

**SUPERIOR COURT**  
(Commercial Division)

CANADA  
PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL

N°: 500-11-057549-194

DATE: April 24, 2020

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**PRESIDING: THE HONOURABLE PETER KALICHMAN, J.S.C.**

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**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

JK0261

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**ORDER**

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[1] **THE COURT**, upon reading the *Motion for the Extension of the Stay of Proceedings* dated April 16, 2019 (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 reports dated April 3 and April 16, 2020, prepared by KPMG;
- [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 present 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 June 30, 2020.
- [11] **ORDERS** that paragraph 15 of the Initial Order is amended as follows:
  - [15] **ORDERS** that, until and including June 30, 2020, 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 immoveable 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 paragraph 67 (c) of the Initial Order is amended as follows

[c] If no Notice of Objection is served by the Objection Deadline, the Judge having carriage of the motion (the "Presiding Judge") may determine: (a) whether a hearing is necessary; (b) whether such hearing will be in person, by telephone, by videoconference or by written submissions only; and (c) the parties from whom submissions are required (collectively, the "Hearing Details"). In the absence of any such determination, a hearing will be held in the ordinary course.

[13] **ORDERS** that paragraph 67 (e) of the Initial Order is amended as follows

[e] If a Notice of Objection is served by the Objection Deadline, the Court will advise the parties if the hearing will be in person, by telephone, by videoconference or by written submissions only, and then the interested parties shall appear before the Presiding Judge on the Initial Return Date at the Initial Return Time, or such earlier or later time as may be directed by the Court, to, as the Court may direct: (a) proceed with the hearing on the Initial Return Date and at the Initial Return Time; or (b) establish a schedule for the delivery of materials and the hearing of the contested motion and such other matters, including interim relief, as the Court may direct

[14] **ORDERS** that the Cash Flow Forecast produced under seal of confidentiality as Exhibit R-4 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.

[15] **ORDERS** the provisional execution of the Order notwithstanding any appeal.

[16] **WITHOUT COSTS.**

A handwritten signature in blue ink, appearing to read "Peter Kalichman", is written over a horizontal line.

**The Honourable Peter Kalichman, J.S.C.**