

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

THE HONOURABLE) THURSDAY, THE 12TH
)
MADAM JUSTICE KIMMEL)
) DAY OF OCTOBER, 2023

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

AND IN THE MATTER OF A PLAN OF COMPROMISE OR
ARRANGEMENT OF **ORIGINAL TRADERS ENERGY LTD.
AND 2496750 ONTARIO INC.** (each, an “**Applicant**” and
collectively, the “**Applicants**”)

THIRD STAY EXTENSION ORDER

THIS MOTION, made by the Applicants, pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended (the “**CCAA**”), for an order, among other things, extending the stay of proceedings, was heard this day by judicial videoconference via Zoom in Toronto, Ontario.

ON READING the Amended Notice of Motion and Amended Motion Record of the Applicants (the “**Amended Notice of Motion**” and the “**Amended Motion Record**”), the Fifth Report of KPMG Inc. in its capacity as Court-appointed monitor (the “**Monitor**”) dated September 28, 2023 (the “**Fifth Report**”) and the Supplement to the Fifth Report of the Monitor dated October 6, 2023 (the “**Supplemental Report**”), and on hearing the submissions of counsel for the Applicants, OTE Logistics LP, and Original Traders Energy LP (collectively, the “**OTE Group**”), counsel for the Monitor and such other counsel who were present as stated on the counsel slip, no one else appearing although duly served as appears from the Affidavit of Service of Cristian Delfino, as filed:

SERVICE

1. **THIS COURT ORDERS** that the time for service of the Amended Notice of Motion and the Amended Motion Record is hereby abridged and validated so that this Motion is properly returnable today and hereby dispenses with further service thereof.

STAY EXTENSION

2. **THIS COURT ORDERS** that the Stay Period (as defined in paragraph 16 of the Amended and Restated Initial Order dated February 9, 2023 and further amended on July 17, 2023) is hereby extended until and including April 26, 2024.

ADDENDUM TO THE CLAIMS PROCEDURE ORDER

3. **THIS COURT ORDERS** that the following claims process for former employees of any entity of the OTE Group who are terminated during the CCAA proceeding (the “**Terminated Employees**”) shall apply in respect of their Claims as employees against the OTE Group (the “**Employee Restructuring Claims**”), and the claims procedure order dated April 27, 2023 (the “**Claims Procedure Order**”) shall be deemed to be amended accordingly in respect of Employee Restructuring Claims. Any capitalized term not otherwise defined herein shall have the meaning ascribed to it in the Claims Procedure Order, and the Claims Procedure Order shall apply in all respects to Employee Restructuring Claims, which shall be regarded as Restructuring Period Claims under the Claims Procedure Order, subject to the modifications set out below:

- (a) The OTE Group will prepare, in consultation with the Monitor, and based on the OTE Group’s books and records, a notice of Employee Restructuring Claim for each Terminated Employee terminated during the CCAA proceeding, setting out any accrued and unpaid vacation pay, termination and/or severance pay, wages, commissions or other remuneration arising as a result of the termination of their respective employment, all calculated based upon statutory entitlements of such Terminated Employee in the Province of Ontario (the “**Notice of Employee Restructuring Claim**”), and for greater certainty, this calculation does not prejudice a Terminated Employee’s right to calculate its Employee Restructuring Claim on another basis pursuant to paragraph 3(c) below;

- (b) The Monitor will deliver a Notice of Employee Restructuring Claim, along with a claims package (the “**Claims Package**”), to each Terminated Employee as soon as reasonably practicable and not later than fifteen business days following the date of this Order in respect of each Terminated Employee who was terminated prior to the date of this Order or within fifteen business days following the date on which such Employee Restructuring Claim arises in respect of any Terminated Employee who is terminated following the date of this Order;
- (c) If a Terminated Employee disputes the classification, nature and/or amount of the Employee Restructuring Claim as set out in their Notice of Employee Restructuring Claim, on any basis, such Terminated Employee must complete a notice of dispute (the “**Notice of Dispute of Employee Restructuring Claim**”) and send it to the Monitor by no later than 5:00 pm (Eastern Standard Time) on the date that is fifteen business days after the date on which the Monitor sent a Claims Package, accompanied by a Notice of Employee Restructuring Claim, to such Terminated Employee having an Employee Restructuring Claim (the “**Employee Claims Bar Date**”).

4. **THIS COURT ORDERS** that any Terminated Employee who does not deliver a Notice of Dispute of Employee Restructuring Claim such that it is received by the Monitor by the Employee Claims Bar Date shall be deemed to accept as final and binding the amount of its Claim as set out in the Notice of Employee Restructuring Claim and will be forever barred, estopped and enjoined from disputing the classification, nature and/or amount of the Employee Restructuring Claim set forth in the Notice of Employee Restructuring Claim, and any other claims that such Terminated Employee may have in respect of, arising from or related to such Terminated Employee’s employment or former employment with any of the OTE Group entities shall be forever barred and extinguished without any further act or notification by the OTE Group or the Monitor.

5. **THIS COURT ORDERS** that the Monitor shall be at liberty to modify and supplement the forms approved under the Claims Procedure Order as the Monitor deems necessary or appropriate in connection with the claims process for Terminated Employees set out herein.

6. **THIS COURT ORDERS** that the Monitor shall be entitled to rely upon the books and records of the OTE Group and shall have no liability in connection with any calculation of or error in respect of any Employee Restructuring Claims and shall have all of the protections afforded to it in the Claims Procedure Order and other Orders of this Court.

APPROVAL OF MONITOR'S REPORTS

7. **THIS COURT ORDERS** that all of the activities and conduct of the Monitor prior to the date hereof in relation to the OTE Group and these CCAA proceedings are hereby ratified and approved.

8. **THIS COURT ORDERS** that the Fifth Report and the Supplemental Report be and are hereby approved.

9. **THIS COURT ORDERS** that only the Monitor, in its personal capacity and only with respect to its own personal liability, shall be entitled to rely upon or utilize in any way the approvals set forth in paragraphs 7 and 8 of this Order.

GENERAL

10. **THIS COURT ORDERS** that this Order shall have full force and effect in all provinces and territories in Canada.

11. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or in the United States, to give effect to this Order and to assist the OTE Group, the Monitor and their respective agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the OTE Group and to the Monitor, as an officer of this Court, as may be necessary or desirable to give effect to this Order, to grant representative status to the Monitor in any foreign proceeding, or to assist the OTE Group and the Monitor and their respective agents in carrying out the terms of this Order.

12. **THIS COURT ORDERS** that this Order is effective from today's date as of 12:01 a.m. Eastern Standard/Daylight Time and is enforceable without the need for entry or filing.

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AND IN THE MATTER OF THE COMPROMISE OR ARRANGEMENT OF ORIGINAL TRADERS ENERGY LTD. and 2496750 ONTARIO
INC.

Court File No. CV-23-00693758-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

Proceedings commenced at Toronto

THIRD STAY EXTENSION ORDER

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