

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF CONNECTICUT
BRIDGEPORT DIVISION**

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	:	
In re:	:	Chapter 11
	:	
HO WAN KWOK, <i>et al.</i> , ¹	:	Case No. 22-50073 (JAM)
	:	
Debtors.	:	(Jointly Administered)
	:	
	X	
	:	
LUC A. DESPINS, CHAPTER 11	:	
TRUSTEE,	:	
	:	Adv. Proceeding No. 23-05013
Plaintiff,	:	
	:	
v.	:	
	:	
	:	
HCHK TECHNOLOGIES, INC.,	:	
HCHK PROPERTY MANAGEMENT, INC.,	:	
LEXINGTON PROPERTY AND STAFFING, INC.,	:	
HOLY CITY HONG KONG VENTURES, LTD.,	:	
ANTHONY DIBATTISTA, YVETTE WANG,	:	
and BRIAN HOFMEISTER (in his capacity	:	
as assignee),	:	
	:	
Defendants.	:	
	X	

**EMERGENCY MOTION TO EXPEDITE HEARING ON
MOTION OF CHAPTER 11 TRUSTEE TO AUTHORIZE AND COMPEL DISCOVERY
ON PROPOSED INVETERNORS SHIH HSIN YU, 1332156 B.C. LTD, GWGPNZ
LIMITED, JAPAN HIMALAYA LEAGUE, INC. AND AUTHORIZING DISCOVERY
ON ADDITIONAL PARTIES**

¹ The Debtors in these chapter 11 cases are Ho Wan Kwok (also known as Guo Wengui, Miles Guo, and Miles Kwok, as well as numerous other aliases) (last four digits of tax identification number: 9595), Genever Holdings LLC (last four digits of tax identification number: 8202) and Genever Holdings Corporation. The mailing address for the Trustee, Genever Holdings LLC, and the Genever Holdings Corporation is Paul Hastings LLP, 200 Park Avenue, New York, NY 10166 c/o Luc A. Despins, as Trustee for the Estate of Ho Wan Kwok (solely for purposes of notices and communications).

Luc A. Despins, as chapter 11 trustee (the “Trustee”) for the estate of Ho Wan Kwok (the “Debtor”), pursuant to Rule 9006(c)(1) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), hereby moves (the “Motion to Expedite”) this Court for entry of an order scheduling an expedited hearing to consider and determine the *Motion of Chapter 11 Trustee to Authorize and Compel Discovery on Proposed Intervenors Shin Hsin Yu, 1332156 B.C. Ltd, GWGOPNZ Limited, Japan Himalaya League, Inc. And Additional Parties* (the “Motion for Discovery”).² In support of this Motion to Expedite, the Trustee respectfully states as follows:

JURISDICTION AND VENUE

1. The Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Standing Order of Reference* from the United States District Court for the District of Connecticut (as amended). This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).
2. Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.
3. The basis for the relief sought by this Motion to Expedite is Bankruptcy Rule 9006(c)(1).

RELEVANT BACKGROUND

4. On June 8, 2023, the Trustee commenced this adversary proceeding (the “Adversary Proceeding”) by filing the Complaint, which seeks declaratory rulings that the HCHK Entities are alter egos of, or such entities and/or their purported assets are equitably owned by, the Debtor, and seeks an injunction against any commencement or continuation of the Assignment Proceedings. The Trustee also filed, on June 8, 2023, the TRO Motion seeking a temporary restraining order, and, on June 9, 2023, a supplemental emergency *ex parte* TRO motion related

² Capitalized terms used but not otherwise defined in this Motion to Expedite have the meanings set forth in the Motion for Discovery.

to the Application and IMA with G-News [Adv. Proc. 23-05013, Docket No. 14]. On June 12, 2023, the Court entered the TRO Order granting injunctive relief sought by the Trustee.

5. On June 23, 2023, the Trustee filed his 9019 Motion seeking approval of his compromise with the Assignee of the HCHK Entities. On July 5, 2023, the Proposed Intervenor filed their Himalaya Objection to the 9019 Motion.

6. On July 17, 2023, the Proposed Intervenor filed their Motion to Intervene. The motion asserts, among other things, that the Proposed Intervenor is *bona fide*, good faith creditor of the HCHK Entities and have claims against the HCHK Entities totaling more than \$27 million. The Proposed Intervenor asserts that they have a substantial financial interest in the outcome of this Adversary Proceeding, and thus should be permitted to intervene. The Trustee's deadline to respond to the Motion to Intervene is August 7, 2023.

7. The Trustee has only limited information available to him at present concerning the Proposed Intervenor. Specifically, the Trustee understands the Proposed Intervenor is, by all indicia, associate of or controlled by associate of the Debtor and acting on the Debtor's behalf. The bases for the Trustee's understanding—including numerous links between the Proposed Intervenor and the Debtor, his associates, and their affairs—are discussed in the Trustee's Omnibus Reply and summarized in the Motion for Discovery.

8. These connections, among other things, cast doubt on the Proposed Intervenor's efforts to portray themselves as *bona fide*, good faith creditor of the HCHK Entities who should be entitled to intervene in this Adversary Proceeding. Accordingly, the Trustee has sought limited discovery from the Proposed Intervenor.

9. The Trustee first sought to obtain the necessary discovery without resort to motion practice. On July 20, 2023, counsel for the Trustee conferred with counsel for the Proposed

Intervenors regarding discovery. Then, on July 21, 2023, the Trustee served limited requests for admission, interrogatories, requests for production of documents on Proposed Intervenors, and served subpoenas and deposition notices on the Additional Related Parties (who are also in possession of information relevant to the Motion to Intervene and thus properly subject to discovery). (Motion for Discovery at Exhibits A-D.)

10. On July 24, 2023, counsel for the Proposed Intervenors indicated to Trustee's counsel that they would not comply with the Trustee's discovery requests, and on July 26, 2023, the Proposed Intervenors served the Trustee with objections outright refusing compliance.

THE MOTION FOR DISCOVERY

11. By the Motion for Discovery, the Trustee requests entry of an order authorizing the discovery sought by the Trustee from the Proposed Intervenors and the Additional Parties and compelling the Proposed Intervenors to comply and cooperate with same. It is imperative that the Trustee obtain such compliance to effectively respond to the Motion to Intervene, which is necessary to protect the estate from the Debtor's interference.

RELIEF REQUESTED

12. The Trustee respectfully requests that the Court schedule a hearing on the Motion for Discovery on August 1, 2023, or as soon thereafter as the Court is available to hear the motion. In addition, the Trustee requests that the Court order that any objections to the Motion for Discovery be filed at least twenty-four hours before the hearing.

BASIS FOR RELIEF REQUESTED

13. Pursuant to Bankruptcy Rule 9006(c)(1), the Court may reduce the notice period when requested by motion where cause is demonstrated. Cause exists to consider and determine the Motion for Discovery on an expedited basis.

14. The Trustee requires compliance with the discovery requests he has served to properly respond to the Motion to Intervene, **which response is due by August 7, 2023**. It is vital that the Trustee be able to timely and effectively respond to the Motion to Intervene—to prevent the Debtor and his associates from improperly interfering with the Trustee and depriving creditors from the benefit of assets that are property of the estate.

15. The requested relief will not prejudice the Proposed Intervenor. The Proposed Intervenor has known that the Trustee would seek discovery since at least July 20, 2023, and was served with the discovery requests the following day. Indeed, the Proposed Intervenor has already served a written objection to the discovery requests setting forth their position.

NO PREVIOUS REQUEST

16. No previous request for the relief sought herein has been made by the Trustee to this or any other court.

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WHEREFORE, the Trustee respectfully requests that the Court grant this Motion, schedule an expedited hearing on the Motion for Discovery, and grant such other and further relief as is just and proper.

Dated: July 27, 2023
New Haven, Connecticut

LUC A. DESPINS, CHAPTER 11 TRUSTEE

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Counsel for the Chapter 11 Trustee

EXHIBIT 1

Proposed Order

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF CONNECTICUT
BRIDGEPORT DIVISION**

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In re:	:	Chapter 11
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Debtors.	:	(Jointly Administered)
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LUC A. DESPINS, CHAPTER 11	:	
TRUSTEE,	:	
	:	Adv. Proceeding No. 23-05013
Plaintiff,	:	
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v.	:	
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HCHK TECHNOLOGIES, INC.,	:	
HCHK PROPERTY MANAGEMENT, INC.,	:	
LEXINGTON PROPERTY AND STAFFING, INC.,	:	
HOLY CITY HONG KONG VENTURES, LTD.,	:	
ANTHONY DIBATTISTA, YVETTE WANG,	:	
and BRIAN HOFMEISTER (in his capacity	:	
as assignee),	:	
	:	
Defendants.	:	
	X	

**[PROPOSED] ORDER SCHEDULING EXPEDITED HEARING ON
MOTION OF CHAPTER 11 TRUSTEE TO AUTHORIZE AND COMPEL DISCOVERY
ON PROPOSED INVETERNORS SHIH HSIN YU, 1332156 B.C. LTD, GWGPNZ
LIMITED, JAPAN HIMALAYA LEAGUE, INC. AND AUTHORIZING DISCOVERY
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The Court having considered the motion (the “Motion to Expedite”) seeking an expedited hearing on the *Motion of Chapter 11 Trustee to Authorize and Compel Discovery on Proposed Intervenor Shin Hsin Yu, 1332156 B.C. Ltd, GWGOPNZ Limited, Japan Himalaya League, Inc. and Authorizing Discovery on Additional Parties* (the “Motion for Discovery”);² and good cause appearing for the relief sought in the Motion to Expedite, it is hereby

ORDERED, that a hearing on the Motion for Discovery shall be held on [_____] [____], 2023 at [__]:00 a./p.m. (ET) at the United States Bankruptcy Court, District of Connecticut, Bridgeport Division, 915 Lafayette Boulevard, Room 123, Bridgeport, CT 06604 (the “Hearing”); and it is further

ORDERED, that the deadline to object to the Motion for Discovery shall be twenty-four hours prior to the Hearing; and it is further

ORDERED, that the Trustee may address any arguments raised in such objections at the Hearing; and it is further

ORDERED, that a copy of this Order, along with the Motion for Discovery and any attachments thereto, shall be served upon all parties to the above-captioned adversary proceeding and the Proposed Intervenor, and the Trustee shall file a certificate of service in advance of the hearing.

² All capitalized terms not expressly defined herein adopt the definitions set forth in the Motion for Discovery.

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF CONNECTICUT
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Plaintiff,	:	
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ANTHONY DIBATTISTA, YVETTE WANG,	:	
and BRIAN HOFMEISTER (in his capacity	:	
as assignee),	:	
	:	
Defendants.	:	
	X	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 27, 2023, the foregoing Motion to Expedite, and all declarations, exhibits and attachments thereto, was electronically filed. Notice of this filing was sent by e-mail to all parties to the above-captioned adversary proceeding and the Proposed

¹ The Debtors in these chapter 11 cases are Ho Wan Kwok (also known as Guo Wengui, Miles Guo, and Miles Kwok, as well as numerous other aliases) (last four digits of tax identification number: 9595), Genever Holdings LLC (last four digits of tax identification number: 8202) and Genever Holdings Corporation. The mailing address for the Trustee, Genever Holdings LLC, and the Genever Holdings Corporation is Paul Hastings LLP, 200 Park Avenue, New York, NY 10166 c/o Luc A. Despina, as Trustee for the Estate of Ho Wan Kwok (solely for purposes of notices and communications).

Intervenors by operation of the Court's electronic filing ("CM/ECF") system. Parties may access this filing through the Court's CM/ECF system.

Dated: July 27, 2023
New Haven, Connecticut

By: /s/ Patrick R. Linsey
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Patrick R. Linsey (ct29437)
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