



SUPERIOR COURT OF JUSTICE

COUNSEL/ENDORSEMENT SLIP

COURT FILE NO.: CV-11-00009532-00CL

DATE: August 17, 2023

NO. ON LIST: 8

TITLE OF PROCEEDING: Crystallex International Corp. v. Forbes & Manhattan Inc., et al.

BEFORE: JUSTICE CONWAY

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party:

Name of Person Appearing	Name of Party	Contact Info
Robin Schwill	Crystallex International Corp.	rschwill@dwpv.com
Maureen Littlejohn		mlittlejohn@dwpv.com
Natalie Renner		nrenner@dwpv.com
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For Defendant, Respondent, Responding Party:

Name of Person Appearing	Name of Party	Contact Info
Chris Armstrong	Computershare Trust Company	carmstrong@goodmans.ca
Aubrey Kauffman	Robert Fung and Marc Oppenheimer	akauffman@fasken.com

For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info
Timothy Pinos	DIP Lender (Tenor Special Situation)	tpinos@cassels.com
Shayne Kukulowicz		skukulowicz@cassels.com
Maria Konyukhova	Monitor (Ernst & Young Inc.)	mkonyukhova@stikeman.com

ENDORSEMENT OF JUSTICE CONWAY:

- [1] All defined terms used in this Endorsement shall, unless otherwise defined, have the meanings ascribed to them in the Factum of Crystallex for today's hearing.

- [2] Crystallex seeks an order partially unsealing confidential materials that were previously sealed by this court. The U.S. Bankruptcy Court in the Chapter 15 Proceeding has ordered certain of this information to be unsealed and to ensure that the Chapter 15 Sealed Documents are redacted only for strategic information related to Crystallex's enforcement proceedings and efforts, and for information related to the CVR Amounts. The U.S. Bankruptcy Court has suspended its order for 90 days to give Crystallex an opportunity to partially unseal the same documents in this court.
- [3] Crystallex confirms that the information requested to be unsealed no longer poses a risk to its enforcement efforts and does not meet the *Sierra Club/Sherman Estates* test for sealing. It also submits that there should be consistency between the two courts on what is and is not sealed. Both the DIP Lender and Computershare expressed their support for the order today.
- [4] I accept these submissions and grant the requested order.
- [5] Order to go as signed by me and attached to this Endorsement. This order is effective from today's date and is enforceable without the need for entry and filing.

A handwritten signature in blue ink, appearing to read "Conway J.", with a stylized flourish at the end.