

N. R.G. 2903/2024



ORDINARY COURT OF RAVENNA

CIVIL SECTION - VJ

SETTING HEARING DECREE *ex art. 19 p. 3 CBC*

Judge Elisa Romagnoli,

having considered the application for the protective measures confirmation 2903/2024 presented by:  
**COOPERATIVA MURATORI & CEMENTISTI – C.M.C. DI RAVENNA SOCIETÀ COOPERATIVA** (T.C. and VAT nr. 00084280395), with registered office in Ravenna, via Trieste n. 76, represented and defended by lawyers Mr. Valerio Di Gravio and Mr. Silvio Lecca

PETITIONER

considering the jurisdiction of the aforementioned Court, in whose district the so called c.o.m.i. is established pursuant to art. 27 p. 2 and 3 of the CBC;

considered the timeliness of the application, as it has been filed within the day following the publication in the companies' register of the petition formulated by the Company pursuant to art. 18 of the CBCI and the occurred acceptance by the Expert (Mrs. Stefania Chiaruttini), pursuant and for the purposes of art. 19 p. 1 and p. 3 of the CBC;

noted that the expert's acceptance declaration has been attached to the application;

noted that the documentation required by art. 19, 2° p. of the CBC;

noted that the application requests the *erga omnes* for protective measures confirmation, hence the need to indicate suitable forms of notification pursuant to ex art. 151 of the c.p.c.;

being considered necessary to provide for forms of "remote" handling of this procedure, according to the preference expressed by the Legislator in art. 19 p. 3 of the CBC

SETS

the hearing for the **10.01.2024 at 9:30 a.m.** and following, for the parties and the expert appearance, reserving the right to proceed with the investigative acts essential for decision purposes following the adversarial process formal establishment;

PROVIDES that the hearing to be held using the videoconferencing tool called "Teams" by Microsoft, as per the link below, fit for access to the judge's virtual room:

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_ZDU0YjM2ZDctMDViZS00YzJlThlNGMtOThlMWQ1YTk3N2I2%40thread.v2/0?context=%7b%22Tid%22%3a%22792bc8b1-9088-4858-b830-2aad443e9f3f%22%2c%22Oid%22%3a%228df10bb4-001b-4015-9737-15476113e02a%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZDU0YjM2ZDctMDViZS00YzJlThlNGMtOThlMWQ1YTk3N2I2%40thread.v2/0?context=%7b%22Tid%22%3a%22792bc8b1-9088-4858-b830-2aad443e9f3f%22%2c%22Oid%22%3a%228df10bb4-001b-4015-9737-15476113e02a%22%7d)

(operating instructions for access are here below)

ORDERS the petitioner to notify within 15 days before such hearing, a copy of the application and of this decree to the expert and the creditors, according to the following procedures:

- Via certified email or, in case of impossibility, in the ordinary forms pursuant to ex artt. 137 and seq. of the c.p.c., as regard the expert, to the first thirty creditors in terms of amount as indicated in the list
- By publication for 20 days on the “Il Sole 24 ore” online website;
- By publication of the petitioner’s website, using graphic methods that ensure immediate perceptibility, as far as all other creditors are concerned

WARNS that the notification on the copy of the application and of this decree must be made to the parties in person and not to the lawyers who assist them in the enforcement and precautionary proceedings that may be in progress, and that to participate in the hearing the assistance of a lawyer is necessary;

ORDERS the petitioner to electronically lodge, at least 3 days before the hearing, a summary table of the names of the parties containing the indication of the methods used for the notifications and their outcome, proof of the notifications carried out; the petitioner to lodge, at the hearing, the documentary evidence of the sending to the Companies’ Register of the request for publication of the general role number of the present proceeding;

#### WARNS

- that, from the day of publication in the Companies’ Register for the protective measures’ application, creditors cannot acquire pre-emptive rights unless agreed with the contractor, nor can they initiate or continue enforcement and precautionary actions on its assets or on the assets and rights with which the business activity is carried out;
- that the creditors affected by the protective measures cannot unilaterally refuse to fulfil pending contracts or cause their resolution, nor can they anticipate their expiry or modify them to contractor’s detriment for the sole fact of the non-payment of their credits prior to the publication of the petition for the protective measures’ application;

SENDS to the Chancellery for communication of this decree to the petitioner.

Ravenna, 07/05/2024

The Delegated Judge

Mrs. Elisa Romagnoli

A.a.a.

Operating instructions for participating in the videoconference hearing.

The invitation message to participate in the hearing consists of the hyperlink above, by activating which (if it is inactive, simply past it into your browser’s address bar) you will then be asked to open Teams

software and, if this has not already been installed, to start its installation or to use the web version; if you choose to connect via browser, correct audio and video functioning is not technically guaranteed unless using Edge or Chrome. The use of other browsers may make it impossible to connect.

If the participant's identification data is not already stored in Teams software, the participant must enter (in the space marked "enter your name") his/her surname and name, without using abbreviations or pseudonyms. If using the web version, enter the full name and surname. Participants are advised to promptly prepare their IT tools (desktop or laptop computer or other suitable peripheral device), equipped with an adequate Internet connection, such as to allow images and sounds reproduction from the virtual room, as well as a video camera and microphone suitable for participation in the hearing, which must be started using the appropriate Teams buttons when connecting (by default, they must be turned off, when turned on).