ONTARIO SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

COUNSEL/ENDORSEMENT SLIP

COURT FILE NO.: CV-11-00009532-00CL **DATE: August 20, 2026**

NO. ON LIST: 2

TITLE OF PROCEEDING: IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF CRYSTALLEX INTERNATIONAL CORP. v. FORBES & MANHATTAN, INC. et al

BEFORE: JUSTICE CONWAY

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party:

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For Defendant, Respondent, Responding Party:

Name of Person Appearing	Name of Party	Contact Info
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Name of Person Appearing	Name of Party	Contact Info

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ENDORSEMENT OF JUSTICE CONWAY:

[1] Case conference held today. I heard submissions from counsel for Crystallex, the Independent Director, the DIP Lender, the Monitor, directors Fung and Oppenheimer, and the Trustee and Ad Hoc Noteholder Committee about the motion scheduled for December 8 and 9, 2026 (the "**December Motion**"). As I noted in my May 13, 2026 endorsement, the primary issue to be addressed at that motion is the entitlement of creditors to post-filing interest.

[2] Counsel for Crystallex, the Independent Director, the DIP Lender, and directors Fung and Oppenheimer make various arguments about why the post-filing issue should not be decided at the December Motion. After hearing their submissions, I directed that the December Motion shall proceed as scheduled with respect to the issue of post-filing interest. The parties may make any arguments they wish to make in response to the motion, including those raised today. I have made no decisions with respect to any of those arguments.

[3] The court will make its decision on all aspects of the motion on the basis of a full evidentiary record, facta, and submissions on the facts and the law. I approved the timetable in my endorsement of May 29, 2026 and it remains in place.

[4] Mr. Starnino expects to be engaged by the Shareholder Committee, in which case he will be seeking a motion date to appoint his firm as representative counsel. He may arrange a case conference directly with the CL office, on a date convenient to counsel, if he seeks to proceed with the motion.

