

SUPERIOR COURT
(Commercial Division)

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

N°: 500-11-057549-194

DATE: September 29, 2021

PRESIDING: THE HONOURABLE PHILIPPE BÉLANGER, J.S.C.

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C. 1985, c. C-36, AS AMENDED:

9227-1584 QUÉBEC INC.

9336-9262 QUÉBEC INC.

Debtors

and

KPMG INC.

Petitioner / Monitor

and

110302 CANADA INC.

9325-7277 QUÉBEC INC.

Mises en cause

ORDER

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- [1] **THE COURT**, upon reading the *Motion for the Extension of the Stay of Proceedings* dated September 24, 2021 (the "**Motion**") of the Petitioner / Monitor KPMG Inc. (the "**Monitor**" or "**KPMG**"), having examined the proceeding, the affidavit and the exhibits;
- [2] **GIVEN** the *Initial Order* issued in respect of the Debtors on November 22, 2019, as rectified on November 25, 2019 and subsequently amended and restated

pursuant to the *Corrected Second Amended and Restated Initial Order* issued on March 20, 2020 (the "**Initial Order**");

- [3] **GIVEN** the Monitor's reports dated December 18, 2019, January 28, April 3, April 16, June 17, August 28 and September 24, 2020, and January 8 and 26, 2021, March 25, 2021, June 23, 2021, and September 28, 2021;
- [4] **GIVEN** the testimony of Mr. Dev Coosa, representative of KPMG;
- [5] **GIVEN** the representations by counsel for KPMG and other parties at the hearing of the Motion;
- [6] **GIVEN** the provisions of the *Companies' Creditors Arrangement Act* ("**CCAA**");
- [7] **GIVEN** the circumstances surrounding the COVID-19 pandemic;

FOR THESE REASONS, THE COURT HEREBY:

- [8] **GRANTS** the Motion.
- [9] **DECLARES** that sufficient prior notice of the presentation of the Motion has been given by the Petitioners to interested parties, so that the Motion is properly returnable today and hereby dispenses with further service thereof.
- [10] **EXTENDS** the Stay Period ordered in the Initial Order until **November 30, 2021**.
- [11] **ORDERS** that paragraph 15 of the Initial Order is amended as follows:
 - [15] **ORDERS** that, until and including November 30, 2021, or such later date as the Court may order (the "**Stay Period**"), no proceeding or enforcement process in any court or tribunal (each, a "**Proceeding**") shall be commenced or continued against or in respect of the Debtors, or affecting the Debtors' business operations and activities (the "**Business**") or the Property (as defined herein), including as provided in paragraph [25] herein except with leave of this Court. Any and all Proceedings currently under way against or in respect of the Debtors or affecting the Business or the Property are hereby stayed and suspended pending further order of this Court, the whole subject to subsection 11.1 CCAA. For greater clarity, nothing in this section shall be interpreted as preventing or prohibiting, or from having prevented or prohibited, the holder of a legal hypothec, pursuant to sections 2724 (2) and 2726 CCQ, in favour of a person having taken part in the construction or

renovation of an immovable owned by either of the Debtors, from publishing a prior notice of exercise of a hypothecary recourse in accordance with sections 2727 and 2757 and following CCQ, but shall be interpreted as preventing and prohibiting such holder from commencing any judicial proceeding against the Debtors, except as provided herein.

- [12] **ORDERS** that the Appendices A and B (Cashflow Forecast) attached to KPMG's Twelfth Report produced as Exhibit R-5 to the Motion shall be sealed, kept confidential and not form part of the public record, but rather shall be placed, separate and apart from all other contents of the Court file, in a sealed envelope attached to a notice that sets out the title of these proceedings and a statement that the contents are subject to a sealing order and shall only be opened upon further Order of the Court.
- [13] **ORDERS** the provisional execution of the Order notwithstanding any appeal.
- [14] **WITHOUT COSTS.**



PHILIPPE BÉLANGER, J.S.C.

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Date of hearing: September 29, 2021