

**COMBINED PUBLIC REPORT
PURSUANT TO 73A OF THE DUTCH BANKRUPTCY ACT
WITH REGARD TO THE MCGREGOR FASHION GROUP**

REPORT NO. 3

regarding the bankruptcies of:

Name company	Date of suspension of payments	Date of bankruptcy	Bankruptcy number
Adam Menswear B.V.	10 June 2016	28 June 2016	C/13/16/292F
Cofi Maastricht B.V.	24 June 2016	28 June 2016	C/13/16/298F
Deno B.V.	24 June 2016	28 June 2016	C/13/16/294F
Emergo Sportswear B.V.	24 June 2016	28 June 2016	C/13/16/300F
Gaastra Holding Netherlands B.V.	n/a	15 July 2016	C/13/16/329F
Gaastra International Footwear B.V.	24 June 2016	28 June 2016	C/13/16/297F
Gaastra International Sportswear B.V.	24 June 2016	28 June 2016	C/13/16/302F
Gaastra Retail B.V.	24 June 2016	28 June 2016	C/13/16/295F
McGregor E-Store B.V.	24 June 2016	28 June 2016	C/13/16/296F
McGregor Fashion Group B.V.	24 June 2016	28 June 2016	C/13/16/301F
McGregor Fashion Group Holding B.V.	10 June 2016	28 June 2016	C/13/16/293F
McGregor Holding Netherlands B.V.	n/a	15 July 2016	C/13/16/328F
McGregor Retail B.V.	24 June 2016	28 June 2016	C/13/16/299F

Bankruptcy Trustees : mr. M.R. van Zanten and mr. M.N. de Groot

Supervisory Judge : mr. M.J.E. Geradts

Reporting period : 18 November 2016 – 17 February 2017

Reporting date : 1 March 2017

CMS Derks Star Busmann N.V.
(Amsterdam Office)
Mondriaan Tower
Amstelplein 8a
1096 BC Amsterdam
the Netherlands

TABLE OF CONTENTS

1.	PRELIMINARY REMARKS	2
2.	INITIAL ANALYSIS	4
3.	ASSETS	5
4.	ACCOUNTS RECEIVABLE	7
5.	BANK/SECURITY RIGHTS	8
6.	LAWFULNESS	9
7.	CREDITORS AND CONSOLIDATION	11
8.	LEGAL PROCEEDINGS	12
9.	OTHER	12
10.	PUBLICATION ON WEBSITE	13

1. PRELIMINARY REMARKS

This is the third combined public report of the bankruptcy trustees (*curatoren*, the "**Bankruptcy Trustees**") in the bankruptcies of Adam Menswear B.V. ("**Adam Menswear**"), Cofi Maastricht B.V. ("**Cofi Maastricht**"), Deno B.V. ("**Deno**"), Emergo Sportswear B.V. ("**Emergo Sportswear**"), Gaastra Holding Netherlands B.V. ("**Gaastra Holding Netherlands**"), Gaastra International Footwear B.V. ("**Gaastra International Footwear**"), Gaastra International Sportswear B.V. ("**Gaastra International Sportswear**"), Gaastra Retail B.V. ("**Gaastra Retail**"), McGregor E-Store B.V. ("**McGregor E-Store**"), McGregor Fashion Group B.V. ("**McGregor Fashion Group**"), McGregor Fashion Group Holding B.V. ("**McGregor Fashion Group Holding**"), McGregor Holding Netherlands B.V. ("**McGregor Holding Netherlands**") and McGregor Retail B.V. ("**McGregor Retail**"), hereinafter jointly the "**MFG Companies**"). The MFG Companies all belong to the McGregor Fashion Group, which is headed by McGregor Fashion Group Holding (the "**McGregor Fashion Group**").

The report covers the period from 18 November 2016 through 17 February 2017 and must be read in conjunction with the first two reports.

To the extent this report makes no reference to matters that were referred to in the previous bankruptcy report, then these matters have either been settled or no developments worthy of mention have taken place in comparison to the state of affairs mentioned in the previous bankruptcy report. This report will continue to use the definitions as used in the first bankruptcy report.

Given the strong mutual interwovenness between the activities of the MFG Companies, and the permission already obtained on 22 July 2016 for the consolidated handling of the bankruptcies, the public reporting will take place by way of combined public reports.

In this report, the Bankruptcy Trustees set out the current state of affairs in a simplified manner pursuant to the guidelines for bankruptcy reports as applicable in the Netherlands.

The Bankruptcy Trustees emphasise that the information in this report is subject to further examination and is, to an important extent, based on the information provided and the statements made by third parties. It may appear at a later stage that this information must be amended. Therefore, no statements can yet be made about the completeness and accuracy of the information included in this report.

No rights may be derived from the public reports already published and/or subsequent public reports. Nothing in the public reports may be interpreted as an acknowledgement of liability or as a waiver of any right.

In the performance of their activities, the Bankruptcy Trustees use the legal advisory services of CMS Derks Star Bussman N.V. CMS Cameron McKenna v.o.s. (Czech Republic), CMS Cameron McKenna Greszta (Poland), CMS Albiñana & Suárez de Lezo (Spain) and CMS Hasche Sigle (Germany). In addition, the Bankruptcy Trustees are assisted by Insolresearch (bankruptcy accountant), Houlihan Lokey (Netherlands) B.V. (sales adviser), Nederlands Taxatie- en Adviesbureau B.V. ("**NTAB**"), Value@Stake B.V. (press officer of the Bankruptcy Trustees), Meijburg&Co (tax adviser), Vistra Corporate Services Sp. Z.o.o. (Poland) and Vistra Corporate Services S.r.o. (Czech Republic) and VAT Systems SAS (settlement foreign VAT registrations).

Furthermore, the Bankruptcy Trustees instructed Limits Consulting B.V. to secure the digital accounting records of the MFG Companies. Finally, the Bankruptcy Trustees have instructed BFI Global B.V. ("**BFI**") and Insolresearch to investigate the causes of the bankruptcy, more in this respect in chapter 6 of this report.

2. INITIAL ANALYSIS

2.1 Insurances

The usual insurance policies in favour of the MFG Companies were in effect, including a transport insurance, a fire insurance, an insurance for fraud and theft of money, a WeGas insurance and the usual liability insurance for businesses (in Dutch: *AvB*). Furthermore, an insurance was taken out for a Formula 1 car on show during exhibitions. A glass insurance was taken out covering damage to shop windows. The glass insurance was terminated by the Bankruptcy Trustees shortly after the date of bankruptcy, the other insurances have been taken over by means of contract takeover by Doniger Fashion Group. If the bankruptcy trustee terminates an insurance agreement, the claims for repayment of prepaid premiums normally accrue to the bankrupt estate. Since Doniger Fashion Group has taken over virtually all insurance agreements, Doniger Fashion Group will pay the bankrupt estate an amount equal to the amount the bankrupt estate would have received in premium refunds if the Bankruptcy Trustees terminated the relevant insurance agreements. The amount of this claim is approximately EUR 76,000 and will be included in the final settlement with Doniger Fashion Group.

2.2 Lease Agreements

Doniger Fashion Group has selected the store locations that it wishes to continue. Of the 90 locations, Doniger Fashion Group has designated 5 locations as so-called 'flagship stores'. These are the stores in the following locations:

- Amsterdam, Van Baerlestraat 60;
- Amsterdam, P.C. Hoofstraat 114;
- Den Haag, Hoogstraat 14;
- Laren, Brink 30; and
- Maastricht, Maastrichter Brugstraat 16.

Doniger Fashion Group considers these 5 locations to be of vital importance for the continuation of the activities.

In the meantime Doniger Fashion Group has concluded new lease agreements for 3 of the 5 flagship stores. With regard to the remaining 2 flagship stores, no agreement could be reached on a substitution (in Dutch: *indeplaatsstelling*). Therefore the Bankruptcy Trustees have commenced proceedings in order to claim substitution (in Dutch: *indeplaatsstelling*) in court in accordance with Article 7:307 of the Dutch Civil Code (DCC). At the date of this report legal proceedings are pending before the district court. In the other legal proceedings, the claim for substitution (in Dutch: *indeplaatsstelling*) has been rejected and vacation of the premises was ordered on 1 March 2017.

With regard to all other lease agreements, these have been terminated i) by the Bankruptcy Trustees – after their having received an authorisation to that effect from the supervising judge – in accordance with Article 39 of the Bankruptcy Act with due observance of the usual notice of termination of (not more than) three months or ii) by the lessors themselves.

Doniger Fashion Group has reached agreement with the lessors of 70 locations on a new lease, 15 locations have been closed, and substitution (in Dutch: *indeplaatsstelling*) has been realised at 3 locations. All locations for which no new lease agreement or substitution (in Dutch: *indeplaatsstelling*) has been realised (or where realisation is envisaged), have in the meantime been delivered.

2.3 **Bank guarantees**

To secure the obligations under the lease agreements, bank guarantees and group guarantees were provided in favour of 36 lessors. The total exposure of the bank guarantees is EUR 1,140,502.56. In the meantime, the bank guarantee has (in part) been called on by 28 lessors and the outstanding amount in issued bank guarantees is EUR 589,072.14.

2.4 **Causes of and circumstances preceding the bankruptcy**

In this context, please see also chapter 6 of this report.

3. **ASSETS**

3.1 **General**

In the first combined public report dated 1 September 2016, a description was given in chapter 4 of the assets belonging to the MFG Companies at the date of bankruptcy. A large portion of these assets were pledged to the Security Agent and, as a result of the relaunch, sold and transferred to Doniger Fashion Group. For the sale prices, please see also chapter 10 of this first report.

The information below only relates to the assets acquired in the past reporting period. Furthermore, the current developments relating to the settlement of the McGregor branches in the Czech Republic and Poland will be reported.

3.2 **End-of-season stock returns by eSail GmbH**

McGregor Fashion Group holds 50% of the shares in the capital of eSail GmbH ("**eSail**"). eSail runs Gaastra's webshop. In the context of the relaunch, the 50% shareholding held by McGregor Fashion Group in the capital of eSail was sold to Doniger Fashion Group for a purchase price of EUR 400,000. The sale took place under the condition that the other shareholders of eSail – if relevant and applicable – would grant permission for the share transfer.

In the previous reporting period, the other shareholders of eSail granted permission for the transfer of the 50% shareholding held by the McGregor Fashion Group in the capital of eSail to Doniger Fashion Group.

The shares were transferred to Doniger Fashion Group by virtue of a notarial deed dated 11 November 2016.

Furthermore, a webshop Distributorship Agreement was concluded between Gaastra International Sportswear and eSail (the "**Distributorship Agreement**"). On the basis of this agreement, eSail is entitled to – briefly stated – return unsold stock of the brand 'Gaastra' at the end of the season to Gaastra International Sportswear, the so-called 'End of Season

Returns'. The purchase value of the returned stock must be reimbursed by Gaastra International Sportswear to eSail.

Gaastra International Sportswear has a claim against eSail in respect of stock supplied of approximately EUR 1.3 million. eSail has a claim of approximately EUR 1.7 million against Gaastra International Sportswear (including, among other things, a claim of EUR 0.9 million for the End of Season Returns). After setoff, a claim by eSail against Gaastra International Sportswear of approximately EUR 0.3 million remains. In connection with the aforementioned remaining claim against Gaastra International Sportswear, eSail is entitled to suspend its End of Season Returns obligation for a value of EUR 0.3 million. With regard to the above, eSail must accordingly return goods for a value exceeding EUR 0.6 million to Gaastra International Sportswear.

During this report period, all End of Season Returns amounting to more than EUR 0.6 million have been picked up by BVA Auctions B.V. from the distribution centre in Germany and are now stored in the Netherlands. In the second quarter of 2017, a sale will be organised at the BVA Auctions location in Vught at De Schakel 6 in order to realise proceeds for the benefit of the bankrupt estate.

3.3 **Branches of McGregor Retail in Poland**

McGregor Retail operates three shops in Poland, namely in Gdansk, Piaseczno and Sosnowiec. In total, these shops employed 25 people (mostly part-time). After obtaining authorisation from the supervising judge, the Bankruptcy Trustees terminated the employment contracts in accordance with Polish law.

The lease agreements were also terminated. The supervising judge granted authorisation to that effect. On 5 August 2015, ABN AMRO Bank issued a bank guarantee in favour of the lessor of the shops in Piaseczno as security for McGregor Retail's payment obligations under the lease agreement, such up to a maximum of EUR 22,281. Furthermore, ABN AMRO Bank issued a bank guarantee in favour of the lessor of the shop in Sosnowiec as security for McGregor Retail's payment obligations under the lease agreement, such up to a maximum of EUR 20,998. Finally, ABN AMRO Bank issued a bank guarantee in favour of the lessor of the shop in Gdansk as security for McGregor Retail's payment obligations under the lease agreement, such up to a maximum of EUR 18,858.

The activities of the shops were discontinued on 1 August 2016. The stores are not part of the relaunch. Doniger Fashion Group has collected the stock from the shops.

The Bankruptcy Trustees have engaged Vistra Corporate Services Sp. Z.o.o. to settle various tax and accounting matters (such as arranging for VAT returns, settling employee claims, contacting local authorities and updating the administrative records on the date of the bankruptcy).

The Bankruptcy Trustees extensively consulted their lawyer in Poland regarding the opening of a (secondary) insolvency proceedings.

On 3 November 2016 secondary insolvency proceedings were opened in Poland and Zimmerman Filipiak Restrukturyzacja S.A. in Warsaw was appointed as bankruptcy trustee. The Bankruptcy Trustees have consulted with the Polish bankruptcy trustee about the liquidation of the assets situated in Poland.

As requested by the Warsaw District Court, the Bankruptcy Trustees have submitted a detailed written statement on the activities, assets and accounting records of the Polish branches. Among other things, this statement sets out how the assets of the Polish branches were transferred to the pledgee with a view to informing the Polish bankruptcy trustee about the activities carried out by the Bankruptcy Trustees preceding the opening of the secondary proceedings as well as the legal basis thereof.

The opening of secondary proceedings was prompted, in particular, to give the employees in Poland the opportunity to request a social security fund, comparable to the Dutch Wage Guarantee Scheme. After verifying the claims submitted, the Polish bankruptcy trustee drew up a list of creditors and sent this to the Bankruptcy Trustees. The claims submitted (mainly claims from the employees) have been provisionally acknowledged by the Bankruptcy Trustees.

3.4 Branches of Gaastra Retail in the Czech Republic

Gaastra Retail runs a shop in Hate (Czech Republic). This shop employed a total of 7 people – mostly part-time – worked in this store. After obtaining authorisation from the supervising judge, the Bankruptcy Trustees terminated the employment contracts in accordance with Czech Republic law.

After obtaining permission from the supervising judge, the lease agreement was terminated. Gaastra Holding Netherlands allegedly acted as guarantor for Gaastra Retail's payment obligations towards the lessor under the lease agreement, up to a maximum of EUR 72,000.

The store's activities were discontinued on 1 August 2016 and are not part of the relaunch. With regard to the stock present in the shop, the lessor invoked the right of retention. After lengthy discussion, the lessor released the stock. Doniger Fashion Group has collected the stock from the shops.

The Bankruptcy Trustees have engaged Vistra Corporate Services S.r.o. in the Czech Republic to settle various tax and accounting matters (such as arranging for VAT returns, settling employee claims, contacting local authorities and updating the administrative records on the date of the bankruptcy).

3.5 Foreign bank balance - Poland and Czech Republic

The Bankruptcy Trustees have found several bank accounts in Poland and the Czech Republic in the names of McGregor Retail and Gaastra Retail. The Bankruptcy Trustees have requested the banks to transfer the credit balance, insofar as there is a credit balance, to the bankruptcy accounts. Both the banks in Poland and in the Czech Republic have transferred the credit balances there to the bankruptcy account. The bank accounts held in the Czech Republic will be closed as per 19 December 2016.

4. ACCOUNTS RECEIVABLE

4.1 Amount of accounts receivable

On 11 July 2016, the accounts receivable portfolio of the MFG Companies amounted to EUR 5,166,492. A large number of debtors are established abroad.

		Current	0-30	30-60	60-90	90-120	120>	Outstanding
1101	Emergo Sportswear BV	61.284	210.045	184.278	343.379	31.569	427.555	1.258.111
1130	Gaastra International SPSW BV	333.008	593.511	858.037	614.268	560.363	802.072	3.761.259
1300	McGregor Retail BV	-	-	48.400	-	-	2.025	50.425
1320	Adam Menswear BV	-	-	76.560	-	-1.496	21.633	96.697
Totaal		394.292	803.556	1.167.275	957.647	590.437	1.253.285	5.166.492

The collection of accounts receivable is carried out by Doniger Fashion Group on behalf of the bankrupt estate. Doniger Fashion Group is assisted in its collection of the accounts receivable by Modint Credit & Finance. The Bankruptcy Trustees also contacted the two collection agencies that assisted the MFG Companies in the past with collection of the accounts receivable as well as the various Retail Service Organisations, which acted as intermediaries with regard to the financial settlement between the MFG Companies and the various purchasers.

5. BANK/SECURITY RIGHTS

5.1 Retention of title, right of reclamation and right of retention

Given that all stock was pledged to the Security Agent and that the activities were continued in order to increase the chances of a relaunch and to realise the highest possible proceeds, the Bankruptcy Trustees believed it of utmost importance during this temporary continuation of the activities that suppliers would be fully compensated through a valid invoked right of retention of title or right of reclamation. Consequently, the Bankruptcy Trustees made arrangements with the Security Agent and/or the Shareholders, in order to secure any legally valid reliance on retention of title and rights of reclamation. The manner in which the Bankruptcy Trustees and Doniger Fashion Group will compensate these suppliers is explained below.

Approximately 80 parties relied upon retention of title and/or right of reclamation. These parties can be divided into suppliers of stock ("**Stock Suppliers**") and suppliers of other items ("**Other Suppliers**"). Stock Suppliers are suppliers of, among other things, clothes, shoes and accessories. Other Suppliers are suppliers of, for instance, packaging material, office supplies and decorations. The Bankruptcy Trustees, with the help of the NTAB, have taken stock of the claims of all suppliers that reported to the Bankruptcy Trustees. If it becomes clear that suppliers submitted insufficient documents, they are given the opportunity to further substantiate their position.

5.1.1 Stock Suppliers

Doniger Fashion Group has consulted with virtually all Stock Suppliers. Further to these consultations, Doniger Fashion Group has reached agreement with approximately 70 Stock Suppliers on the settlement of their (potential) retention of title and/or right of reclamation with respect to the stock.

Some Stock Suppliers have a legally valid retention of title and/or right of reclamation and were unable to reach an agreement with Doniger Fashion Group. These Stock Suppliers will be given the opportunity to collect the stock present. To the extent that stock was delivered under a legally valid right of retention of title and/or a right of reclamation and sold by the Bankruptcy Trustees between 10 June

2016 and 31 July 2016, the full purchase price (including VAT) of the sales will be reimbursed by the bankrupt estate. To the extent that this stock was sold by Doniger Fashion Group after 31 July 2016, the full purchase price (including VAT) will be reimbursed by Doniger Fashion Group. These reimbursements together cannot exceed the amount that the relevant Stock Supplier can claim after crediting the purchase value of the collected stock.

Doniger Fashion Group or the Bankruptcy Trustees are still negotiating with 2 Stock Suppliers. The Bankruptcy Trustees anticipate settling all claims of Stock Suppliers relating to retention of title and/or right of reclamation in the next reporting period.

5.1.2 Other Suppliers

19 Other Suppliers invoked a right of retention of title and/or a right of reclamation. Insofar as a legally valid right of retention of title and/or right of reclamation has been invoked with regard to the items supplied by the Other Suppliers, the Other Suppliers will be given the opportunity to collect these items. If these items were sold or used by the Bankruptcy Trustees between 10 June 2016 and 31 July 2016, the full purchase price (including VAT) will be reimbursed by the bankrupt estate. If these items were sold by Doniger Fashion Group after 31 July 2016, the full purchase price (including VAT) will be reimbursed by Doniger Fashion Group. These reimbursements jointly may not exceed the amount that the relevant Other Supplier can claim after crediting the purchase value of the collected stock. The Bankruptcy Trustees completed their activities with regard to the Other Suppliers in the last reporting period.

5.1.3 Consignment Adam Menswear

Adam Menswear had consignment agreements with 9 parties. These parties (hereinafter the “**Consignment Suppliers**”) are mostly clothing suppliers of premium brands who sold their products on consignment in the Adam Menswear shops. The Bankruptcy Trustees continued the consignment agreements from 10 June 2016 to 31 July 2016 and settled them with the Consignment Suppliers in the customary manner. From 1 August 2016, Doniger Fashion Group has settled with the Consignment Suppliers in the customary manner.

Doniger Fashion Group has concluded new agreements with some of the Consignment Suppliers. The other Consignment Suppliers have been given the opportunity to collect the remaining stock. The Bankruptcy Trustees completed their activities with regard to the Other Suppliers in the last reporting period.

6. **LAWFULNESS**

6.1 **Investigation into the causes**

The Bankruptcy Trustees have engaged BFI Global B.V. (“**BFI**”) and Insolresearch to investigate the causes of the bankruptcy. Conducting an investigation into the causes of the bankruptcy is one of the tasks of a bankruptcy trustee.

Insolresearch will conduct a quick scan. A quick scan is an analysis of the (digital) financial accounts and is intended to further identify points of investigation for the purpose of the investigation into the causes.

BFI will conduct an investigation into the facts, in which the period prior to the bankruptcy of the MFG Companies will be reconstructed from several angles.

BFI's investigation into the causes will consist, among other things, of the following steps:

1. Big data collection;
2. Big data investigation, including a reconstruction of the facts and a financial analysis;
3. Interviews with various parties involved;
4. Survey research among a selection of previous employees;
5. Final analysis and reporting.

Limits Consulting B.V. has secured the digital accounts of the MFG Companies up to the date of bankruptcy, as a result of which these are available for the big data investigation. The survey research will be conducted in December 2016. The interviews will be held from February through June 2017.

The Bankruptcy Trustees decided to outsource the investigation into the causes to BFI and Insolresearch. Insolresearch has been involved as bankruptcy accountant from the date of suspension of payments, and is therefore fully aware of the financial structure of the McGregor Fashion Group, as a result of which the financial accounts can be quickly analysed by Insolresearch.

BFI is an independent investigation agency, which performs an investigation based on reconstruction into the causes of the bankruptcy. The investigation also identifies the context in which decisions were made. This investigation therefore goes beyond a mere technical financial analysis.

After the relevant factual circumstances in the period preceding the bankruptcy of the MFG Companies have been established, the Bankruptcy Trustees will legally assess the various causes of the bankruptcy. Therefore the investigation into the causes of the bankruptcy where establishing the truth is essential has been separated from the legal assessment of the causes. As a result the investigation is carried out in an entirely objective and careful manner.

The Bankruptcy Trustees anticipate that the results of the investigation will be ready for publication in the second half of 2017.

6.2 **Status of the investigation into the causes**

For the reconstruction investigation into the causes leading to the bankruptcy of the MFG Companies, BFI carried out a survey among the employees of the MFG Companies. A total of 373 employees participated in the survey. In addition, approximately 40 people will be interviewed. 14 interviews have in the meantime taken place. The big data investigation by BFI and an analysis of the digital financial accounts (the so-called quick scan) by Insolresearch are still ongoing.

7. CREDITORS AND CONSOLIDATION

7.1 Creditor's balance

The administrative accounts demonstrate that the joint debt of the MFG Companies amounts to approximately EUR 53 million in total.

7.2 Verification of the creditor's claims

The creditor's claims can be submitted, and the underlying documents can be sent, via the online form by clicking the 'submit claim' button on the website www.cms-dsb.com/mcgregor. Notices that are important to creditors will also be published on this website.

Up to 1 March 2017, approximately 950 creditors in total submitted claims in the bankruptcies of the MFG Companies for a total amount of approximately EUR 50 million. This, however, is a snapshot in time as new claims are regularly being submitted.

7.3 Tax Authorities and Employee Insurance Agency (UWV)

At the McGregor Fashion Group, there was a tax entity for VAT (in Dutch: *fiscal eenheid voor de btw*). It follows from a preliminary investigation that the tax debt with regard to VAT amounts to approximately EUR 2.5 million. The tax debt with regard to payroll tax for May 2016 amounts to approximately EUR 1.7 million.

An initial assessment has shown that the debt to the tax authorities with respect to the VAT owed by the MFG Companies, or the bankrupt estate thereof, by virtue of the pledged stock sold for the period from 10 June 2016 through 10 July 2016 can be paid from the assets realised thus far. However, this is only an estimate based on the state of affairs of the bankrupt estate as of 17 February 2017. It may later emerge that the amount of estate assets to be realised or the (estate) debts to be paid will be higher or lower, as a result of which this estimate will no longer be correct. Therefore, no rights can be derived from this estimate whatsoever.

By virtue of the Wage Guarantee Scheme (in Dutch: *loongarantieregeling*), the Employee Insurance Agency (UWV) is expected to submit substantial claims (against the bankrupt estate) in the bankruptcies of the MFG Companies.

Finally, the Amsterdam Customs Authorities have instigated an investigation with regard to permits issued to Gaastra International Sportswear and Emergo Sportswear. From this investigation it is clear that Gaastra International Sportswear B.V. owes an amount of EUR 91,439.61 in customs duties. Gaastra International Sportswear B.V. provided security amounting to EUR 297,378.80 for the issuance of the inward processing suspension system permit. After setoff of the amount of EUR 91,439.61 in customs duties owed, the Tax and Customs Administration will repay the remaining EUR 205,939.19 into the bankrupt estate.

7.4 Consolidation

On 22 July 2016, the supervising judge granted permission for the consolidated handling of the MFG Companies' bankruptcies.

8. LEGAL PROCEEDINGS

Shortly before the MFG Companies had been declared bankrupt, a judgment was rendered in preliminary relief proceedings. For the backgrounds of these proceedings, reference is made to paragraph 8.3 of the first combined public bankruptcy report of 1 September 2016. Further legal proceedings are also pending in which substitution (in Dutch: *indeplaatsstelling*) is claimed in court. For the backgrounds of these legal proceedings, reference is made to paragraph 2.2 of this report.

9. OTHER

9.1 Balance bankruptcy account

As at 17 February 2017, the balances of the MFG Companies' bankruptcy accounts jointly amount to EUR 3,993,019.77. A large part of this amount, to wit, approximately EUR 1.7 million, relates to the deposit maintained in anticipation of the final settlement with Doniger Fashion Group.

9.2 Preliminary prospect for creditors and term for settlement

Together with the bankruptcy accountant, the Bankruptcy Trustees have made an estimate of the state of affairs of the bankrupt estate to date. From this it is clear that the realised and anticipated proceeds, will be insufficient to be able to pay all the bankrupt estate's debts. Only the preferential estate creditors can in part be paid from the proceeds realised to date and those anticipated, which means that partial or full payment to the unsecured estate creditors, the preferential creditors or the unsecured creditors will not be possible. The foregoing is an estimate based on the current state of affairs. It may emerge later on that the amount of estate assets to be realised will be higher or lower. Therefore, no rights can be derived herefrom.

The Bankruptcy Trustees cannot yet make any statements on the term of settlement, as this depends in part on the collection of accounts receivable and the course and outcome of the investigation into the causes of the bankruptcies of the MFG Companies.

9.3 Number of hours spent

The Bankruptcy Trustees and their team of employees spent a total of 580 hours in handling the bankruptcies of the MFG Companies during the period to which this report relates.

9.4 Interim financial report

The third interim financial report of the MFG Companies has been attached to this report as **Annex 1**. This interim financial report only states the transactions on the bankruptcy accounts held at the Kasbank B.V.

9.5 Plan of action

In connection with the agreed relaunch, the settlement between the bankrupt estate and Doniger Fashion Group still has to take place. For the period between 10 June and 11 July 2016, the bankrupt estate will receive 40% of the net sales margin. For the period starting from 11 July 2016, the entire sales proceeds, minus the amount that has to be distributed to Stock Suppliers, Other Suppliers and Consignment Suppliers, will accrue to Doniger Fashion Group.

Up to mid November 2016, all proceeds from sales by Doniger Fashion Group were still received on the MFG Companies' bank accounts held at ABN AMRO Bank. The Bankruptcy Trustees, assisted by the bankruptcy accountant, will distribute the monies received on the bank accounts held by the MFG Companies between the bankrupt estate and Doniger Fashion Group, such in accordance with the agreements made.

The Bankruptcy Trustees will furthermore handle all appeals to retention of title, the right of reclamation and the right of retention made by the suppliers.

In addition, the Bankruptcy Trustees will sell the stock returned by eSail into cash.

The Bankruptcy Trustees will furthermore supervise the collection of accounts receivable.

Finally, the Bankruptcy Trustees will monitor the investigation that BFI and Insolresearch are carrying out into the bankruptcy of the McGregor Fashion Group.

9.6 **Submission of the next report**

The next report will be published on 1 June 2017, except to the extent exceptional developments would make an earlier report necessary.

10. **PUBLICATION ON WEBSITE**

10.1 For further information about this bankruptcy, the Bankruptcy Trustees refer to the public reports and other messages that will be published on the website of CMS (www.cms-dsb.com/mcgregor), where in addition to this report, all other public reports in the bankruptcies of the MFG Companies will be published.

10.2 An English translation of this public report will also be made available on this website as soon as possible www.cms-dsb.com/mcgregor. In case of (interpretation) differences between the Dutch and the English version of this public report, the Dutch version is decisive.

Amsterdam, 1 March 2017



M.R. van Zanten and M.N. de Groot
Bankruptcy Trustee



Bankruptcy Trustee

Annex	Description
1	Interim Financial Report of 17 February 2017

BIJLAGE 1

Naam	McGregor Fashion Group (geconsolideerd)
curator	mr. M.R. van Zanten en mr. M.N. de Groot
Rechter-commissaris	mr. M.J.E. Geradts
Insolventienummer	C/13/16/292F t/m 302F; C/13/16/328F-329F
Verslag nummer	3

A. Baten	Incl. BTW	BTW
	€	€
A.1: Vrij actief		
1. Aangetroffen middelen		
Kasgeld	0,00	0,00
Banksaldi	121.495,50	0,00
	121.495,50	
2. Opbrengst verkopen		
Opbrengst inventaris	0,00	0,00
Opbrengst voorraden / onderhanden werken	1.002.928,00	1.002.928,00
Af: rechten van derden	0,00	0,00
Af: kosten	0,00	0,00
	1.002.928,00	
Opbrengst goodwill / IE rechten	100.000,00	0,00
Opbrengst deelnemingen	434.001,00	0,00
Af: kosten	-6.475,50	0,00
	427.525,50	
Opbrengst intercompany vorderingen	0,00	0,00
Opbrengst beschikbaar stellen winkels	1.000.000,00	0,00
3. Debiteuren		
Debiteuren pre faillissement	743.839,40	0,00
Af: rechten van derden	0,00	0,00
Af: kosten	-44,00	0,00
	743.795,40	
Boedeldebiteuren	4.098,28	0,14
4. Overige baten		
Boedelbijdragen	0,00	0,00
Afwikkeling valuta termijn contracten	73.000,00	0,00
Kruisposten	0,00	0,00
Escrow DFG	1.747.630,19	-16.486,34
Totaal vrij actief	5.220.472,87	1.002.928,14
A.2: 57 lid 3 Fw - actief		
5. Bodemzaken		
Opbrengst inventaris	397.875,50	0,00
Af: kosten	-15.967,46	-2.771,21
Totaal 57 lid 3 Fw - actief	381.908,04	-2.771,21
Totaal actief	5.602.380,91	1.000.156,93
B. Reeds betaalde boedelschulden	Incl. BTW	BTW
Salaris en verschotten curator	-1.093.504,83	-189.781,83
Algemene faillissementskosten	-515.856,31	-73.389,69
Totaal	-1.609.361,14	-263.171,52
C. Thans nog beschikbaar		
A. Baten	5.602.380,91	
B. Reeds betaalde boedelkosten	-1.609.361,14	
Reeds betaalde / ontvangen boedel BTW na aangifte	0,00	
Saldo boedelrekening	3.993.019,77	