



ONTARIO SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

COUNSEL SLIP/ENDORSEMENT

COURT FILE NO.: CV-24-00712687-00CL DATE: February 27, 2024

NO. ON LIST: 5

TITLE OF PROCEEDING: **9869247 CANADA LIMITED et al**

BEFORE JUSTICE: **OSBORNE**

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party, Crown:

Name of Person Appearing	Name of Party	Contact Info
Craig Mills		cmills@millerthomson.com
Gina Rhodes		grhodes@millerthomson.com

For Defendant, Respondent, Responding Party, Defence:

Name of Person Appearing	Name of Party	Contact Info
Haddon Murray	Counsel to Ernst & Young Inc. in its capacity as court-appointed Monitor	haddon.murray@gowlingwlg.com

For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info
Karen K. Fung	Monitor	karen.k.fung@parthenon.ey.com

ENDORSEMENT of JUSTICE OSBORNE:

1. This is further to my endorsement in this matter yesterday, and deals with the KERP that was deferred.
2. The parties have now reached an agreement on terms, as reflected in the executed KERP Agreement attached as Exhibit "A" to the Supplementary Affidavit of Dr. Simons sworn today. I have reviewed both the affidavit and the agreement.
3. The Court-appointed Monitor recommends and supports approval as is requested by the Applicant and is satisfied that the two individuals, the CEO and the CFO, are integral to the maximization of chances of success in this restructuring and should be properly incentivized to do just that. The relief sought is not opposed by any party.
4. I am satisfied that the KERP and corresponding charge are appropriate and should be approved.
5. Order to go in the form signed by me today (which also addresses the stay extension approved yesterday) and which order is effective immediately and without the necessity of issuing and entering.

A handwritten signature in black ink, appearing to read "Osborne, J.", with a large, stylized initial "O" and a period at the end.