



ONTARIO SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

ENDORSEMENT

COURT FILE NO.: CV-25-00743053-00CL

DATE: Thursday January 8, 2026

NO. ON LIST: 2

TITLE OF PROCEEDING: Li-Cycle Holdings Corp -v- Fabricated Steel Products et al

BEFORE: JUSTICE KIMMEL

PARTICIPANT INFORMATION

For Applicant:

| Name of Person Appearing | Name of Party | Contact Info |
|--------------------------|---|----------------------------|
| Meena Alnajar | Li-Cycle Holdings Corp. | malnajar@mccarthy.ca |
| Trevor Courtis | | tcourtis@mccarthy.ca |
| Bill Aziz | Chief Restructuring Officer for Li-Cycle | baziz@bluetrecadvisors.com |

Others in Attendance:

| Name of Person Appearing | Name of Party | Contact Info |
|--------------------------|------------------------------|--|
| Ben Muller | Counsel for Alvarez & Marsal | bmuller@osler.com |
| Melanie Mackenzie | Canada Inc. Monitor | mmackenzie@alvarezandmarsal.com |
| Michael De Lellis | | mdelellis@osler.com |
| Scott Bomhof | Counsel for Glencore Canada | sbomhof@torys.com |
| Vincent DeMarco | Counsel for Evan Wyshynski | vdemarco@bm.net |

ENDORSEMENT OF JUSTICE KIMMEL:

- [1] The Applicants seek a Distribution Approval and Ancillary Relief Order which will, among other things, authorize the Applicants to make one or more distributions of cash on hand to Glencore Canada Corporation ("Glencore"), their only secured lender. The service list was served with this motion and no stakeholder appeared to oppose or communicated any concerns in advance of the hearing.
- [2] The Applicants currently estimate that there may be up to \$2.1 million available to be distributed to Glencore, which is far less than the amount of the Glencore Secured Debt, which exceeds \$185 million. The Monitor has obtained opinions from its Canadian and U.S. legal counsel confirming the enforceability of the Glencore Secured Debt.
- [3] A transaction arising out of a court-approved SISP and stalking horse bid (the "Transaction") closed on August 7, 2025, which resulted in designees of Glencore acquiring substantially all of the assets and designated liabilities of Li-Cycle.
- [4] On November 4, 2025, the court issued a CCAA Termination and Stay Extension Order extending the stay of proceedings until the time that all matters to be attended to in connection with these CCAA Proceedings have been completed and the Monitor serves and files a Monitor's Termination Certificate (the "CCAA Termination Time"). There were various remaining steps, which are nearing completion, that the Applicants have been completing with the assistance of the Monitor, as further outlined in the Aziz Affidavit and the Seventh Report of the Monitor dated January 6, 2026 (the "Seventh Report").
- [5] The Applicants have determined that these matters are sufficiently advanced that they expect to proceed with the bankruptcy of the Applicants on or around January 31, 2026.
- [6] The Applicants have received, and may continue to receive, HST refunds. A portion of this cash on hand has been and will be used to satisfy wind-down costs related to the administration and termination of these CCAA Proceedings and the bankruptcy trustee costs. The Applicants have determined, in consultation with the Monitor, that any remaining cash on hand should then be distributed to Glencore in partial satisfaction of the Glencore Secured Debt.
- [7] In considering whether it is appropriate to approve a proposed distribution the Court should consider (i) whether the distribution is made in accordance with a valid and enforceable security interest and (ii) whether the distribution would leave the debtor with sufficient liquidity: see *AbitibiBowater inc. (Arrangement relativ a)*, 2009 QCCS 6461 (CanLII) at, paras. 71-77.
 - (a) The Monitor has obtained opinions from its Canadian and U.S. legal counsel confirming the enforceability of the Glencore Secured Debt; and
 - (b) Any distribution would be subject to the Applicants maintaining any necessary or desirable reserves, in consultation with the Monitor, to fund the completion of the CCAA Proceedings and the subsequent bankruptcies of the Applicants.
- [8] Accordingly, it is appropriate to approve the proposed distributions to Glencore.
- [9] The Applicants also seek approval of the Monitor's Seventh Report and the activities and conduct of the Monitor referred to therein. The approval of the Seventh Report and the activities of the Monitor described therein has been made subject to the standard qualification that has become the Commercial List practice to include in these types of orders, limiting reliance upon the court approval to the Monitor

and only in its personal capacity and in respect of its personal liability. The Interim S&D appears to be in order.

- [10] No interested party disputes that the Monitor has diligently carried out in good faith and in accordance with the provisions of the CCAA and the Orders issued in the CCAA Proceedings, for the benefit of stakeholders generally, the activities described in section 5.1 of its Seventh Report. I am satisfied that it is appropriate to grant the requested approval of seek approval of the Monitor's Seventh Report and the activities and conduct of the Monitor referred to therein.
- [11] I have signed the requested Distribution Approval and Ancillary Relief Order today, with immediate effect.



Jessica Kimmel

Date: Jan 08, 2026