

534308

STATE OF RHODE ISLAND
KENT, SC

SUPERIOR COURT
OUT-COUNTY BUSINESS CALENDAR

DAVID BAINER

.....

VS.

C.A. NO. KC-2020-0403

JML COURIER SERVICES, LLC

RECEIVED
STATE
DEPT. OF
R.I. BUS SVCS DIV
2020 MAY 22 PM 2:53

ORDER APPOINTING TEMPORARY RECEIVER

This cause came on to be heard on May 8, 2020, Justice Licht presiding, upon the plaintiff's petition for appointment of a receiver or special master, and upon consideration thereof, it is hereby:

ORDERED, ADJUDGED and DECREED

1. That for the purposes of this order, wherever the word "defendant" or "respondent" is used, that term shall mean JML Courier Services, LLC.
2. That Michael B. Forte, Jr., Esq., of Warwick, Rhode Island, be and is hereby appointed Temporary Receiver ("Receiver") of the defendant.
3. That said Receiver shall, no later than five days from the date hereof, file a bond in the sum of \$10,000.00 with any surety company authorized to do business in the State of Rhode Island as surety thereon, conditioned that the Receiver will well and truly perform the duties of said office, and duly account for all monies and property which may come into the Receiver's hands, and abide by and perform all things which the Receiver will be directed to do by this Court.
4. That said Receiver is authorized to take possession and charge of the property and assets of the defendant, to collect the debts and property belonging to it, and to preserve the same until further order of this Court.
5. That said Receiver is authorized until further order of this Court, in the Receiver's discretion and as said Receiver deems appropriate and advisable, to conduct the business of said defendant, to borrow money from time to time, to purchase for cash or upon credit, merchandise, materials and other property, to engage appraisers and/or employees and assistants, clerical or otherwise, and to do and perform or cause to be done and performed all other acts and things as are appropriate in the premises.
6. That pursuant to and in compliance with Rhode Island Supreme Court Executive Order No. 95-01, this Court finds that the designation of the afore-described person for appointment as Receiver herein is warranted and required because of the Receiver's specialized expertise and experience in operating businesses in receivership, and in administering non-routine receiverships which involve unusual or complex legal, financial, or business issues.

7. Except as provided in paragraph 8 below, that the commencement, prosecution or continuance of the prosecution, of any action, suit, arbitration proceeding, hearing or any foreclosure, reclamation or repossession proceeding, both judicial and non-judicial, or any other proceeding, in law or in equity, or under any statute, or otherwise, against said defendant or any of its property, in any court, agency, tribunal or elsewhere, or before any arbitrator, or otherwise by any creditor, stockholder, corporation, partnership or any other person, or the levy of any attachment, execution or other process upon or against any property of said defendant, or the taking or attempting to take into possession any property in the possession of the defendant or of which the defendant has the right to possession, or the cancellation at any time during the receivership proceeding herein of any insurance policy, lease or other contract with defendant, by any of such parties as aforesaid, other than the Receiver designated as aforesaid, or the termination of telephone, electric, gas or other utility service to defendant, by any public utility, without prior approval thereof from this Honorable Court, in which connection said Receiver shall be entitled to prior notice and an opportunity to be heard, are hereby restrained and enjoined until further order of this Court.

8. That the foregoing paragraph does not stay the exercise of rights of a party to a swap agreement, securities contract, repurchase agreement, commodity contract, forward contract or master netting agreement, as those terms are defined in the federal Bankruptcy Code, to the extent that a court would not have the power to stay the exercise if defendant were a debtor under the Bankruptcy Code.

9. That a citation be issued to said defendant, returnable to the Superior Court sitting at Kent County, Rhode Island, on July 7, 2020, 2020 at 9:30 A.M., at which time and place this cause is set down for hearing on the prayer for the appointment of a permanent receiver; that the clerk of this Court shall give notice of the pendency of the petition herein by publishing a copy of the annexed receivership notice once in The Providence Journal on or before June 1, 2020, 2020, so long as the Receiver's bond has been filed, and the Receiver shall give further notice by mailing, on or before June 15, 2020, 2020, a copy of said order appointing temporary receiver to each of defendant's creditors and members whose addresses are known or may become known to the Receiver.


10. That this Order is entered by virtue of and pursuant to this Court's equity powers and pursuant to its powers as authorized by the laws and statutes of the State of Rhode Island.

ENTER:

BY ORDER:



JUDGE **Richard Licht**



CLERK **Michael C. Rampone** 5/14/2020
Deputy Clerk I

Presented by: **Associate Justice**
/s/ Michael B. Forte, Jr.
Michael B. Forte, Jr., Esq. #7943
OLENN & PENZA, LLP
530 Greenwich Avenue
Warwick, RI 02886
PHONE: (401) 737-3700
FAX: (401) 737-5499



OLENN & PENZA

ATTORNEYS AT LAW - LLP

May 14, 2020

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State of Rhode Island
Office of the Secretary of State
Corporations Division
148 West River Street
Providence, RI 02904-2615

Re: David Bainer v. JML Courier Services, LLC
Our File No. 7491/9

Dear Sir or Madam:

Enclosed you will find a copy of a court order appointing me as Temporary Receiver for JML Courier Services, LLC, a domestic limited liability company, identification number, 000534308. A copy of the corporation's database information related to this entity is enclosed for your reference of the entity.

Also enclosed you will find a copy of the notice to creditors, which I would I ask that you scan into the database along with the court order.

If you have any questions, please feel free to contact me.

Very truly yours,

Michael B. Forte, Jr., Esq.
as Temporary Receiver for
JML Courier Services, LLC
mbf@olenn-penza.com

MBF:lm] (Corres:74919 1 To RISecState 5 14-20)
Enclosures