

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)



THE HONOURABLE
JUSTICE

Hainey

)
)
)

WEDNESDAY, THE 30TH
DAY OF NOVEMBER, 2016

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 AND
ARRANGEMENT OF H.B. WHITE CANADA CORP.

(the "**Applicant**")

ORDER

(Action Dismissal Order)

THIS MOTION made by the Applicant pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended (the "**CCA**"), for an order, *inter alia* dismissing the court actions listed on Schedule "C-1" to the Order of the Honourable Justice Penny dated November 1, 2016, as specifically described herein.

ON READING the Notice of Motion of the Applicant returnable November 30, 2016, the affidavit of Philip J. Gund, sworn November 23, 2016, and the exhibits thereto, the Fifth Report, the Sixth Report, the Supplemental Report to the Sixth Report, the Hutchens Affidavit, and the Latham Affidavit, and on hearing the submissions of counsel for the Applicant and the Monitor, no one else appearing although duly served, as appears from the affidavit of service of Leonard Loewith sworn November 23, 2016.

*Northland
Power Inc.*

SERVICE

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

COCHRANE

2. **THIS COURT ORDERS** that the following actions, including any counterclaims, crossclaims or third party claims filed in connection therewith, commenced at Cochrane, Ontario be, and the same are, hereby dismissed without costs and that the Registrar of the Ontario Superior Court of Justice located in Cochrane, Ontario shall file a copy of this Order in the court file of each of the actions listed below:

No.	Plaintiff	Defendants	Court File No.
1.	2343398 Ontario Inc.	H.B. White Canada Corporation, Northland Power Solar Empire GP Inc., Northland Power Solar Empire Limited Partnership, Northland Power Solar Abitibi GP Inc., Northland Power Solar Abitibi Limited Partnership, Northland Power Solar Long Lake GP Inc., Northland Power Solar Long Lake Limited Partnership, Northland Power Solar Martin's Meadows GP Inc., Northland Power Solar Martin's Meadows Limited Partnership and Rick Martin	19547/15
2.	Castonguay Blasting Ltd.	H.B. White Canada Corporation	19599/15
3.	EXP Services Inc. and EXP Geomatics Inc.	H.B. White Canada Corp., Terence R. Montgomery, Herman White II, David R. Helwig, John Paul Roehm, Brenda Martin, David E. Bostwick, Jeffrey F. Rodabough and Charles S. Reagh	19783/15

TORONTO

3. **THIS COURT ORDERS** that the following actions, including any counterclaims, crossclaims or third party claims filed in connection therewith, commenced at Toronto, Ontario be, and the same are, hereby dismissed without costs and that the Registrar of the Ontario Superior Court of Justice located in Toronto, Ontario shall file a copy of this Order in the court file of each of the actions listed below:

No.	Plaintiff	Defendants	Court File No.
1.	Challenger Motor Freight Inc.	Infrastructure & Energy Alternatives, LLC, White Construction, Inc. H.B. White Canada Corp., Northland Power Solar Abitibi GP Inc., Northland Power Solar Abitibi L.P., Northland Power Solar Empire GP Inc., Northland Power Solar Empire L.P., Northland Power Solar Martin's Meadows L.P., Northland Power Solar Long Lake GP Inc. and Northland Power Solar Long Lake L.P.	CV-15-542523
2.	Deep Foundations Contractors Inc.	H.B White Canada Corp., Northland Power Inc., Northland Power Solar Abitibi GP Inc., Northland Power Solar Abitibi L.P., Northland Power Solar Empire GP Inc., Northland Power Solar Empire L.P., Northland Power Solar Martin's Meadows GP Inc., Northland Power Solar Martin's Meadows L.P., Northland Power Solar Long Lake GP Inc., Northland Power Solar Long Lake L.P.	CV-15-523492
3.	Stantec Consulting Ltd.	H.B. White Canada Corporation.	CV-15-530637
4.	Commercial Truck Equipment Corp.	H.B. White Canada Corp.	CV-15-535899
5.	Mersen Canada Toronto Inc.	H.B. White Canada Corp.	CV-15-540773

No.	Plaintiff	Defendants	Court File No.
6.	Nedco, a division of Rexel Canada Electrical Inc.	H.B. White Canada Corp., Terence R. Montgomery, Herman White II, David R. Helwig, John Paul Roehm, Brenda Martin, David E. Bostwick, Jeffrey F. Rodabough and Charles S. Reagh	CV-15-526448
7.	Westburne, a division of Rexel Canada Electrical Inc.	H.B. White Canada Corp., Terence R. Montgomery, Herman White II, David R. Helwig, John Paul Roehm, Brenda Martin, David E. Bostwick, Jeffrey F. Rodabough and Charles S. Reagh	CV-15-526451
8.	Magna Structural Systems Inc. d.b.a. Presstran Industries	H.B. White Canada Corp., Terence R. Montgomery, Herman White II, David R. Helwig, John Paul Roehm, Brenda Martin, David E. Bostwick, Jeffrey F. Rodabough and Pat Ringle	CV-15-543279
9.	HD Supply Canada Inc. c.o.b. HD Supply Power Solutions	H.B. White Canada Corp., Terence R. Montgomery, Herman White II, David R. Helwig, John Paul Roehm, Brenda Martin, David E. Bostwick, Jeffrey F. Rodabough and Pat Ringle	CV-15-524545
10.	Eaton Industries (Canada) Company	H.B. White Canada Corp.	CV-16-551597
11.	One Line Engineering Inc.	H.B. White Canada Corp.	CV-15-525899
12.	East Lake St. Clair Wind LP	H.B. White Canada Corp.	CV-16-553235

KITCHENER

4. **THIS COURT ORDERS** that the following actions, including any counterclaims, crossclaims or third party claims filed in connection therewith, commenced at Kitchener, Ontario be, and the same are, hereby dismissed without costs and that the Registrar of the Ontario Superior Court of Justice located in Kitchener, Ontario shall file a copy of this Order in the court file of each of the actions listed below:

No.	Plaintiff	Defendants	Court File No.
-----	-----------	------------	----------------

No.	Plaintiff	Defendants	Court File No.
1.	Alltrade Industrial Contractors Inc.	H.B. White Canada Corp.	CV-16-4036-SR
2.	Alltrade Industrial Contractors Inc.	H.B. White Canada Corp.	CV-16-4035-SR

LONDON

5. **THIS COURT ORDERS** that the following action, including any counterclaim, crossclaims or third party claims filed in connection therewith, commenced at London, Ontario be, and the same is, hereby dismissed without costs and that the Registrar of the Ontario Superior Court of Justice located in London, Ontario shall file a copy of this Order in the court file of the action listed below:

No.	Plaintiff	Defendants	Court File No.
1.	Graybar Energy Limited	H.B. White Canada Corp., John Paul Roehm, David E. Bostwick, White Construction Inc., Herman White II, Andrew D. Layman, and Infrastructure & Energy Alternatives LLC	881-16

WELLAND

6. **THIS COURT ORDERS** that the following action, including any counterclaim, crossclaims, or third party claims filed in connection therewith, commenced at Welland, Ontario be, and the same is, hereby dismissed without costs and that the Registrar of the Ontario Superior Court of Justice located in Welland, Ontario shall file a copy of this Order in the court file of the action listed below:

No.	Plaintiff	Defendants	Court File No.
-----	-----------	------------	----------------

1.	Eco Comfort Spray Foam Insulation Specialists Ltd.	H.B. White Canada Corp. and Northland Power Inc.	10908/16
----	--	--	----------

BRAMPTON

7. **THIS COURT ORDERS** that the following action, including any counterclaim, crossclaims or third party claims filed in connection therewith, commenced at Brampton, Ontario be, and the same is, hereby dismissed without costs and that the Registrar of the Ontario Superior Court of Justice located in Brampton, Ontario shall file a copy of this Order in the court file of the action listed below:

No.	Plaintiff	Defendants	Court File No.
1.	Harris Steel ULC	H.B. White Canada Corp.	CV-15-398-00

NEWMARKET

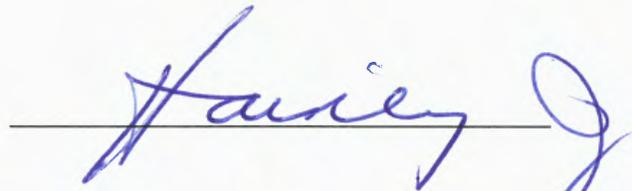
8. **THIS COURT ORDERS** that the following action, including any counterclaim, crossclaims, or third party claims filed in connection therewith, commenced at Newmarket, Ontario be, and the same is, hereby dismissed without costs and that the Registrar of the Ontario Superior Court of Justice located in Newmarket, Ontario shall file a copy of this Order in the court file of the action listed below:

No.	Plaintiff	Defendants	Court File No.
1.	New Horizons Car & Truck Rentals Ltd. o/a Discount Car & Truck Rentals and Discount Car & Truck Rentals Ltd.	H.B. White Canada Corp.	CV-16-125438-00SR

GENERAL

9. **THIS COURT ORDERS** that any and all matters relating to this Order including interpretation thereof, which may arise may be brought before the Court for determination, advice and direction.

10. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada, the United States of America or elsewhere to give effect to this Order and to assist the Monitor and its 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 Monitor, as an officer of this Court, as may be necessary or desirable to give effect to the Order or to assist the Monitor and its agents in carrying out the terms of this Order.



ENTERED AT / INSCRIT À TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO:

NOV 30 2016

PER / PAR:



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 H.B. WHITE CANADA CORP.

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

Proceeding commenced at Toronto

**ORDER
(Dismissing Actions)**

Cassels Brock & Blackwell LLP
2100 Scotia Plaza, 40 King Street West
Toronto, ON M5H 3C2

R. Shayne Kukulowicz LSUC #:30729S
Tel: 416.860.6463
Fax: 416.640.3176
skukulowicz@casselsbrock.com

Jane O. Dietrich LSUC #:49302U
Tel: 416.860.5223
Fax: 416.640.3144
jdietrich@casselsbrock.com

Natalie E. Levine LSUC#: 64908K
Tel: 416.860.6568
Fax: 416.640.3207
nlevine@casselsbrock.com

Lawyers for H. B. White Canada Corp.