



NO. S-115028
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

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

AND

IN THE MATTER OF THE *CANADA BUSINESS CORPORATIONS ACT*, R.S.C. 1985, c. C-44

AND

IN THE MATTER OF PAKIT INC.

PETITIONER

NOTICE OF APPLICATION

Names of applicant: PAKIT INC.

TO: THE SERVICE LIST AS SET OUT IN SCHEDULE "A"

TAKE NOTICE that an application will be made by the applicant at the courthouse at 800
Smithe Street, Vancouver, BC, V6Z 2E1, on Friday, the 7th day of October, 2011 at 9:15 a.m.,
for directions as set out in Part 1 below.

PART 1: ORDER SOUGHT

1. An order in the draft form attached as Schedule "B."

PART 2: FACTUAL BASIS

1. Circumstances exist that make the continuation of the stay appropriate.
2. The applicant has acted and continues to act diligently and in good faith to stabilize its finances and prepare a plan for its creditors, and requires a further period of time to do so.

PART 3: LEGAL BASIS

1. The applicant will rely on ss.11, 11.02(2) and 11.2 of the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended, and the inherent jurisdiction of this court.

PART 4: MATERIAL TO BE RELIED ON

1. Affidavit #1 of Dwayne Yaretz, sworn July 26, 2011 and filed July 27, 2011;
2. Affidavit #2 of Dwayne Yaretz, sworn August 23, 2011 and filed August 24, 2011;
3. Affidavit #3 of Dwayne Yaretz, sworn August 24, 2011 and filed August 25, 2011;
4. Affidavit #4 of Dwayne Yaretz, sworn and filed August 25, 2011;
5. Affidavit #5 of Dwayne Yaretz, sworn August 30, 2011 and filed August 31, 2011; and
6. Affidavit #6 of Dwayne Yaretz, sworn October 5, 2011 and filed October 5, 2011.


The applicants estimate that the application will take one (1) hour.

☒ This matter is not within the jurisdiction of a master.

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this notice of application, you must, within 5 business days after service of this notice of application or, if this application is brought under Rule 9-7, within 8 business days after service of this notice of application:

- (a) file an Application Response in Form 33
- (b) file the original of every affidavit, and of every other document, that
 - (i) you intend to refer to at the hearing of this application, and
 - (ii) has not already been filed in the proceeding, and
- (c) serve on the applicant 2 copies of the following, and on every other party of record one copy of the following
 - (i) a copy of the filed application response;
 - (ii) a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;
 - (iii) if this application is brought under Rule 9-7, any notice that you are required to give under Rule 9-7(9).

DATED: October 5, 2011



Warren B. Milman
Counsel for the Petitioner, Pakit Inc.

To be completed by the court only:

Order made

☐ in the terms requested in paragraphs
of Part 1 of this Notice of Application

☐ with the following variations and additional terms:

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DATED: _____

Signature of ☐ Judge

☒ ~~Master~~

SCHEDULE "A"**SERVICE LIST**

Petitioner PAKIT INC. 2250 – 1050 West Pender Street Vancouver, BC V6E 3S7 Attn: Dwayne Yaretz Direct: 604-683-3200 / 360-214-3112 Facsimile: 604-683-3204 Email: dyaretz@gmail.com	Counsel for Petitioner MCCARTHY TÉTRAULT LLP 1300 – 777 Dunsmuir Street Vancouver, BC V7Y 1K2 Attn: Warren B. Milman Direct: 604-643-7104 Facsimile: 604-622-5704 Email: wmilman@mccarthy.ca
Monitor ALVAREZ & MARSAL CANADA INC. 1680 – 400 Burrard Street Vancouver, BC V6C 3A6 Attn: Pam K. Boparai/Tom Powell Direct: 604-638-7446 Facsimile: 604-638-7441 Email: pboparai@alvarezandmarsal.com tpowell@alvarezandmarsal.com	Counsel for Monitor BORDEN LADNER GERVAIS LLP 1200 – 200 Burrard Street Vancouver, BC V7X 1T2 Attn: Magnus C. Verbrugge Direct: 604-640-4198 Facsimile: 604-622-5898 Email: mverbrugge@blg.com
Counsel for Secured Creditors Fairfax Financial Holdings Limited and Craig Barton BLAKE, CASSELS & GRAYDON LLP 2600 – 595 Burrard Street Vancouver, BC V7X 1L3 Attn: Peter L. Rubin Direct: 604-631-3315 Facsimile: 604-631-3309 Email: peter.rubin@blakes.com	Counsel for True Partners Financial Services, LLC THOMPSON DORFMAN SWEATMAN LLP 2200 – 201 Portage Avenue Winnipeg, Manitoba R3B 3L3 Attn: Ross A. McFadyen/James G. Edmond Direct: 204-934-2378 / 2450 Facsimile: 204-934-0538 / 0508 Email: ram@tdslaw.com jge@tdslaw.com
Secured Creditor HSBC BANK CANADA Special Credit Department 400 – 888 Dunsmuir Street Vancouver, BC V6C 3K4 Attn: Philip Wong Direct: 604-641-2584 Facsimile: 604-641-1909 Email: philip_wong@hsbc.ca	

SCHEDULE "B"

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AND

IN THE MATTER OF PAKIT INC.

PETITIONER

ORDER MADE AFTER APPLICATION

BEFORE))
) THE HONOURABLE) FRIDAY, THE 7 th DAY
) MR. JUSTICE BURNYEAT) OF OCTOBER, 2011
))

ON THE APPLICATION of the Petitioner, Pakit Inc., coming on for hearing at 800 Smithe Street, Vancouver, British Columbia on the 7th day of October, 2011, AND ON HEARING Warren B. Milman on behalf of the Petitioner, Magnus C. Verbrugge on behalf of the Monitor, and Peter L. Rubin and Tanveer Siddiqui on behalf of the Respondent, Fairfax Financial Holdings Limited;

THIS COURT ORDERS that:

7. The time for service is hereby abridged so that the application for this order is properly returnable this day.
8. The order granted herein on July 28, 2011 (the "Initial Order") is extended until the close of business on December 28, 2011.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:

WARREN B. MILMAN
Counsel for the Petitioner, Pakit Inc.

MAGNUS C. VERBRUGGE
Counsel for the Monitor

BY THE COURT

REGISTRAR

PETER L. RUBIN
Counsel for Fairfax Financial Holdings
Limited