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Maserada sul Piave, 10/01/2020

Extraordinary Administration procedure D.lgs 270/99 **Tessitura Monti S.p.a.** - Number/Year: 3/2019
Venice Court - Tax Code: 01141930261
Delegate Judge: **Dr. Silvia Bianchi**
Judicial Commissioner: **Dr. Fabio Pettinato**
Pec e-mail: i309.2019venezia@pecamministrazionestraordinaria.it

OBJECT: TESSITURA MONTI S.p.a. in extraordinary administration, procedure n. 3/2019 Venice Court – Commissioner’s Communication to Creditors ex art. 22 D. Lgs. 270/99.

1. Provisions of the declaratory judgment of the state of insolvency concerning assessment of liabilities.

It is announced that by judgment 161/2019 (Rep. 172/2019) dated December 20th 2019 (published on December 23rd 2019) the Venice Court declared the insolvency status of the company TESSITURA MONTI S.p.a. with registered office in Maserada del Piave (TV) Via Saltore No. 10, appointing as Delegate Judge Dr. Silvia Bianchi and Judicial Commissioner Dott. Fabio Pettinato.

By the same it was established that the court hearing for the examination of the creditors' claims by the Delegated Judge will be held on **May, 5th 2020 at 9.30 am.**

The judgment of the Venice Court is available on the <http://www.amministrazionestraordinariamonti.it> website, where is also available all the information useful for submitting creditors claims and, in general, for monitoring the progress of the Insolvency Procedure.

The declaratory judgment of the insolvency state determined, from the date of its filing **December 23rd 2019**, the opening of the creditors' competition on the assets of the insolvent company, with the

consequence that all claims arose against the Company before that date will have to be ascertained according to the forms and procedures provided by Articles 93 et seq. of bankruptcy law and by art. 53 D. lgs. 270/1999.

With the aforementioned judgment of December 23rd 2019, the Venice Court stated that timely applications for admission of claims to the liabilities, must be proposed by the mandatory deadline of **thirty days before** the passive status review hearing, as set above.

In accordance with the Venice Court's decision, it is also stated that applications for admission of claims to the liability submitted after the expiry of that period and within eighteen months of the decree of admission will be treated as late applications under art. 101 of bankruptcy law.

After this last term, and in any case until all the allocations of the asset are exhausted, late applications will still be eligible and examined provided that it is shown that the delay was due to a cause not attributable to the applicant.

The application can be submitted by the joint representative of the bondholders under Article 2418, second subparagraph of Code Civil Law, also for individual groups of creditors.

Anyone who has any property, equipment or other property of the debtor is required to report it to the Judicial Commissioner immediately.

2. Instructions on filing applications of creditors claims and conduct of the procedure.

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 general information of the creditor applying (including the tax code and VAT number);
- 2) the amount of the liabilities (with the invitation to indicate separately in the application the amounts required for capital, expense reimbursements, interest and VAT), i.e. the description of the property claimed or called for restitution (creditors who also have rights to the debtor's property and real estate, must submit separate applications for the admission of the credit to the liabilities and to claim or return of the property);
- 3) the brief statement of the facts and elements of law that constitute the reason for the application;
- 4) the possible indication of a pre-emption title, also in relation to the credit graduation, and, where it is special, the description of the asset it is intended to be exercised on;
- 5) an express statement containing the indication of a certified e-mail address (PEC) where to receive the expected communications (which may also be different from the one the application is sent from), with the burden of reporting to the Judicial Commissioner any change of it;
- 6) the attachment of the documents of creditor's right or the right of the third party who seeks restitution or claims the property, in accordance with the current tax rules.

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

In this case, please remind lawyers, consultants, professionals and trade associations that sending the PEC message cannot be cumulative for multiple creditors, meaning that a separate certified e-mail will have to be sent for each assisted/creditor.

It should also be noted that if one of the requirements mentioned at numbers 1), 2) or 3) is omitted or absolutely uncertain, the appeal will be declared inadmissible; if, on the other hand, the requirement at No. 4 is omitted or absolutely uncertain, the credit will be considered chirograph.

In the event of an omitted statement indicating the address of PEC where the applicant intends to receive the expected notices, or non-delivery of the certified e-mail for reasons attributable to the recipient, all communications that the law or the Delegate Judge make to the Judicial Commissioner will be carried out by simply filing in the Court chancellery, without any further notice.

It should also be noted that the application for creditors' claims will have to be appealed, must be signed, even personally by the part, and can be created in two alternative ways:

A) created in digital format and signed digitally;

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

The documents that prove the entitlement to claim must also not be filed or sent in paper form, but digitally scanned for computerized transmission as instructed in the next paragraph.

In order to facilitate the administration of the procedure, it is recommended to check the actual readability on video of the documents scanned before sending, as well as to insert the documents in the scanner in the correct way, in order to allow the easy reading of the recipients.

The appeal and documents in support of the right applied must therefore be transmitted to the Judicial Commissioner exclusively by certified e-mail, to the following certified e-mail address:

i309.2019@pecamministrazionestraordinaria.it

In accordance with the terms of art. 93 bankruptcy law, it is stated that this way of sending does not allow equivalents, with the consequence that it will not be considered as valid the deposit or sending by mail of a paper application either at the chancellery of the Court of Venice, or at the office of the Judicial Commissioner, or the computerized transmission to the chancellery.

Appeals and documents filed with the Court's chancellery, or sent to the Judicial Commissioner in paper form, or by simple e-mail (non-PEC) will be considered inadmissible and therefore the applications contained in them will not be examined.

Only credit securities (checks, promissory notes, etc.) must be deposited in the original with the relevant Registry of the Court, who will issue a deposit receipt. However, they must, in any case, be scanned and sent along with the other attachments contained in the PEC message of creditors claim.

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

3. Instructions related to the structure of the PEC communication containing the application and the proposition of any observations on liabilities.

For a better message filing and to speed up the request examination, it is appropriate that the messages sent have a common structure as far as possible.

Creditors are therefore invited to follow the instructions:

a) The object of the PEC message must include the procedure number (No. 3/2019), the word "claim or return", as well as the creditor's general information (e.g. Extraordinary *Administration* Procedure No. 3/2019 - *Insinnuation* - Creditor: Mario Rossi);

b) The claim should not be contained directly in the body of the PEC message, but in a separate document that should be sent as attachment to the PEC message;

c) The text of the PEC message should contain the index of documents attached to the PEC message;

d) the claim to the liability and its attachments, listed at the bottom of the appeal, must be numbered and described according to their content and the name of the creditor (e.g. *Rossi_all_1_claim.pdf*; *Rossi_all_2_Contract.pdf*; *Rossi_all_3_Invoices.pdf*; *Rossi_all_4_accountability*);

e) attachments will have to be contained in as many files, distinct from the one containing the appeal, as attachments are;

f) In any case, if the creditor is a supplier, invoices, delivery notices and orders must be always contained in separate files compared to other evidence documents;

g) each file attached to the PEC message must be in *.pdf* or *.pdf/A* format, resulting in that files with

different extensions can not be attached (e.g.: .tif, .jpg, etc.);

h) if the document is scanned, in order to avoid too large documents to be created, the resolution of the scan must not exceed 200 DPI ("dot per inch") and must be black and white;

i) each file attached to the PEC message must never exceed the maximum size of 15 MB; if a file attached to the PEC message is larger than 15 MB, it must be divided into multiple files.

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

It is also important to notice that:

a) **at least 15 days before the above hearing**, the draft of list of liabilities, accompanied by the relevant applications, will be filed with the Chancellery of the Tribunal and forwarded to the PEC address of the individual creditors as indicated in the respective appeals;

b) **Up to 5 days before the hearing**, the concerned parties will be able to examine the draft and submit any written comment via PEC and file any supplementary documents, to be sent to the Commissioner at PEC i309.2019venezia@pecamministrazionestraordinaria.it in the same way described above to submit applications.

The object of the PEC message that contains the comments to the draft liabilities list should include:

1) procedure number;

2) "observations to the draft liabilities list";

3) creditor's name;

4) Application number (e.g.: *Rossi_all._1_* observations to the draft liabilities list – Application no.).

Finally, it should be noted that any document additions will also have to be filed exclusively via PEC.

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The Company's creditors are invited to review the instructions attached and published on the <http://www.amministrazionestraordinariamonti.it> website.

Yours Faithfully.

Judicial Commissioner

Dr. Fabio Pettinato

