



ONTARIO SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

COUNSEL/ENDORSEMENT SLIP

COURT FILE NO.: CV-24-00712687-00CL

DATE: Wednesday, June 26, 2024

NO. ON LIST: 4

TITLE OF PROCEEDING: 9869247 CANADA LIMITED et al

BEFORE: MISTER JUSTICE OSBORNE

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party:

Name of Person Appearing	Name of Party	Contact Info
Gina Rhodes	Applicants	grhodes@millerthomson.com

For Defendant, Respondent, Responding Party:

Name of Person Appearing	Name of Party	Contact Info
Virginie Gauthier	Counsel to Monitor	virginie.gauthier@gowlingwlg.com
Karen Fung	Monitor	karen.k.fung@parthenon.ey.com
Greg Adams	Monitor	greg.j.adams@parthenon.ey.com

For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info
Harvey Chaiton	NE SPC II LP	harvey@chaitons.com
Jason DiFruscia	Gray Jay Estates Inc.	jdifruscia@harrisonpensa.com

ENDORSEMENT OF JUSTICE OSBORNE:

- [1] The Applicants seek an order:
- a. approving the Sixth Report of the Monitor dated June 24, 2024, together with the activities reported on therein;
 - b. approving the fees and disbursements of the Monitor and its counsel, and the Estimated Fees to complete the administration of these proceedings;
 - c. terminating the CCAA proceedings, effective upon the serving by the Monitor of a Termination Certificate;
 - d. extending the Stay Period to the earlier of July 26, 2024 or the CCAA Termination Time; and
 - e. effective at the CCAA Termination Time:
 - i. terminating the Administration Charge and the DIP Lender's Charge;
 - ii. discharging the Monitor; and
 - iii. releasing the Released Parties.
- [2] The Applicants rely on the affidavit of Dr. Leanne Simons and the Sixth Report. Defined terms in this Endorsement have the meaning given to them in the motion materials and/or the Sixth Report unless otherwise stated.
- [3] The Service List has been served. The relief sought is on consent, and is recommended by the Monitor.
- [4] Blacksail has been determined to be the ultimate purchaser and has incorporated a nominee company to effect that transaction. Closing is anticipated on July 17, 2024. Health Canada approval is pending.
- [5] Accordingly, a brief stay extension is required to complete the transaction and the remaining "cleanup" matters in this proceeding. The Updated Cash Flow Forecast appended to the Sixth Report, for the period June 17 to July 28, 2024 demonstrates that the Applicants should have sufficient liquidity during the proposed extension period. I am satisfied that the Applicants have acted and continue to act in good faith and with due diligence, and that no creditors will suffer material prejudice as a result of the extension which is supported by the Monitor and the Lenders.

- [6] The activities set out in the Sixth Report, are reasonable, appropriate in the circumstances, and consistent with the mandate of the Monitor, according to its original appointment order. They are approved. The fees and disbursements of the Monitor and its counsel are reasonable, and relate to those activities. They are fully described in the fee affidavits. They are approved.
- [7] With the completion of the transaction and incremental “cleanup” matters, this proceeding can be terminated and it is appropriate to grant that relief at this time, effective as noted above, upon delivery of the Termination Certificate.
- [8] For all of these reasons, the motion is granted.
- [9] Order to go in the form signed by me which is effective immediately without issuing and entering.

Owen, J.