

CANADA

SUPERIOR COURT
(Commercial Division)

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL
No.: 500-11-049256-155

IN THE MATTER OF THE PLAN OF
COMPROMISE AND ARRANGEMENT OF:

MAGASIN LAURA (P.V.) INC. / LAURA'S
SHOPPE (P.V.) INC.

Applicant

- and -

BOUTIQUE LAURA CANADA LTEÉ /
LAURA'S SHOPPE CANADA LTD.

3482731 CANADA INC.

9318-5494 QUÉBEC

KALMAN FISHER

Stayed Parties

- and -

KPMG INC.

Monitor/Petitioner

MONITOR'S MOTION TO AMEND THE CLAIMS PROCEDURE ORDER
(Section 11 of the *Companies' Creditors Arrangement Act*, R.S.C., 1985, c. C-36)

TO THE HONOURABLE JUSTICE MARIE-ANNE PAQUETTE OR TO ONE OF THE OTHER HONOURABLE JUDGES OF THE SUPERIOR COURT, SITTING IN THE COMMERCIAL DIVISION, IN AND FOR THE DISTRICT OF MONTREAL, THE PETITIONER RESPECTFULLY SUBMITS AS FOLLOWS:

1. On August 12, 2015 the Court issued an Initial Order (the "**Initial Order**") whereby proposal proceedings instituted by the Applicant, Magasin Laura (P.V.) Inc./Laura's Shoppe (PV) Inc., under the *Bankruptcy and Insolvency Act*, R.S.C., 1985, c. B-3 (the "**BIA**") on July 31, 2015, were continued under the *Companies' Creditors Arrangement Act*, R.S.C., 1985, c. C-36 (the "**CCAA**"). Pursuant to the Initial Order, the Petitioner, KPMG Inc., was appointed as monitor of the Applicant (the "**Monitor**").
2. On September 11, 2015, the Court rendered an order (the "**Claims Procedure Order**"), *inter alia*, establishing a process for filing proofs of claim with the Monitor and fixing a bar date for the filing of such proofs of claim (the "**Claims Bar Date**") at:

- i. 5:00 p.m. on October 21, 2015, for Claims other than Restructuring Claims; and
 - ii. for Restructuring Claims, the latest of:
 - a. 5:00 p.m. on October 21, 2015; or
 - b. thirty (30) days after the date of receipt by the Creditor of a notice from the Applicant giving rise to the Restructuring Claim.
3. All capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Claims Procedure Order, a copy which is filed herewith as **Exhibit M-1**.
4. In accordance with the Claims Procedure Order, various proofs of claim were submitted to the Monitor and the Monitor, together with the Applicant, thereafter began the process of reviewing and evaluating those proofs of claim.
5. On November 18, 2015, the Applicant distributed its Re-Amended Plan of Compromise and Arrangement dated November 18, 2015 (the "**Plan**") to the service list herein, a copy of which is filed herewith as **Exhibit M-2**.
6. On November 19, 2015, a creditors' meeting was convened and the Plan was overwhelmingly approved by the Affected Creditors (as defined therein).
7. On November 27, 2015, the Court issued an order (the "**Sanction Order**"), *inter alia*, sanctioning the Plan and declaring that "*subject to Sections 4.5 and 4.6 of the Plan, any Claims for which a Proof of Claim has not been filed by the Claims Bar Date are and shall be forever barred and extinguished*", as appears from a copy of the Sanction Order filed herewith as **Exhibit R-3**.
8. Prior to the date of the Sanction Order, the Monitor had received 26 proofs of claim, filed after the Claims Bar Date, with an aggregate value of \$10,564,636 (the "**Late Claims**").
9. The Monitor has since determined that:
 - i. 10 of the Late Claims, representing 97% of the aggregate value thereof, were submitted within 48 hours of the Claims Bar Date; and
 - ii. certain Late Claims were submitted by Creditors located in jurisdictions outside of Quebec that did not receive notification of the Claims Bar Date in accordance with the Claims Procedure Order.
10. Since the Sanction Order, the Monitor has become aware that 12 other Creditors, which according to the Applicant's accounting records have claims against the Applicant in the aggregate amount of \$101,707, may not have received notice of the Claims Bar Date in accordance with the Claims Procedure Order (the "**Outstanding Creditors**").
11. As of today's date, the Monitor has received a proof of claim from one of the Outstanding Creditors and has been notified that certain other Outstanding Creditors intend to submit proofs of claim.
12. The Monitor, after consulting with the Applicant, is of the view that it would be reasonable and appropriate to permit the filing of the Late Claims and to allow the Outstanding Creditors, or other

Creditors that may have Claims against the Applicant, to submit proofs of claim up until December 15, 2015.

13. Consequently, the Monitor requests that the Claims Procedure Order be amended for the sole purpose of extending the Claims Bar Date to December 15, 2015 for all Claims other than Restructuring Claims.

FOR THESE REASONS, MAY IT PLEASE THE COURT TO:

GRANT the Monitor's Motion to Amend the Claims Procedure Order;

ORDER that section 2.7 of the Claims Procedure Order dated September 11, 2015 is hereby amended, with a retroactive effect, as follows:

2.7 "Claims Bar Date" means 5:00 p.m. (Montréal time) on **December 15, 2015**, or, for a Creditor with a Restructuring Claim, the latest of (a) 5:00 pm (Montréal time) on **December 15, 2015**, and (b) thirty (30) days after the date of receipt by the Creditor of a notice from the Petitioner giving rise to the Restructuring Claim, it being understood that at no time shall such a notice from the Petitioner be sent to the Creditor less than 30 days before the date of the first Creditors' Meeting;

ORDER that any proof of claim submitted in conformity with the Claims Procedure Order, as amended by the present Order, has been validly filed with the Monitor;

THE WHOLE WITH COSTS in the event of contestation.

MONTREAL, December 7, 2015

(s) Fishman Flanz Meland Paquin LLP

FISHMAN FLANZ MELAND PAQUIN LLP
Attorneys for the Monitor

CANADA

PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

N°: 500-11-049256-155

SUPERIOR COURT
(Commercial Division)

(Sitting as a court designated pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. c. C-36)

**IN THE MATTER OF THE PLAN OF
COMPROMISE OR ARRANGEMENT OF:**

**MAGASIN LAURA (P.V.) INC. / LAURA'S SHOPPE
(P.V.) INC.**

Debtor

-and-

KPMG INC.

Monitor – Petitioner

AFFIDAVIT

I, Dev Coossa, Chartered Insolvency and Restructuring Professional, exercising my profession at 1500-600 de Maisonneuve Boulevard West, Montreal, Quebec, H3A 0A3, do hereby solemnly affirm:


1. I am a partner of KPMG Inc., the court-appointed Monitor in Superior Court of Quebec (Commercial Division) file 500-11-049256-155; and
2. All of the facts alleged by the Monitor in the present *Monitor's Motion to Amend the Claims Procedure Order* which do not appear of record in this Court file are true and correct.

AND I HAVE SIGNED:



DEV COOSSA

Solemnly affirmed before me in Montreal,
Quebec on December 7, 2015



Commissioner for Oaths for Québec



CANADA

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL
No.: 500-11-049256-155

SUPERIOR COURT
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**MAGASIN LAURA (P.V.) INC. / LAURA'S
SHOPPE (P.V.) INC.**

Applicant

- and -

**BOUTIQUE LAURA CANADA LTEÉ /
LAURA'S SHOPPE CANADA LTD. et al.**

Stayed Parties

- and -

KPMG INC.

Monitor/Petitioner

NOTICE OF PRESENTATION

TO: SERVICE LIST

TAKE NOTICE that the present *Monitor's Motion to Amend the Claims Procedure Order* will be presented for adjudication before the Honourable Marie-Anne Paquette, J.S.C., sitting in the Commercial Division of the Superior Court of Quebec, in and for the district of Montreal, at a date and time to be determined by Justice Paquette, in a room to be announced.

DO GOVERN YOURSELVES ACCORDINGLY

MONTREAL, December 7, 2015

(s) Fishman Flanz Meland Paquin LLP

FISHMAN FLANZ MELAND PAQUIN LLP
Attorneys for the Monitor

No: 500-11-049256-155

SUPERIOR COURT

District of Montreal

(Sitting as a court designated pursuant to the
Companies' Creditors Arrangement Act,
R.S.C. c. C-36)

**IN THE MATTER OF THE PLAN OF
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Applicant

-and-

**BOUTIQUE LAURA CANADA LTÉE /
LAURA'S SHOPPE CANADA LTD. et als.**

Stayed Parties

-and-

KPMG INC.

Monitor

**MONITOR'S MOTION TO AMEND THE
CLAIMS PROCEDURE ORDER**

(Section 11 of the *Companies' Creditors
Arrangement Act*, R.S.C., 1985, c. C-36)

ORIGINAL

File: LAURAS-1

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