

COURT FILE NUMBER

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COURT

COURT OF KING'S BENCH
OF ALBERTA

JUDICIAL CENTRE

CALGARY



C31797

Mar 26, 2024
JS

APPLICANTS

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

AND IN THE MATTER OF CYXTERA TECHNOLOGIES,
INC. CYXTERA CANADA, LLC, CYXTERA
COMMUNICATIONS CANADA, ULC AND CYXTERA
CANADA TRS, ULC

DOCUMENT

SEVENTH REPORT OF THE INFORMATION OFFICER

March 22, 2024

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS
DOCUMENT

INFORMATION OFFICER

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INTRODUCTION

Cyxtera Chapter 11 Proceedings

1. On June 4, 2023 (the “**Petition Date**”):
 - a) Delaware incorporated entities Cyxtera Technologies, Inc. (“**CTI**”) and Cyxtera Canada, LLC (“**Cyxtera LLC**”);
 - b) Alberta incorporated entities Cyxtera Communications Canada, ULC (“**Communications ULC**”) and Cyxtera Canada TRS, ULC (“**TRS ULC**”) (collectively “**Cyxtera Canada**”); and
 - c) twelve other non-Canadian registered affiliates;

(each a “**Debtor**” and collectively, the “**Debtors**”, and together with their direct and indirect non-Debtor affiliates, “**Cyxtera**” or the “**Cyxtera Group**”),commenced voluntary reorganization proceedings¹ (the “**Chapter 11 Proceedings**”) pursuant to Chapter 11 of the U.S. Code (the “**U.S. Bankruptcy Code**”) before the United States Bankruptcy Court District of New Jersey (the “**U.S. Bankruptcy Court**”). A list of all the Debtors is attached hereto as **Appendix “A”**.
2. On June 6, 2023, the U.S. Bankruptcy Court granted various interim and final orders in the Chapter 11 Proceedings (the “**First Day Orders**”), including an order (the “**Foreign Representative Order**”) authorizing CTI to act as foreign representative of Cyxtera Canada and Cyxtera LLC (in such capacity, the “**Foreign Representative**”) in a proceeding to be commenced in the Court of King’s Bench of Alberta (the “**Canadian Court**”) pursuant to the *Companies’ Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended (the “**CCAA**” and these proceedings the “**CCAA Recognition Proceedings**”, and together with the Chapter

¹ On June 6, 2023, the U.S. Bankruptcy Court granted an order directing, for procedural purposes only, joint administration of the Chapter 11 Proceedings as Cyxtera Technologies Inc. *et al.* (the “**Joint Administration Order**”). This order does not provide for consolidation for substantive purposes.

11 Proceedings, the “**Restructuring Proceedings**”). The Foreign Representative Order also authorizes CTI to:

- a) seek recognition of the Chapter 11 Proceedings in a proceeding in Canada;
- b) request that the Canadian Court lend assistance to the U.S. Bankruptcy Court in protecting the property within the estates of the Debtors; and
- c) seek any other appropriate relief from the Canadian Court that CTI deems just and proper in furtherance of the protection of the Debtors’ estates.

CCAA Recognition Proceedings

3. On June 7, 2023, and as previously defined and discussed in prior reports², the Foreign Representative obtained two orders from the Canadian Court, namely an Initial Recognition Order and Supplemental Recognition Order, which, among other things, appointed Alvarez & Marsal Canada Inc. as information officer in respect of the CCAA Recognition Proceedings (in such capacity, the “**Information Officer**”) and granted certain super-priority charges over the Debtors’ Canadian assets, specifically the Administration Charge and the DIP Lender’s Charge, as such terms described in the Pre-Filing Report.
4. In addition, the Supplemental Recognition Order recognized and gave effect in Canada to several of the First Day Orders of the U.S. Bankruptcy Court, including, among others, the Foreign Representative Order, Joint Administration Order, and several other First Day Orders of the U.S. Bankruptcy Court, including the interim Cash Management Order and the interim DIP Financing Order.

² The Pre-Filing Report of the Proposed Information Officer dated June 7, 2023 (“**Pre-Filing Report**”), the First Report of the Information Officer dated June 30, 2023 (the “**First Report**”), the Second Report of the Information Officer dated July 28, 2023, the Third Report of the Information Officer dated September 1, 2023 the Fourth Report of the Information Officer dated October 6, 2023, the Fifth Report of the Information Officer dated November 17, 2023 and the Sixth Report of the Information Officer dated January 23, 2024 (the “**Sixth Report**”) are collectively referred to as the “**Prior Information Officer Reports**”.

5. Between June 2023 and January 2024, the Foreign Representative obtained orders from the Canadian Court including, among other matters, recognizing and giving effect in Canada to several interim Cash Management Orders, a final DIP Financing Order, the Bidding Procedures Order, the Bar Date Order the Disclosure Statement Order, the Confirmation Order and the Cologix Transaction Order (each as defined and discussed in the Prior Information Officer Reports).
6. Further information regarding these CCAA Recognition Proceedings can be found on the Information Officer's website at www.alvarezandmarsal.com/CyxteraCanada (the "**Case Website**"). Copies of the Orders made by the U.S. Bankruptcy Court and other documents filed in the Chapter 11 Proceedings can be found on the case website maintained by Kurtzman Carson Consultants LLC at: www.kcellc.net/Cyxtera (the "**Chapter 11 Website**"), which can also be accessed via the Case Website.

TERMS OF REFERENCE AND DISCLAIMER

7. In preparing this Seventh Report of the Information Officer (the "**Seventh Report**"), the Information Officer has relied solely on information and documents provided by the Foreign Representative, their financial advisor, their U.S. and Canadian legal counsel and documents filed on the U.S. Bankruptcy Court docket located on the Chapter 11 Website (collectively, the "**Information**"). Except as otherwise described in this Sixth Report, the Information Officer has reviewed the Information for reasonableness, internal consistency and use in the context in which it was provided. However, the Information Officer has not audited or otherwise attempted to verify the accuracy or completeness of the Information in a manner that would wholly or partially comply with Canadian Auditing Standards ("**CASs**") pursuant to the *Chartered Professional Accountants Canada Handbook* (the "**Handbook**"), and accordingly, the Information Officer expresses no opinion or other form of assurance contemplated under CASs in respect of the Information.

8. This Seventh Report should be read in conjunction with the affidavits of Mr. Raymond Li³ and the affidavits of Mr. Eric Koza⁴, which have been sworn and filed in connection with the CCAA Recognition Proceedings.
9. Unless otherwise stated, all monetary amounts contained herein are expressed in USD.

PURPOSE OF THIS SEVENTH REPORT

10. The purpose of this Seventh Report is to provide the Canadian Court with information or additional information regarding the following:
 - a) the status of the Chapter 11 Proceedings;
 - b) CTI's request for an order ("**Termination Order**") terminating the CCAA Recognition Proceedings, discharging the Information Officer, granting a release of the Information Officer and providing related relief, all effective upon the filing by the Information Officer of the termination certificate by the Information Officer;
 - c) CTI's request for an order ("**Fee Approval Order**") approving the actions, activities and conduct of the Information Officer as set out in its Pre-Filing Report dated June 7, 2023, First Report dated June 30, 2023, Third Report dated September 1, 2023, Fourth Report dated October 6, 2023, Fifth Report dated November 17, 2023, Sixth Report dated January 23, 2024 and this Seventh Report;
 - d) CTI's request for approval of the professional fees, costs and disbursements of:

³ The Affidavit of Mr. Li sworn March 21, 2024, (the "**Third Li Affidavit**") along with the Affidavit of Mr. Li sworn November 17, 2023 and the Affidavit of Mr. Li sworn January 23, 2024 are collectively referred to as the "**Li Affidavits**".

⁴ The Affidavit of Mr. Koza sworn June 6, 2023 (the "**First Koza Affidavit**"), the Affidavit of Mr. Koza sworn June 30, 2023, the Affidavit of Mr. Koza sworn July 27, 2023, the Affidavit of Mr. Koza sworn September 1, 2023, and the Affidavit of Mr. Koza sworn October 5, 2023 are collectively referred to as the "**Koza Affidavits**".

- i. Gowling WLG (Canada) LLP (“Gowling”) as Canadian counsel for the Foreign Representative and the Canadian Debtors for the period January 1, 2024 up to and including March 19, 2024, and its subsequent final accounts;
 - ii. the Information Officer for the period of January 1, 2024 up to and including February 29, 2024, and its subsequent final accounts; and
 - iii. McMillan LLP, as counsel for the Information Officer, for the period of January 1, 2024 up to and including January 25, 2024, and its subsequent final accounts;
- e) an order amending the style of cause in the CCAA Recognition Proceedings upon the changes of the names of CTI Liquidation and the Canadian Debtors becoming effective and the Plan Administrator filing a certificate confirming the changes of names have become effective; and
- f) the Information Officer’s conclusions and recommendations.

STATUS OF THE CHAPTER 11 PROCEEDINGS

11. Cyxtera expected to use the Chapter 11 Proceedings to strengthen the Debtors’ financial position, meaningfully deleverage their balance sheet and facilitate the business’s long-term success. Throughout the Chapter 11 Proceedings, Cyxtera continued to operate its global platform of highly interconnected data centers without interruption.
12. As described more fully in the First Koza Affidavit, in March 2023, the Debtors, with the assistance of their advisors, launched a comprehensive marketing process (the “**Prepetition Marketing Process**”) to engage interested third parties in a potential sale transaction. The Prepetition Marketing Process ran in parallel with the Company’s engagement with the ad hoc group of first lien lenders and their advisors (the “**Ad Hoc Group**”) regarding the terms of a comprehensive restructuring transaction.

13. The Debtors commenced the Chapter 11 Proceedings with a restructuring support agreement (the “**RSA**”), which contemplated a dual-track toggle process whereby the Debtors would pursue a recapitalization of their balance sheet (the “**Recapitalization Transaction**”) that would equitize the first lien indebtedness while concurrently continuing the Prepetition Marketing Process to determine whether a higher or otherwise better transaction could be consummated through the sale of the Debtors’ assets.

Bidding Procedures

14. On June 29, 2023, the U.S. Bankruptcy Court entered an Order through a certificate of no objection (the “**Bidding Procedures Order**”) (i) Approving the Bidding Procedures (“**Bidding Procedures**”) and Auction, (ii) Approving the Stalking Horse Bid Protections, (iii) Scheduling Bid Deadlines and an Auction, and (iv) Approving the Form and Manner of Notice Thereof. On July 12, 2023, the Foreign Representative obtained an order from the Canadian Court recognizing and giving effect in Canada to the Bidding Procedures Order.
15. The Bidding Procedures provided further opportunity to market (i) the equity interests (the “**New Equity Interests**”) issued by a reorganized CTI, or any successor or assignee, by merger, consolidation, or otherwise, on and after the effective date of a plan pursuant to the U.S. Bankruptcy Code and/or (ii) some or all of the Debtors’ assets (the “**Assets**”, and collectively, with the New Equity Interests, the “**Sale Package**”), to receive and evaluate any additional bids, and, if necessary, hold an auction to determine the highest or otherwise best bid. The Debtors expressed the view that the Bidding Procedures also provided the best path to (a) garner additional interest in the Sale Package, (b) receive the highest recovery available for all stakeholders, and (c) conduct a market check on the value of the proposed recoveries to holders of claims and interests contemplated by the Recapitalization Transaction.
16. The Bidding Procedures are described further in the First Report and attached thereto. As previously reported, on August 22, 2023, the Debtors provided notice

that they received multiple bids; however, none of these bids were Qualified Bids (as defined in the Bidding Procedures). At the time, the Debtors did not believe that any of the bids received were more value-maximizing than the Recapitalization Transaction proposed under the Joint Plan (as defined below). Accordingly, on August 29, 2023, the Debtors notified parties-in-interest that the Debtors, in accordance with the Bidding Procedures Order and in consultation with the Ad Hoc Group and the official committee of unsecured creditors (the “UCC”), had cancelled the Auction scheduled to occur on August 30, 2023.

17. Negotiations with certain bidders remained ongoing, and the Joint Plan provided flexibility for the Debtors to “toggle” to a Sale Transaction should one develop that is more value-maximizing than the Recapitalization Transaction. A “Sale Transaction Notice Deadline” (the date that is no later than seven (7) days prior to the Voting Deadline) was established as the deadline for the Debtors to “toggle” to a Sale Transaction. The Voting Deadline was initially October 26, 2023, but was amended three times to the latest (and final) date, which was November 7, 2023.

Other Chapter 11 Proceeding Matters

18. On June 20, 2023, the United States Trustee for Regions 3 and 9 (the “U.S. Trustee”), pursuant to Section 1102(a) of the U.S. Bankruptcy Code, appointed five creditors to the UCC.
19. On June 29, 2023, the U.S. Bankruptcy Court entered through a certificate of no objection, an Order Authorizing and Approving Procedures to Reject or Assume Executory Contracts and Unexpired Leases (the “**Contract Rejection/Assumption Procedures Order**”). The Contract Rejection/Assumption Procedures Order provided the procedures for rejecting or assuming executory contracts and unexpired leases. Included in the procedures for assuming and assuming and assigning contracts, the Debtors must include the effective date of the assumption for each contract and the proposed cure amount (the “**Cure Amount**”). Parties were provided with ten days to object to the proposed assumption or assumption and assignment (including as to the Cure Amount) and required to file a written

objection with the various affected parties and the U.S. Bankruptcy Court. On November 21, 2023, the Foreign Representative obtained an order from the Canadian Court recognizing and giving effect in Canada to the Contract Rejection/Assumption Procedures Order.

20. On July 19, 2023, the U.S. Bankruptcy Court entered an Order through a certificate of no objection (the “**Bar Date Order**”) (i) Setting Bar Dates for Submitting Proofs of Claim, including Requests for Payment Under Section 503(b)(9) of the U.S. Bankruptcy Code, (ii) Establishing an Amended Schedules Bar Date and a Rejection Damages Bar Date, (iii) Approving the Form, Manner, and Procedures for Filing Proofs of Claim, and (iv) Approving the Notice Thereof. On July 31, 2023, the Foreign Representative obtained an order from the Canadian Court recognizing and giving effect in Canada to the Bar Date Order.

Fourth Amended Joint Plan and Disclosure Statement

21. On August 7, 2023, the Debtors filed a joint plan of reorganization on behalf of CTI and its Debtor affiliates. On August 15, 2023, the Debtors submitted a disclosure statement, pursuant to section 1125 of the U.S. Bankruptcy Code, to holders of claims against the Debtors in connection with the solicitation of votes for acceptance of the joint plan. Following the submission of the disclosure statement, the Debtors filed various other amendments as follows:
- a) an amended joint plan of reorganization on September 13, 2023, a second amended joint plan of reorganization on September 24, 2023, a third amended joint plan of reorganization on November 3, 2023 and a fourth amended joint plan of reorganization on November 13, 2023 (in its final iteration, the “**Joint Plan**”); and
 - b) a revised disclosure statement on September 13, 2023 and an additional revised disclosure statement on September 24, 2023 (in its final iteration, the “**Disclosure Statement**”).
22. The Joint Plan provides substantial value to holders of general unsecured claims in the form of \$8.65 million in cash (the “**GUC Trust Assets**”).

23. On September 26, 2023, the U.S. Bankruptcy Court granted an Order (the “**Disclosure Statement Order**”) approving (i) the Adequacy of the Disclosure Statement, (ii) the Solicitation Procedures, (iii) the Forms of Ballots and Notices in Connection Therewith, and (iv) Certain Dates with Respect Thereto. Among other things, the Disclosure Statement Order established the hearing at which the U.S. Bankruptcy Court will consider confirmation of the Joint Plan (the “**Confirmation Hearing**”). On October 11, 2023, the Foreign Representative obtained an order from the Canadian Court recognizing and giving effect in Canada to the Disclosure Statement Order.
24. The Confirmation Hearing was heard on November 16, 2023 at 2:00p.m. EST and the Order (the “**Confirmation Order**”) Confirming the Fourth Amended Joint Plan of CTI and its Debtor Affiliates Pursuant to Chapter 11 of the U.S. Bankruptcy code was granted effective November 17, 2023. On November 21, 2023, the Foreign Representative obtained an order from the Canadian Court recognizing and giving effect in Canada to the Confirmation Order (the “**Confirmation Recognition Order**”).
25. The Debtors filed a plan supplement on November 3, 2023 (the “**Plan Supplement**”). Following the Confirmation Order, the Debtors filed the a second amended plan supplement on December 11, 2023, a third amended plan supplement on January 2, 2024 and a fourth amended plan supplement on January 11, 2024 which contained an updated agreement between the Debtors and a trustee establishing the terms and conditions for the creation and operation of the trust responsible for collecting, holding, administering, distributing and liquidating the GUC Trust Assets to the general unsecured creditors (the “**GUC Trust**”).
26. On January 12, 2024, the Debtors provided notice that the Effective Date (as defined in the Joint Plan) occurred on January 12, 2024.

Brookfield Transaction

27. On November 1, 2023, the Debtors provided notice that they reached an agreement on the terms of a value-maximizing asset sale with Phoenix Data Center Holdings

LLC, an affiliate of Brookfield Infrastructure Partners L.P. (together with its designees, “**Brookfield**”), and, with the consent of the holders of the first lien claims holding at least 66.67% of the aggregate outstanding principal amount of the term loans, have “toggled” to a proposed asset sale under the Joint Plan (the “**Brookfield Transaction**”). Pursuant to the terms of the proposed Brookfield Transaction, Brookfield, among other things, purchased substantially all of the Debtors’ assets in exchange for \$775 million in cash, subject to certain adjustments. The asset purchase agreement by and between CTI (together with certain of its Debtor affiliates and subsidiaries) and Brookfield (the “**Brookfield APA**”) was dated October 31, 2023.

28. The Confirmation Order granted following the Confirmation Hearing approved the Brookfield Transaction.
29. The Confirmation Recognition Order provided that the Chief Restructuring Officer (“**CRO**”) or Deputy Chief Restructuring Officer (“**DCRO**”) of Communications ULC would file with the Canadian Court and serve on the service list maintained by the Foreign Representative and Canadian Debtors, a certificate confirming the Brookfield Transaction has closed. On January 12, 2024, the DCRO of Communications ULC filed with the Canadian Court and served on the service list maintained by the Foreign Representative and Canadian Debtors, a certificate confirming the Brookfield Transaction closed that day.

Cologix Transaction

30. On November 3, 2023, the Debtors provided notice that Communications ULC reached an agreement on the terms of an asset sale with Cologix Canada, Inc. (“**Cologix**”). Pursuant to the terms of the proposed asset sale (the “**Cologix Transaction**”), Cologix, among other things, purchased certain of Communications ULC’s assets (the “**Acquired Cologix Assets**”), subject to certain adjustments. The asset purchase agreement by and between Communications ULC and Cologix (the “**Cologix APA**”) was dated October 30, 2023.

31. Pursuant to the Contract Rejection/Assumption Procedures Order, on November 3, 2023, the Debtors gave notice (the “**Cologix Assumption and Assignment Notice**”) to the affected counterparties that the Debtors determined, in the exercise of their business judgment, that certain contracts were to be assumed or assumed and assigned, as applicable, effective as of the date set forth in the Cologix Assumption and Assignment Notice.
32. Also on November 3, 2023, the Debtors filed notice of their motion for entry of an Order (the “**Cologix Transaction Order**”) (i) authorizing Cyxtera Canada to Enter into and Perform its Obligations Under the Cologix APA, (ii) approving the Sale of Certain Canadian Assets Free and Clear of Claims, Liens, Rights, Interests, and Encumbrances and (iii) approving the Assumption and Assignment of Executory Contracts and Unexpired Leases.
33. On November 9, 2023, the Debtors provided notice (the “**Cologix Supplemental Assumption and Assignment Notice**”) to additional affected counterparties that the Debtors determined, in the exercise of their business judgment, were to be assumed or assumed and assigned, as applicable, effective as of the date set forth in the Cologix Supplemental Assumption and Assignment Notice.
34. The application for approval of the Cologix Transaction Order was heard at the Confirmation Hearing and the Cologix Transaction Order was granted effective November 17, 2023. On November 21, 2023, the Foreign Representative obtained an order from the Canadian Court recognizing and giving effect in Canada to the Cologix Transaction Order (the “**Cologix Recognition Order**”).
35. The Cologix Recognition Order provided that the CRO or DCRO of Communications ULC would deliver to Brookfield and Cologix, file with the Canadian Court and serve on the service list maintained by the Foreign Representative and Canadian Debtors, a certificate confirming the one of the three following scenarios occurred (the “**Closing Certificate**”). The Closing Certificate will be modified by the CRO or DCRO based on the outcome of the timing of the scenarios described below:

- a) if the proposed Cologix Transaction closes prior to the Brookfield Transaction; or
 - b) if the Cologix Transaction is not completed prior to closing of the Brookfield Transaction, then one of two events will occur:
 - i. if the Cologix Transaction is completed within 90 days of closing of the Brookfield Transaction (the “**Specified Date**”); or
 - ii. if the Cologix Transaction is not completed by the Specified Date.
36. On December 7, 2023, the DCRO of Communications ULC delivered to Brookfield and Cologix, filed with the Canadian Court and served on the service list maintained by the Foreign Representative and Canadian Debtors, the Closing Certificate, confirming the conditions precedent in the Cologix APA, other than the Vesting Conditions (as defined in the Closing Certificate), were satisfied or waived in accordance with the Cologix APA prior to the closing of the Brookfield Transaction. Accordingly, the Acquired Cologix Assets vested in Cologix in accordance with the Cologix APA.
37. On December 22, 2023, the Debtors delivered a notice (the “**Cologix Second Supplemental Assumption and Assignment Notice**”) to additional affected counterparties that the Debtors determined, in the exercise of their business judgment, that certain contracts were to be assumed or assumed and assigned, as applicable, effective as of the date set forth in the Cologix Supplemental Assumption and Assignment Notice. On January 8, 2024, the U.S. Bankruptcy Court entered the Second Order Approving the Assumption and Assignment of Certain Executory Contracts and/or Unexpired Leases in Connection with the Sale of Certain Canadian Assets by Cyxtera Canada (the “**Second Contract Assumption Order**”). On January 25, 2024, the Foreign Representative obtained an order from the Canadian Court recognizing and giving effect in Canada to the Second Contract Assumption Order.

CTI LIQUIDATION NAME CHANGE

38. Under section 6.6(a) of the Brookfield APA, the Post-Effective Date Debtors are required to cause amendments to their respective certificates of incorporation or formation (or other constituent documents) to be filed with the appropriate Governmental Body (as defined in the Brookfield APA) and take all other action necessary to change their respective names to names not containing “Cyxtera”, “Cyxtera Technologies or any other trademark included in the Brookfield Assets.
39. The Post-Effective Date Debtors are seeking to amend the style of cause in the Recognition Proceedings to reflect the changes to the corporate names of CTI Liquidation and the Canadian Debtors.
40. The following changes have occurred or are in the process of being made to the corporate names of CTI Liquidation and the Canadian Debtors:
 - a) CTI Liquidation has changed its corporate name from “Cyxtera Technologies, Inc.” to “CTI Liquidation Co., Inc.”;
 - b) Cyxtera LLC has changed its corporate name from “Cyxtera Canada, LLC” to “Cyborg OldCo Canada, LLC”;
 - c) Communications ULC is in the process of changing its corporate name from “Cyxtera Communications Canada, ULC” to “Cyborg Communications Canada (OldCo), ULC”; and
 - d) TRS ULC is in the process of changing its corporate name from “Cyxtera Canada TRS, ULC” to “Cyborg Canada TRS (OldCo), ULC”.
41. Once the name changes described above become effective, the Plan Administrator intends to file with this Honourable Court a certificate of Communications ULC and TRS ULC in the form attached to the order described in paragraph 5(c) of the Third Li Affidavit confirming such changes are effective.

CLOSING OF CERTAIN CHAPTER 11 PROCEEDINGS

42. On March 5, 2024, the post-Effective Date Debtors' filed notice of their motion for entry of a final decree (the "**Affiliate Cases Closing Order**") closing all of (except for the proceeding of CTI, the "**Remaining Case**") the voluntary reorganization proceedings pursuant to Chapter 11 of the U.S. Bankruptcy Code (the "**Affiliate Cases**"). On March 20, 2024, the U.S. Bankruptcy Court entered the Affiliated Cases Closing Order through a certificate of no objection.
43. The 13 of the 14 Cyxtera Debtors for which the proceedings are sought to be closed (the Affiliate Cases) include (i) Cyxtera Canada, LLC, (ii) Cyxtera Communications Canada, ULC and (iii) Cyxtera Canada TRS, ULC, which are the three Debtors involved in the CCAA Recognition Procedures.
44. The post-Effective Date Debtors believe that closing the Affiliate Cases other than the Remaining Case is in the best interest of the post-Effective Date Debtors as it will greatly reduce any remaining fees.
45. The Foreign Representative has advised that the Confirmation Order is a final order, the Effective Date of the Joint Plan has occurred, and the Joint Plan was substantially consummated. The Debtors' estate property has transferred to Brookfield or the post-Effective Date Debtors, as applicable, in accordance with the Joint Plan and the Brookfield APA, Brookfield has assumed the management and control over the Debtors' businesses, the Plan Administrator has been appointed in accordance with the Joint Plan, initial distributions have occurred in accordance with the Joint Plan, the GUC Trust has been funded, and all motions, contested matters, and adversary proceedings have been resolved.
46. Therefore, the Foreign Representative has advised that the Affiliate Cases have been "fully administered." Closing the Affiliate Cases is consistent with the confirmed Joint Plan, which provides that the post-Effective Date Debtors shall, promptly after the full administration of the Chapter 11 Proceedings, file with the

U.S. Bankruptcy Court all documents required by Bankruptcy Rule 3022 and any applicable order of the U.S. Bankruptcy Court to close the Chapter 11 Proceedings.

ACTIVITIES OF THE INFORMATION OFFICER

47. The activities of the Information Officer since the date of the Sixth Report (January 23, 2024) until the date of this Report have included:

- a) reviewing relevant materials filed in the Chapter 11 Proceedings and drafts of the application materials for the CCAA Recognition Proceedings;
- b) reviewing, analyzing, and considering the financial and other information received by the Information Officer;
- c) maintaining the Case Website for the CCAA Recognition Proceedings to make available copies of the orders granted in the Restructuring Proceedings and other relevant motion materials and reports;
- d) monitoring the Chapter 11 Website for activity in the Chapter 11 Proceedings;
- e) reviewing and considering the orders made in the Chapter 11 Proceedings;
- f) communicating with United States and Canadian counsel to CTI and the Cyxtera's financial advisor regarding matters relevant to the Restructuring Proceedings;
- g) attending the hearing before the Canadian Court on January 25, 2024; and
- h) preparing this Seventh Report.

APPROVAL OF PROFESSIONAL FEES AND EXPENSES

48. The Foreign Representative previously obtained orders from the Canadian Court approving the accounts of the Foreign Representatives and Debtors' legal counsel, Gowling, the Information Officer and the Information Officer's independent legal

counsel (the “**Canadian Professionals**”) for the consolidated period between May 23, 2023 to December 31, 2023, as outlined in Prior Information Officer Reports.

49. CTI, Cyxtera Canada and Cyxtera LLC now seek approval from the Canadian Court of the Canadian Professionals’ fees and costs for the following amounts and time periods:
- a) professional fees and costs rendered by the Information Officer, from January 1, 2024 to February 29, 2024, total CAD\$8,101.80 (inclusive of GST);
 - b) professional fees and costs rendered by McMillan, the Information Officer’s counsel, from January 1, 2024 to January 25, 2024, total CAD\$4,873.58 (inclusive of GST); and
 - c) professional fees and costs rendered by Gowling, CTI’s and the Debtors’ Canadian counsel, from January 1, 2024 to March 19, 2024 total CAD\$105,107.99 (inclusive of GST).
50. The accounts of the Canadian Professionals outline the date of the work completed, the description of the work completed, the length of time taken to complete the work and the name of the individual who completed the work. Copies of the invoices of the Information Officer and McMillan will be made available to the Court and any interested party, if requested, at or before the Debtor’s application set for March 26, 2024. Gowling’s account is found in the Third Li Affidavit.
51. The Information Officer respectfully submits that its professional fees and costs and those of its legal counsel and Gowling are fair and reasonable in the circumstances, given the tasks required to be performed by the Canadian Professionals within the Restructuring Proceedings.
52. The Information Officer and McMillan anticipate rendering invoices for their respective fees and disbursements for services rendered from March 1, 2024 to the date of discharge for the Information Officer and January 26, 2024 to the date of discharge for McMillan in due course. The Information Officer understands funds

have been set aside from the cash on hand with the Plan Administrator. The Information Officer believes that its fees and its counsel's fees and costs for the timeframe are estimated to be approximately \$35,000 before GST (the "**Forecast Fees and Costs**"). The Information Officer respectfully requests that this Honourable Court approve the Forecast Fees and Costs to conclude the CCAA Recognition Proceedings, without the need for further order of this Honourable Court. The remaining accounts will be made available upon request (if required).

RECOMMENDATIONS

53. The Foreign Representative seeks an order terminating the CCAA Recognition Proceedings and granting related relief, including approval of the Information Officer's activities and approval of the fees and disbursements of the Information Officer, its legal counsel and Gowlings.
54. The Foreign Representative has advised that it does not anticipate seeking any further relief from the Canadian Court subject to entry of the relief described herein. Termination of the CCAA Recognition Proceedings at this time is therefore appropriate.
55. Based on the foregoing, the Information Officer respectfully recommends that the Canadian Court grant the relief requested by the Foreign Representative.

All of which is respectfully submitted this 22nd day of March, 2024.

**ALVAREZ & MARSAL CANADA INC.,
in its capacity as the Information Officer of
Cyxtera Canada and not its personal or corporate capacity**



Orest Konowalchuk, CPA, CA, CIRP, LIT
Senior Vice President

Appendix “A”

CYXTERA TECHNOLOGIES, INC. ¹
CYXTERA CANADA, LLC
CYXTERA CANADA TRS, ULC
CYXTERA COMMUNICATIONS CANADA, ULC
CYXTERA COMMUNICATIONS, LLC
CYXTERA DATA CENTERS, INC.
CYXTERA DC HOLDINGS, INC.
CYXTERA DC PARENT HOLDINGS, INC.
CYXTERA DIGITAL SERVICES, LLC
CYXTERA EMPLOYER SERVICES, LLC
CYXTERA FEDERAL GROUP, INC.
CYXTERA HOLDINGS, LLC
CYXTERA MANAGEMENT, INC.
CYXTERA NETHERLANDS B.V.
CYXTERA TECHNOLOGIES, LLC
CYXTERA TECHNOLOGIES MARYLAND, INC.

¹ A complete list of each of the Debtors in the Chapter 11 Proceedings may be obtained on the website of the Debtors’ claims and noticing agent at <https://www.kcellc.net/cyxtera>.