pec> following the instructions contained therein.

I point out that, in accordance with the combined provisions of Articles. 184 and 210 CCII, if the property or assets covered by the request for claim or restitution have not been acquired in the assets of the proceedings because they are no longer in its possession from the day of the declaration of the opening of the judicial liquidation and the liquidator cannot take them back, the claim for the value that the thing had on the date of the declaration of opening of the procedure may be inserted into the liabilities and that, Even if a request for a claim or restitution has been submitted, it may be modified and the admission to the liabilities of the equivalent value of the asset on the date of opening of the competition may be requested. If the possession of the goods claimed or requested for restitution has ceased after the affixing of the seals or in any case has been lost by the curator after acquiring it, you can request that the full payment of the asset be paid in pre-deduction.

It should be noted that, if on the occasion of the final allocation a sum lower than that admitted to

the liabilities should be paid, each creditor may request the assignment of the sums not collected by the creditors who will not show up or will be untraceable, up to the amount of his credit, pursuant to art. 232, paragraph 4 CCII.

I remind you that, each creditor, with the application for admission to the liabilities, or with other previous communication, can give his willingness to assume the office of member of the creditors' committee, or can indicate other names having the requisites provided for by art. 138 CCII.

It should also be noted that at the same time as the electronic filing in the registry, the draft statement of liabilities will be sent to the applicants to the certified e-mail addresses indicated by them. For creditors who have not provided the indication, the communication will be made by filing at the registry in the name of each creditor.

2. Instructions concerning the structure of the PEC communication containing the request for lodging the liabilities and the submission of any observations in the passive state.

In order to facilitate better archiving of messages and speed up the work of classifying applications for lodgement to the passive state, the messages sent should have a common structure as far as possible.

Creditors are therefore invited to comply with the following instructions:

1. the subject of the PEC message must include the number of the procedure (no. 18/2023), the words "insinuation" or "claim or restitution", as well as the creditor's personal details (Ex.: Judicial Liquidation Procedure no. 18/2023 - Insinuation - Creditor: Mario Rossi);
2. the appeal for lodging the liabilities must not be contained directly in the text of the PEC message, but in a separate document that must be sent as an attachment to the PEC message;
3. the text of the PEC message must contain the index of the documents attached to the PEC message;
4. the application for lodging the liabilities and its annexes, listed at the bottom of the appeal, must be numbered and described according to their content and the name of the creditor (Ex: Rossi_all_1_Domandainsinuazione.pdf; Rossi_all_2_Procura.pdf; Rossi_all_3_Contract.pdf; Rossi_all_4_invoices.pdf; Rossi_all_4_copia authentic accounting entries.pdf);
5. the annexes to the application for lodging the liabilities must be contained in as many files, distinct from the file containing the application, as there are attachments;
6. in any case, where the creditor is a supplier, invoices, delivery notes and orders must always be contained in separate files with respect to other supporting documents;
7. each of the files attached to the PEC message must be in .pdf or .pdf/A format, with the consequence that files with different extensions (Ex: .tif, .jpg, etc.);
8. where the document is scanned, in order to avoid the formation of documents that are too large, the resolution of the scan must not exceed 200 DPI ("dot per inch") and must be in black and white;
9. each of the files attached to the PEC message must never exceed the maximum size of 15 MB; where a file attached to the PEC message has a size greater than 15 MB, this must be divided into several files.

Please note that common word processors are able to save a file in .pdf or .pdf/A format (extension that ensures the inalterability of the file) and that, alternatively, you can get free software such as "PDF Creator" downloadable from the <http://pdfcreator.softonic.it/> site.

It should also be noted that:

1. **at least 15 days before the hearing indicated above, the** draft statement of liabilities, accompanied by the relative applications, will be deposited at the registry of the Court and sent to the PEC address of the individual creditors as indicated in the respective appeals;
2. **up to 5 days before the hearing,** interested parties may examine the draft statement of liabilities and submit any written observations via PEC and file any additional documents, to be sent electronically to the Curator at the PEC address:
lg18.20_23venezia@pecliquidazionigiudiziariali.it in the same way as described above for the

submission of applications.

In the subject of the PEC message containing the comments to the draft passive state must be reported:

1. the number of the procedure;
2. the words "Comments on the draft passive status";
3. the name of the creditor;
4. the number of the application (Ex.: Rossi_all._1_Comments to the draft statement of liabilities - Application no...).

Finally, it should be noted that any documentary additions must also be filed exclusively via PEC.

* * *

The Company's creditors are invited to read the instructions for the formulation of the application for filing liabilities attached to this document and published on [the website http:// www. lgmonti.it](http://www.lgmonti.it).

Sincerely.

The Curator
(Dott. Fabio Pettinato)

