

**Lawsuit: 0203711-65.2016.8.19.0001**

**Pages**

## **Electronic lawsuit**

**Class / Subject:** Judicial Recovery - Judicial Recovery

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Interested party: BANCO DO NORDESTE DO BRASIL S.A.  
Trustee: ESCRITÓRIO DE ADVOCACIA ARNOLDO WALD  
Interested party: CHINA DEVELOPMENT BANK COORPORATION  
Interested party: GLOBENET CABOS SUBMARINOS S.A.  
Interested party: GOLDENTREE DISTRESSED FUND 2014 LP E OUTROS  
Interested party: PTLIS SERVIÇOS DE TECNOLOGIA E ASSESSORIA TÉCNICA LTDA  
Interested party: MAZZINI ADMINISTRAÇÃO LTDA  
Interested party: TIM CELULAR S.A E OUTRO Interested party: JEAN LEON MARCEL GRONEWEGEN  
Interested party: THE BANK OF NEW YORK MELLON S.A  
Expert: RIO BRANCO SP CONSULTORES ASSOCIADOS LTDA  
Legal Representative: MARCELO CURTI  
Interested party: SOCIÉTÉ MONDIALE FUNDO DE INVESTIMENTO EM AÇÕES  
Auctioneer: MAURO MARCELLO DA COSTA MACHADO  
Interested party: PEDRO MANUEL CORREIA DE RODRIGUES FILIPE

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On this date, I make the completed records to MM. Dr. Judge  
Fabelisa Gomes Leal

On 08/11/2020

### **Dispatch**

**1-PAGES 459,650/459,652 - PETITION OF THE JUDICIAL ADMINISTRATOR - DESIGNATION OF DATES FOR ASSEMBLY OF CREDITORS IN FIRST AND SECOND CALLS.**

In compliance with the stipulated deadlines, the Judicial Administrator presents a date for holding the AGC, through which creditors must be able to participate - as defined in the terms of the decision on pages 456.178/456.186 - meet at the Conclave to resolve on the approval, rejection or modification of the Amendment to the Judicial Reorganization Plan presented by the OI Group.

In effect, I HOMOLOGATE the suggested date, and designate the new AGC of the "GRUPO OI- IN JUDICIAL RECOVERY", for September 8, 2020 in first call and, if there is no quorum, for September 14, 2020, on second call, at the SulAmérica Convention Center, located at Av. Paulo de Frontin, nº 1, Cidade Nova, Rio de Janeiro, State of Rio de Janeiro, at 11:00 am, with the registration of creditors and / or qualified representatives, starting at 8:30 am and closing at 10:30 am.

Send the notary's office, with the utmost urgency, the CALL NOTICE, in the D.O, and arrange for the Reclaimers to also publish them in newspapers of great circulation, as provided for in art. 36, and for greater breadth and dissemination, promote the call on its official website, as well as on digital platforms, these on an optional basis.

I further determine that the Notice contains all the guidelines brought by the Judicial Administrator to the pages 459.650/459.652.

Inform the Judicial Administrator, the Federal Attorney's Office - through ANATEL and the Public Ministry.

2-PAGES 451.003/45.011; 451.782/451.790; 451.806/452.013; 452.038/452.041; 452.048/452.056; 452.058/452.100; 452.374/452.376; 453.019/453.035; 453.040/453.042; 453.044/453.051; 453.437/453.446; 453.837/453.854; 453.856/453.877; 453.879/453.886; 453.888/453.894; 454.023/454.028; 454.032/454.033; 454.035/454.042; 454.066/454.073; 454.077/454.078; 454.093/454.102; 454.210/454.251; 454.299/454.302; 455.502/455.503; 455.505/455.513; 456.187/456.192; 456.269/456.275; 456.751/456.761; 457.536/457.544; 457.657/457.665; 457.670/457.769; 457.701/457.706; 457.710/457.719; 458.168/458.187; 458.194/458.239; 458.282/458.293; 459.349/459.362; 459.381/459.393; 459.395/459.411; 459.424/459.437; 459.439/459.445; 459.562/459.568 (Pet. Edicarlos Fernando da Silva; Andréia Lemes da Silva; Luiz Antônio Valentim dos Santos; Rosimeri Pires Xavier; Adjan Freitas do Nascimento; Carlinho Buratto; Leonardo Nunes da Cunha de Arruda; Tatiane Trindade de Medeiros; Gracielli Baratto; Carmen Ravello e Outra; Antônio Brito de Santana; Cleber da Costa Lima; Lazara Maria Gonçalves; Etelvita de Deus Santos; Willian Luis Ritzmann Stratmann; Maria Madalena Machado; Michelle Nogueira Melhem; Maura Veiga Andressa; Maria Brandão Chaves; Patrícia dos Santos Melo; Paulo Guilherme Moss; Maili Bach; Antônio Augusto Zardine; Cleyton Lourenço Coelho; Maria Jovita Santana Oliveira; Otaviano Brandão; Fábio da Conceição Vieira; Doraci Luz da Silva da Costa; Márcia Rodrigues da Silva das Virgens; Pedro Rodrigo Santana Tabosa; Mônica Conceição Rocha; Ulisses Tito da Costa; Adina Sidnay Freire Teles; Ana Maria da Silva Pinheiro Reis; Alessandro Matera; Creude Oliveira e Silva; José Ribeiro Gama Couto Filho; Ileana Azevedo de Mattos; Moema Matos Carvalho Ribeiro; Marco Antônio Britto Morgado; Demerval Oliveira Reis): We take care of qualifications and delayed challenges in which the interested creditors must observe the correct form for the entry of the claim, as defined in the procedural order of pages. 199.000/199.001, that is, through its own, autonomous procedure and dependence on this main feat. Therefore, the interested creditors should promote their qualifications.

3-PAGES 451.013/451.363; 451.374/451.780; 451.792/451.794; 452.120/452.372; 452.378/452.700; 452.706/452.720; 452.722/452.842; 452.847/453.004; 453.006/453.017; 453.053/453.429; 453.448/453.835; 453.972/453.987; 454.044/454.051; 454.053/454.057; 454.060/454.064; 454.080/454.081; 454.104/454.109; 454.166/454.208; 454.258/454.275; 454.277/454.286; 454.310/454.748; 454.755/455.127; 455.129/455.495; 455.537/456.143; 456.265/456.267; 456.277/456.649; 456.662/456.692; 456.706/456.732; 456.734/456.737; 456.745/456.749; 456.781/457.129; 457.136/457.519; 457.651/457.653; 458.133/458.166; 458.190/458.192; 458.247/458.251; 458.927/459.332; 459.648 (Pet. Carmen Tecchio; Eduardo Schimdt Tarnowsky; Dalva Augusta; Maria da Glória Vieira Meyer; Thais de Moraes Beltrão Fernandes; Luiz Veira Machado; Neri Maciel Camargo; Lourenço Leite Evangelista dos Santos; Aristides Antônio dos Santos; Andréia Lisboa Fontanelli; Maria Valeniza Gomes dos Santos; Silgesia Maria Candilima Felix; Natália Rodrigues Fachini; Condomínio do Edifício João Pessoa; Adriana Aparecida de Lima Ferreira; Debora Maria Garcia Gallo; Vande Márcio Tscha; Luana Delmondes Siqueira de Almeida; Maria das Montanhas Bezerra Maciel; Rosalina Rodrigues Cordeiro dos Santos; Lorena Vieira Lyrio; Angela de Fátima de Mello de Oliveira; Celia Gonzalez Rodrigues; Jucemar de Vargas; Jong Man Lee; Israel Luiz Gomes; Marlene Folchini Albigo; Jair Girardi; Paulo Roberto Zangerolami Júnior; Alex Sandro Tonete; José Alberto dos Santos Marques; Viviani Machado Lopes; Betty Bezerra Flischman; Pedro de Camargo; Jec Guaraniaçu): In view of the documents presented, the credit held appears to be of an extra-bankruptcy nature, which is why it is open to the judicial administrator to confirm this nature, proceed in the form of the order of pages 297.336/297.341, otherwise inform the need for credit qualification due to the nature of the tender.

4- Is. 451.797/451.804: Nothing to provide, as it is a document without any requirement attached.

5- Is. 452.036/452.037 (Opinion of the Public Prosecutor): The MP is right, since it is clearly not up to the Judicial Reorganization Court to make considerations about tax and administrative decisions handed down in

matters that are not subject to the judicial reorganization regime. However, rightly so, the Parquet declines that there is a stabilized decision in the case file, granting the exemption from the presentation of the CND by the rehabilitees so that they exercise their activities, participate in bidding processes and can obtain tax benefits, thus they cannot be removed from the procedures that involve these situations due to the simple lack of the CND, and the interested parties must submit the specific legal remedy for the situation if the decisions are contrary to what is decided here. In effect, I grant the dispatch of the letters to Organs declined organs, in the terms indicated by the Parquet.

Without prejudice, the Recovering Persons meet the requirements of the MP in the final part of its pronouncement.

6- Is. 452.101452.106; 452.113/452.118: Unravel to join the relevant qualifications.

7- Is. 452.108/452.111 (Pet. OI): In view of the grant already granted, the required payment warrant should be issued.

8- Is. 452.702/452.704 (Pet. OI): Taking into account that the feat is already almost 500,000 pages long, please indicate to Recovering at least the protocol for the piece being completed on the present date.

9- Is. 452.844/452.845 (Pet. Santander):

We take care of Declaration Embargoes filed by Banco Santander, in view of the decision that would have ratified the Mediation Plan, which indicated in its 11th Clause as relevant creditors and able to participate in the authorized mediation, only those who had credit above 500,000,000.00 (five hundred million reais).

It claims in its reasons to have timely filed its interest in participating in the mediation procedure, but that, its petition would not have been joined prior to the ratification decision of the referred plan, despite having verified that Banco BNB's petition, later filed, was filed.

Well then.

The mediation triggered from the statements of Banco Itaú Unibanco S.A, CEF and Banco do Brasil S.A., was initially authorized only to be carried out with these institutions, and then extended to the relevant creditors.

However, it was found that it was necessary to parameterize a minimum financial level to define the entry into the mediation procedure as a "relevant creditor", as it would be impracticable to mediate, in such a short time - given the proximity of the new AGC - with an amount of indefinite creditors, since it was an open term, when such concept remained defined in terms of the approved mediation plan.

Note that even the decision regarding the BNB petition mentioned by the embargo, only considered that the creditor should observe the terms of the Mediation Plan that in the same decision was being ratified.

In this way, there is no loss to the embargo due to the non-filing of his petition, since he did not hold a credit greater than the minimum required, as well as the BNB bank also did not participate in the Mediation for not meeting the objective requirement defined to give effectiveness to negotiations. On the other hand, there was never any legal impediment or of this Court for any creditor to negotiate his credit directly with the recoveree.

In effect, I receive the Embargoes since timely, however, I dismiss them, maintaining the mediation guidelines in the approved form and terms.

10- Is. 453.037/453.038 (Pet. China Development Bank): Nothing to provide, as it is a mere communication of substitution with reservation of equals.

11- Is. 453.431/453.435; 457.526/457.528 (Pet. Vanderlei Geraldo Costa; Edalva Souza Terra): Bring the creditor a credit certificate or a non-bankruptcy credit request letter to verify the nature and proof of your credit.

12- Is. 53.910/453.930(453.993/454.013); 54.113/454.164; 54.253/454.256; 457.519/457.524; 57.529/427.534; 57.546/457.551; 57.553/457.574; 58.270/458.280; 459.341/459.347; 59.364/459.370; 59.372/459.379; 59.509/459.560; 59.571/459.629; 459.631; 459.633/459.646 (Pet. China Development Bank; Santander; Rodovia das Cataratas; André Luiz Peixoto de Freitas; Nery Knach; Mauro Ruzzarin; A Fundação Atlântico de Seguridade Social; Supra Participações e Outras; Zte do Brasil; Sba Torres Brasil Ltda; Proline Equipamentos; Itaú Unibanco S.A; BB e Outros; Banco Bradesco; BNDES): As already noted in the decision on pages 456.178/456.185, it is not up to the Court to interfere on the content and considerations contained in the objections presented in the face of the PRJ Amendment, since these have the primary purpose of triggering the establishment of the AGC, which has already been designated, and should be taken to the conclave of creditors, which is competent to approve, modify or reject the terms presented by the Recovering Companies, thus there is no analysis of the merits of the judgment to be rendered at this time.

13- Is. 453.932/453.370 (Pet. Trustee) The issue was already considered in the decision of pages. 456,178/456,185

14- Is. 453.989/453.991; 454.015/454.018 (Pet. Banco Itaú; BB): The issue was already considered in the decision of pages. 456.178/456.185.

15- Is. 454.083 (Doc. Janete Dorigon): Nothing to provide, as it is a document without any requirement attached.

16- Is. 454.085/454.086 (Pet. Sara Oliveira da Silva): About the news, say the Recovering Persons.

17- Is. 454.288/454.292; 454.305/454.308 (Pet. Rosinho Gonzaga ME; Denise Maria Tefili): Instruct the creditor of your request with the due credit certificate or requisition letter for payment of extra-bank credit.

18- Is. 454.750/454.753; 456.173/456.176 (Pet. Geovani Carvalho Souza; Sérgio Ari Trevizan): The payment of credits after the qualifications judgment will observe the forms and deadlines stipulated with the PRJ, so the creditor must seek to identify the Class in which he is inserted to verify how and when his payment will be made, which can be done at the website [www.recuperacaojudicialoi.com.br](http://www.recuperacaojudicialoi.com.br) , and get this information there.

19- Is. 455.497/455.499 (Pet. Bondhordes): Tell the Recovering Persons and Judicial Administrator.

20- Is. 455.515/455.517; 456.739/456.743; 457.131/457.134 (Pet. SMA Engenharia Ltda; Padtec S/a: Pay attention to the applicant for what is contained in items XVIII and XIX of the decision that granted the granting of the processing of the judicial recovery to the pages 89.496 et seq., Which is why I reject application.

21 Is. 455.519/455.535 (Pet. Tatuí Participações): Tell the Judicial Administrator.

22- Is. 456.145/456.146 (Pet. Ofício Jec. Vacaria do Sul): Aware, wait for the creditor's initiative regarding your qualification.

23- Is. 456.149/456.171 (Pet. OI): Tell public ministry

24- Is. 456.194 (Pet. Dr. Bruno Navega-Mediator): Aware of the information showing the end of the mediation procedure with the relevant creditors. Wait for the declined report to arrive, emphasizing that if the Mediator understands that there is a need for the presentation through a confidential procedure, he must make the presentation directly to the Office of the Judge, for prior consideration in this regard.

25- Is.456.651/456.657 (Pet. Maiko Morzele Teixeira): Take note of it for the purpose of paying your time.

26- Is. 456.659/456.660 (Pet. ANATEL): Aware, let the Judicial Administrator and MP know.

27- Is.456.694/456.704 (Pet. Mário Carlos Marinho Caldeira): For the sake of clarity, payments for qualified credits, by decision in the qualification procedure or even in the administrative phase, will be made in accordance with the conditions established in the approved PRJ. In effect, the creditor must seek information regarding the ways and terms for the payment of its Class credits from the website [www.recuperacaojudicial.com.br](http://www.recuperacaojudicial.com.br) or by contacting a judicial administrator.

28- Is.456.763/456.779 (Pet. Azul Telecomunicações Ltda): Aware Inform the Recovering Persons, Judicial Administrator and MP.

29- Is. 457.655 (Pet. Carolina Noya de Oliveira Moresthson): Considering that in an informal consultation I did not verify the name of the creditor, despite the indication that the letter would have been sent more than a year ago, I determine that the Judicial Administrator check with the electronic records 0028754-42.2017.8.19.0004, the terms of the informed credit, and if this is of an extra-public nature, promote your entry in the list of payments of this modality.

30- Is. 457.708 (Pet. Diolanda Terezinha Pereira): Wait for the designated AGC to take the vote already declared.

31- Is. 457.576/457.647; 457.721/457.916; 458.241/458.245 (Pet. Paulo Roberto Zangerolani Júnior, Maura Rezende da Silva Brandão; Paulo Roberto Zangerolami Júnior): The credit informed to all evidence is subject to the judicial reorganization regime, since the entry of the referred action that culminated in its constitution precedes the entry of RJ (06/20/2016), which is to say, that the legal fact that it also triggered the preceding dispute, a condition that the most current jurisprudence of the STJ has adopted to declare the competence of the credits determined in the referred lawsuits (Resp 1,447,918 and 1,634,046). In effect, the request for attachment or payment requested is not made, and the said credit must be personally enabled by the creditor, even if in a delayed manner, in the form of art. 9th and ss. of Law 11.101 / 2005, through an autonomous procedure distributed by dependency to the main records, under penalty of breaking the *pars conditio creditorium*. Promote your creditor with the necessary qualification.

32- Is.457.918/458.131; 459.447/459.507 (Pet. Miscellaneous unions): Pay attention to the applicant for what is contained in items XVIII and XIX of the decision that granted the granting of the processing of the judicial recovery to the pages 89.496 et seq., Which is why I reject application. Pay attention to the applicants for what is contained in items XVIII and XIX of the decision that granted the granting of the processing of the judicial recovery to the pages.

33- Is. 458.187/458.188 (Pet. OI & Globnet): Indicated the accounts to be raised and paid the due costs, return for appreciation.

34- Is. 458.253/458.255 (Pet. OI): Meet up in what had been decided.

35- Is.458.257/458.260 (Pet. OI):

Item 9 - Pages 447.613/447.645 (Embargoes of Declaration Fernando Rudge - pages 447.613/447.616):

We take care of Declaration Embargoes filed by the Creditor Fernando Rudge, to the argument that the targeted decision would be contradictory, since his credit is extra-bankrupt, and therefore the decision that determined his credit was not appropriate, and should therefore be rectified. In response, the Recovering Companies bring an excerpt from the initial petition of the action that originated the credit to be satisfied, declining that, in view of the narratives of the facts reported there, the nature of the credit was rightly recognized by this court as being tender, for which reason it requests the rejection of the Embargoes. Well then. The Recovering Persons are right, since the facts that triggered the request in the knowledge process are prerequisites for the entry of this Judicial Recovery, which occurred on 6/20/2016, which proves to be sufficient to determine that the credit in appreciation, according to the dominant STJ Jurisprudence, as ex. see, Resp 1,447,918 and 1,634,046. That said, I am aware of the Embargos since they are timely, however, I dismiss them, maintaining the decision in its entirety.

36- Is. 458.262/458.268 (Pet. Marco Antônio da Silveira Classen): The Judicial Administrator to proceed with the "reservation" requested in the manner provided for in § 3 of article 6 of Law 11.101 / 2005.

37- ls. 458.295/458.925 (Pet. Sonda do Brasil S/A & Others): Regarding the request for R.A, mindful of what was already decided in items XVIII and XIX of the decision that granted the granting of the processing of the judicial recovery to pages 89.496 et seq., I reject the request. As for the Objection presented, I refer to the terms of item 11 of this decision.

38- ls. 459.334/459.339 (Pet. Adelson Nunes do Carmo): Unravel to join the relevant records.

38- ls. 459.413/459.422 (Pet. Ingran Micro Brasil Ltda & Ingram Micro Tecnologia e Informática Ltda): Inform the Recovering Persons and Judicial Administrator. Nevertheless, I emphasize the need for the Lender to attend the AGC to be instituted to express its voice and vote.

Rio de Janeiro, 8/11/2020.

**Fabelisa Gomes Leal - Acting Judge**

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Records received from MM. Dr. Judge

Fabelisa Gomes Leal

On \_\_\_\_ / \_\_\_\_ / \_\_\_\_

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**FABELISA GOMES LEAL:29810**

Signed on 8/12/2020 02:45:20 PM  
Place: TJ-RJ