
Adria MM produkcija

Jelena Kordić <jelenakordic.os@gmail.com>
Prima: carolyn shields <shieldscj524@gmail.com>

17. siječnja 2022. u 11:47

Dear Mrs. Shields,

I need some more information.

What will happen if the bankruptcy court rejects your request? Also, what would happen if the Court of Appeals acted on both requests/appeals, Adrias and WEGs?

Is there a possibility that the court of Appeals will refuse to proceed on Adria's appeal at all.

You mention that their lawyer proposed a settlement, whether he proposed the exact terms of the settlement and the amounts.

Do you still believe in the success of these disputes and that Adria will benefit.

What are the possible negative consequences?

It remained unclear to me whether WEG wanted to sell our verdict or his own through the US Marshal?

Is the judgment in favor of WEG final?

Is WEG claiming anything other than the amount of approximately \$ 366,000 per judgment in their favor?

Please answer my questions in short sentences, for easier understanding.

We have been patiently waiting for the appeal procedure to continue, but this has been going on for a very long time now.

Adria MM produkcija no longer has money in this bankruptcy procedure to cover costs in the Republic of Croatia (bookkeeping, etc.)

So, I should seek suspension of bankruptcy due to insufficient bankruptcy estate.

In that case, Adria MM is deleted from the court register. The bankruptcy estate after Adria MM production entered in the register and a new personal identification number is obtained.

In Croatia, in such cases, all ongoing proceedings are terminated and a continuation must be sought on behalf of the bankruptcy estate.

Will this have an impact on proceedings in America?

These are my doubts so please help me to better understand. Thanks.

I look forward to hearing from you.

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Stečajni upravitelj
Jelena Kordić, dipl.iur.

Kontakt:
tel: 091-500-8639
jelenakordic.os@gmail.com
Eugena Kvaternika 44a, 31220 Višnjevac

Adria MM produkcija

carolyn shields <shieldscj524@gmail.com>

25. siječnja 2022. u 19:33

Prima: Jelena Kordić <jelenakordic.os@gmail.com>

I have added my replies after each of your questions.

I need some more information.

What will happen if the bankruptcy court rejects your request? Also, what would happen if the Court of Appeals acted on both requests/appeals, Adrias and WEGs?

Is there a possibility that the court of Appeals will refuse to proceed on Adria's appeal at all.

Our request in the bankruptcy court is to modify the bankruptcy stay to allow the appeals but not enforcement of any of the judgments. The bankruptcy court is not likely to reject this request. The ruling of the bankruptcy court will be binding on the court of appeals, so the court of appeals will not decide that issue. The court of appeals would just proceed with the appeals. There is no basis for the court of appeals to refuse to proceed if the stay were modified as we suggest.

You mention that their lawyer proposed a settlement, whether he proposed the exact terms of the settlement and the amounts.

WEG's attorney did not make any settlement offer. If he had, we would have communicated it to you immediately. He merely sought to avoid the next step by proposing that we have settlement discussions. If we have settlement discussions, WEG will want to reduce the amount of Adria's judgment against WEG. WEG's attorney did not indicate what it was thinking. If you want to discuss settlement with WEG we will of course arrange that. But we do not think WEG was serious.

Do you still believe in the success of these disputes and that Adria will benefit.

Yes, we absolutely believe in the success of Adria's appeal. And that Adria will benefit in the court of appeals. The jury already decided one of the elements of a claim that the district court did not send to the jury. Which means that that claim should be resolved in Adria's favor and added to Adria's existing judgment.

What are the possible negative consequences?

There are possible but not likely bad results on appeal. For example, the worst that can happen on appeal is to have the court of appeals reverse the judgment in favor of Adria. Adria is unlikely to lose a judgment based on a jury verdict. And the jury answered many of the questions in a way that makes Adria's judgment secure. Other bad results would be if all of the rulings being appealed by Adria are rejected and all of the rulings being appealed by WEG are granted. Winning some of Adria's claims on appeal could result automatically in a judgment in favor of Adria or a requirement of a new trial on some claims. The latter means more time without a final result. We have previously provided our evaluation of the good results and bad results on appeal and have not changed our minds about those.

It remained unclear to me whether WEG wanted to sell our verdict or his own through the US Marshal?

WEG wanted the US Marshal to enforce WEG's judgment against Adria by selling an asset of Adria's, namely, Adria's judgment against WEG. This is not permitted by the law and is now stayed by the bankruptcy stay.

Is the judgment in favor of WEG final?

The judgment in favor of WEG and against Adria is final but on appeal. It is stayed by the chapter 15 stay.

Is WEG claiming anything other than the amount of approximately \$ 366,000 per judgment in their favor?

Yes, WEG is seeking to overturn all the rulings it lost in the district court. Many of them are not appealable. We will brief on appeal why WEG's appeals have no merit.

Please answer my questions in short sentences, for easier understanding.

We have been patiently waiting for the appeal procedure to continue, but this has been going on for a very long time now.

Adria MM produkcija no longer has money in this bankruptcy procedure to cover costs in the Republic of Croatia (bookkeeping, etc.)

So, I should seek suspension of bankruptcy due to insufficient bankruptcy estate.

In that case, Adria MM is deleted from the court register. The bankruptcy estate after Adria MM production entered in the register and a new personal identification number is obtained.

In Croatia, in such cases, all ongoing proceedings are terminated and a continuation must be sought on behalf of the bankruptcy estate.

Will this have an impact on proceedings in America?

Any termination of the bankruptcy proceeding in Croatia will have an adverse effect on the US chapter 15 bankruptcy and the US stay. The chapter 15 bankruptcy depends on the existence of the Croatian bankruptcy proceeding. If there is no Croatian bankruptcy proceeding and if you lack authority under a Croatian bankruptcy proceeding, you would lose authority over the US proceeding and the US proceeding could be terminated. That would remove the stay that is protecting Adria's judgment against WEG.

If there is an intermediate status in Croatia, like a suspension with your continuing to have authority over the Croatian proceeding, the US proceeding could probably continue. You might say more about what the options in Croatia are. Perhaps I need elaboration from Tomislav on this.

If the Croatian proceeding is terminated, we would have to evaluate the possibility of filing a chapter 7 proceeding in the US. We would be concerned about whether your authority could continue or whether a US Trustee would make decisions instead in a chapter 7 proceeding.

Please let us know more about what the options are for the Croatian proceeding.

I apologize if my sentences are long. American lawyers use too many words.

Carolyn

Dodala sam svoje odgovore nakon svakog vašeg pitanja.

Treba mi još informacija.

Što će se dogoditi ako stečajni sud odbije vaš zahtjev? Također, što bi se dogodilo da je Žalbeni sud postupi po oba zahtjeva/žalbe, Adrijinoj i WEG-ovoj?

Postoji li mogućnost da žalbeni sud odbije postupiti po Adrijinoj žalbi?

Naš zahtjev na stečajnom sudu je izmjena odgode stečaja kako bi se omogućile žalbe, ali ne i izvršenje bilo koje presude. Stečajni sud vjerojatno neće odbiti ovaj zahtjev. Odluka stečajnog suda bit će obvezujuća za žalbeni sud, pa o tome neće odlučivati žalbeni sud. Prizivni sud bi samo nastavio sa žalbama. Ne postoji osnov za žalbeni sud da odbije nastavak postupka ako je boravak izmijenjen kako predlažemo.

Spominjete da je njihov odvjetnik predložio nagodbu, je li predložio točne uvjete nagodbe i iznose?

WEG-ov odvjetnik nije dao nikakvu ponudu za nagodbu. Da jest, odmah bismo vam to priopćili. On je samo pokušao izbjeći sljedeći korak predlažući da vodimo razgovore o nagodbi. Ako budemo raspravljali o nagodbi, WEG će htjeti smanjiti iznos presude Adrie protiv WEG-a. WEG-ov odvjetnik nije naznačio što misli. Ako želite razgovarati o nagodbi s WEG-om, mi ćemo to naravno dogovoriti. Ali ne mislimo da je WEG bio ozbiljan.

Vjerujete li i dalje u uspjeh ovih sporova i da će Adria imati koristi?

Da, apsolutno vjerujemo u uspjeh Adrijine žalbe. I da će Adria imati koristi na prizivnom sudu. Porota je već odlučila o jednom od elemenata tužbe koju okružni sud nije poslao poroti. Što znači da taj zahtjev treba riješiti u Adrijinu korist i dodati Adrijinoj postojećoj presudi.

Koje su moguće negativne posljedice?

Postoje mogući, ali malo vjerojatno loši rezultati u žalbenom postupku. Primjerice, najgore što se može dogoditi u žalbenom postupku je da žalbeni sud preinači presudu u korist Adrie. Adria vjerojatno neće izgubiti presudu na temelju presude porote. A porota je na mnoga pitanja odgovorila na način da Adrijinu presudu čini sigurnom. Drugi loši rezultati bili bi ako se sve presude na koje se Adria žali odbace i udovolje sve presude na koje se žali WEG. Dobivanje nekih od Adrijinih tužbi u žalbenom postupku moglo bi automatski rezultirati presudom u korist Adrie ili zahtjevom za novim suđenjem za neke zahtjeve. Potonje znači više vremena bez konačnog rezultata. Ranije smo dali svoju ocjenu dobrih i loših rezultata u žalbenom postupku i nismo promijenili mišljenje o njima.

Ostalo mi je nejasno je li WEG želio preko američkog maršala prodati našu ili svoju presudu?

WEG je želio da američki maršal provede presudu WEG-a protiv Adrie prodajom Adrijine imovine, odnosno Adrijine presude protiv WEG-a. To nije dopušteno zakonom i sada stoji odgodom stečaja.

Je li presuda u korist WEG-a pravomoćna?

Presuda u korist WEG-a i protiv Adrie je konačna, ali je u žalbi. Stoji zbog prekida po poglavlju 15.

Traži li WEG još nešto osim iznosa od približno 366.000 dolara po presudi u njihovu korist?

Da, WEG nastoji poništiti sve presude koje je izgubio na okružnom sudu. Mnogi od njih se ne mogu pobijati žalbom. Izvijestit ćemo o žalbi zašto žalbe WEG-a nisu utemeljene.

Strpljivo smo čekali nastavak žalbenog postupka, ali to traje već jako dugo.

Adria MM produkcija više nema novca u ovom stečajnom postupku za pokrivanje troškova u RH (knjigovodstvo i sl.)

Dakle, trebao bih tražiti obustavu stečaja zbog nedovoljne stečajne mase.

Adria MM se u tom slučaju briše iz sudskog registra. U sudski registar se upisu je stečajna masa iza Adria MM production d.o.o. u stečaju i dobiva novi OIB.

U Hrvatskoj se u takvim slučajevima obustavljaju svi postupci u tijeku i mora se tražiti nastavak u ime stečajne mase.

Hoće li to utjecati na postupke u Americi?

Svako okončanje stečajnog postupka u Hrvatskoj imat će negativan učinak na američki stečaj iz poglavlja 15 i obustavu u SAD-u. Stečaj iz poglavlja 15 ovisi o postojanju hrvatskog stečajnog postupka. Ako nema hrvatskog stečajnog postupka i ako nemate ovlasti u hrvatskom stečajnom postupku, izgubit ćete ovlast nad postupkom u SAD-u, a postupak u SAD-u bi mogao biti prekinut. To bi uklonilo prekid koji štiti Adrijinu presudu protiv WEG-a.

Ako postoji posredni status u Hrvatskoj, poput suspenzije s vašim nastavkom ovlasti nad hrvatskim postupkom, postupak u SAD-u bi se vjerojatno mogao nastaviti. Morali biste mi reći više o tome koje su mogućnosti u Hrvatskoj. Možda mi treba Tomislavova razrada o tome.

Ako hrvatski postupak bude obustavljen, morali bismo procijeniti mogućnost pokretanja postupka iz poglavlja 7 u SAD-u. Bili bismo zabrinuti bi li se vaša ovlast mogla nastaviti ili bi umjesto toga američki povjerenik donosio odluke u postupku iz poglavlja 7.

Javite nam više o mogućnostima hrvatskog postupka.

Ispričavam se ako su mi rečenice dugačke. Američki odvjetnici koriste previše riječi.

Carolyn



Jelena Kordić <jelenakordic.os@gmail.com>

Re: Adria MM produkcija - kind reminderilli

Carolyn Shields <shieldscj524@gmail.com>
Prima: Jelena Kordić <jelenakordic.os@gmail.com>

4. travnja 2022. u 12:53

I will get a report to you ASAP.

Carolyn

On Apr 4, 2022, at 4:46 AM, Jelena Kordić <jelenakordic.os@gmail.com> wrote:

Dear Carolyn,
I kindly remind you of the mail from March 21, 2022.
Please, I need information whether the court has made a decision and whether any action has been taken.
Thanks.

Jelena

pon, 21. ožu 2022. u 14:45 Jelena Kordić <jelenakordic.os@gmail.com> napisao je:

Dear Carolyn,
I have to prepare a new report to the court soon, so I kindly ask you for information on any court decisions or your actions towards the court in the past period since the last report.

Thank you in advance.
Jelena

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Stečajni upravitelj
Jelena Kordić, dipl.iur.

Kontakt:
tel: 091-500-8639
jelenakordic.os@gmail.com
[Eugena Kvaternika 44a](#), 31220 Višnjevac

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Stečajni upravitelj
Jelena Kordić, dipl.iur.

Kontakt:
tel: 091-500-8639
jelenakordic.os@gmail.com
[Eugena Kvaternika 44a](#), 31220 Višnjevac

Carolyn Shields <shieldscj524@gmail.com> 4. travnja 2022. u 12:53
Prima: Jelena Kordić <jelenakordic.os@gmail.com>

Dostavit ću ti izvještaj što je prije moguće.
Carolyn

Dana 4. travnja 2022. u 4:46 sati
Jelena Kordić <jelenakordic.os@gmail.com> napisala je:

Draga Carolyn,
Ljubazno vas podsjećam na mail od 21. ožujka 2022.
Molim Vas, trebaju mi informacije o tome da li sud je donio odluku i jesu li poduzete bilo kakve radnje.
Hvala.

/pon, 21. ožujka 2022. u 14:45
Jelena Kordić <jelenakordic.os@gmail.com> napisala je:

Draga Carolyn,
Uskoro moram pripremiti novo izvješće sudu pa Vas molim za informacije o eventualnim sudskim odlukama ili Vašim postupcima prema sudu u proteklom razdoblju od posljednjeg izvješća.

Hvala unaprijed.
Jelena/