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To Rules\_Comments@ao.uscourts.gov

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Subject Rule 1004.2 (b)

Dear Committee,

Comment regarding proposed Rule 1004.2 (b) CHALLENGING DESIGNATION:

A 60-days deadline to challenge the debtor's center of main interest (COMI) is not workable. 11 U.S.C. §1581(c) provides that a petition for recognition of a foreign proceeding shall be decided upon at the earliest possible time. The COMI determination is a necessary step in the recognition proceeding and 60 days is far too long to delay such a determination and violates the statutory mandate of section 1581(c). Moreover, the majority of ancillary cases have accomplished the purpose for filing the petition, which generally involves injunctive relief, well within that period.

Proposed Rule 1004.2(b) is also at odds with Interim Rule 2002(q) which provides for 20 days notice of the hearing on the petition for recognition not 60 days.

Una O'Boyle  
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