

ONTARIO

SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

THE HONOURABLE REGIONAL) TUESDAY, THE 31ST
)
SENIOR JUSTICE MORAWETZ) DAY OF MAY, 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 OR
ARRANGEMENT OF COMARK INC.

Applicant

STAY EXTENSION AND FEE APPROVAL ORDER

THESE MOTIONS, made by 4240405 Canada Inc., formerly Comark Inc. (the “**Applicant**” or “**Comark**”) and Alvarez & Marsal Canada Inc., in its capacity as court-appointed monitor of the Applicant (the “**Monitor**”), pursuant to the *Companies’ Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended (the “**CCAA**”) for an Order, *inter alia*, extending the Stay Period (as defined in paragraph 14 of the Initial Order dated March 26, 2015, as amended and restated on April 21, 2015 and further amended on June 1, 2015, the “**Initial Order**”) and approving the professional fees and disbursements of the Monitor and its legal counsel, were heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Affidavit of Gerald Bachynski sworn May 24, 2016, the Affidavit of John Walker sworn May 19, 2016 (the “**Walker Affidavit**”), the Affidavit of Brian Empey sworn May 18, 2017 (the “**Empey Affidavit**”), the Ninth Report of the Monitor dated May 25, 2016, and on hearing the submissions of counsel for the Applicant and the Monitor and

such other counsel as were present and on being advised that the Service List was served with the Motion Record herein;

SERVICE

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

STAY EXTENSION

2. **THIS COURT ORDERS** that the Stay Period (as defined in paragraph 14 of the Initial Order) is hereby extended until and including October 31, 2016.

APPROVAL OF FEES

3. **THIS COURT ORDERS** that the fees and disbursements of the Monitor as set out in the Walker Affidavit are hereby approved.

4. **THIS COURT ORDERS** that the fees and disbursements of the Monitor's legal counsel, Goodman's LLP, as set out in the Empey Affidavit, are hereby approved.

REPORT OF THE MONITOR

5. **THIS COURT ORDERS** that the Ninth Report is approved and the activities of the Monitor as described therein are hereby approved.

GENERAL PROVISIONS

6. **THIS COURT ORDERS AND REQUESTS** the aid and recognition of any court or any judicial, regulatory or administrative body in any province or territory of Canada (including the assistance of any court in Canada pursuant to section 17 of the CCAA) and the Federal Court of Canada and any judicial, regulatory or administrative tribunal or other court constituted pursuant to the Parliament of Canada or the legislature or any province and any court or any judicial, regulatory or administrative body of the United States and of any other nation or state, to act in aid of and be complementary to this Court in carrying out the terms of this Order.



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

MAY 3 1 2016

PER / PAR: 

**IN THE MATTER OF 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 COMARK INC.**

APPLICANT

Court File No. CV15-10920-00CL

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

**PROCEEDING COMMENCED AT
TORONTO**

**STAY EXTENSION AND FEE APPROVAL
ORDER**

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