

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE CHIEF

)

MONDAY, THE 20TH

JUSTICE MORAWETZ

)

DAY OF DECEMBER, 2021

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
LAURENTIAN UNIVERSITY OF SUDBURY



Applicant

ORDER

(Appointment of Claims Officers)

THIS MOTION, brought by the Applicant pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended (the "**CCA**") for an order appointing the Honourable Clément Gascon, the Honourable J. Douglas Cunningham and W. Niels Ortvad to adjudicate any disputed claims against the Applicant and its current and former directors and officers, proceeded on December 20, 2021 by judicial videoconference via Zoom in Toronto, Ontario due to the COVID-19 pandemic.

ON READING the affidavit of Dr. Robert Haché sworn December 13, 2021 (the "**Haché Affidavit**") and the Exhibits thereto and the Ninth Report of Ernst & Young Inc. in its capacity as court-appointed Monitor (the "**Monitor**") and on hearing the submissions of counsel for the Applicant, counsel for the Monitor, and those other parties listed on the Counsel Slip, no one else appearing although duly served with the Applicant's Motion Record as appears from the Affidavit of Service of Derek Harland sworn December 16, 2021,

SERVICE AND DEFINITIONS

1. **THIS COURT ORDERS** that service of the Applicant's Notice of Motion and the Applicant's Motion Record is hereby validated, so that its Motion is properly returnable today.
2. **THIS COURT ORDERS** that capitalized terms used herein that are not otherwise defined shall have the meaning ascribed to them in the Amended and Restated Claims Process Order dated May 31, 2021 (as amended and restated from time to time, the "**Claims Process Order**").

CLAIMS OFFICERS

3. **THIS COURT ORDERS** that, pursuant to paragraph 37 of the Claims Process Order, the following persons are appointed as Claims Officers in this proceeding: (a) the Honourable Clément Gascon, (b) the Honourable J. Douglas Cunningham, and (c) W. Niels Ortved (collectively, the "**Claims Officers**" and each individually, a "**Claims Officer**").
4. **THIS COURT ORDERS** that the fees and expenses incurred by the Claims Officers in undertaking the mandate pursuant to this Order, including any staff or other lawyers reasonably required by the Claims Officers to assist with the mandate, at their standard hourly rates for similar matters as approved by the Monitor, shall be paid by the Applicant upon receiving a direction from the Monitor.
5. **THIS COURT ORDERS** that the Claims Officers shall be at liberty, in consultation with the relevant parties and the Monitor, to determine the procedure for the adjudication of any disputed Claims (as referred to in paragraph 37 of the Claims Process Order) and any Claims Officer hearings shall be conducted as determined by the applicable Claims Officer, which may include a hearing by written submission only or video conference.
6. **THIS COURT ORDERS** that nothing in this Order shall derogate from paragraphs 38 and 39 of the Claims Process Order.
7. **THIS COURT ORDERS** that the Claims Officers shall not incur any liability or obligation as a result of his appointment or the carrying out of the provisions of this Order or the Claims Process Order, and no action or other proceeding shall be commenced directly, or by way of counterclaim, third party claim or otherwise, against or in respect of the Claims Officers

relating to their carrying out of the provisions of this Order or the Claims Process Order, and all rights and remedies of any person against or in respect of the Claims Officers are hereby stayed and suspended, except with the written consent of the applicable Claims Officer or with leave of this Court on notice to the applicable Claims Officer and the Monitor. Notice of any such motion seeking leave of this Court shall be served upon the Claims Officer and the Monitor at least seven (7) days prior to the return date of any such motion for leave.

GENERAL

8. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or outside of Canada to give effect to this Order and to assist the Applicant, the Monitor and their respective 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 Applicant and to the Monitor, as an officer of this Court, as may be necessary or desirable to give effect to this Order, to grant representative status to the Monitor in any foreign proceeding, or to assist the Applicant and the Monitor and their respective agents in carrying out the terms of this Order.

9. **THIS COURT ORDERS** that each of the Applicant and the Monitor be at liberty and is hereby authorized and empowered to apply to any court, tribunal, regulatory or administrative body, wherever located, for the recognition of this Order and for assistance in carrying out the terms of this Order, and that the Monitor is authorized and empowered to act as a representative in respect of the within proceedings for the purpose of having these proceedings recognized in a jurisdiction outside Canada.



Chief Justice G.B. Morawetz

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)
Proceeding commenced at Toronto

ORDER
(Appointment of Claims Officers)

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