

## **ENDORSEMENT**

**COURT FILE NO.:** CV-12-9545-00CL

**DATE:** June 8, 2020

**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  
3113736 CANADA LTD., 4362063 CANADA LTD., AND A-Z SPONGE & FOAM  
PRODUCTS LTD.**

This matter returned to a 9:30 before me today by Zoom videoconference call. The parties in attendance (copied on this email) were:

### **COUNSEL FOR APPLICANTS:**

David T. Ullmann and Varoujan Arman  
Blaney McMurtry LLP  
Tel: 416-596-4289  
Fax: 416-594-2437  
Email: [DUllmann@blaney.com](mailto:DUllmann@blaney.com)  
Email: [Varman@blaney.com](mailto:Varman@blaney.com)

### **COUNSEL FOR THE MONITOR:**

Grant B. Moffat  
Thornton Grout Finnigan LLP  
Tel: 416-304-0599  
Fax: 416-304-1313  
Email: [gmoffat@tgf.ca](mailto:gmoffat@tgf.ca)

### **COUNSEL FOR DOMFOAM INC.:**

Fred Tayar and Colby Linthwaite  
Fred Tayar & Associates Inc.  
Tel: 416-363-1800  
Fax: 416-363-3365  
Email: [fred@fredtayar.com](mailto:fred@fredtayar.com)  
Email: [colby@fredtayar.com](mailto:colby@fredtayar.com)

Mr. Rogers, the proposed CRO, was also on the call.  
This is my endorsement of today's date and is to be placed in the court file.

The only party that had objected to the appointment of the CRO at the April 28 attendance was the Domfoam Purchaser. It is no longer opposing that appointment. I see no need to schedule another motion date now that the relief is unopposed and I have signed the order today appointing Mr.

Rogers as CRO. I am satisfied that the appointment of an independent third party is necessary and desirable to provide instructions for the Applicants so that the remaining substantive issues in the proceeding can be addressed and resolved.

There is a mediation scheduled for June 24<sup>th</sup>. If the matter does not resolve, Mr. Tayar and Mr. Linthwaite wish to bring a motion for security for costs. Counsel have agreed on the date of **August 18, 2020 before me (one hour)** for the motion.

The signed appointment order is attached to this endorsement. It is effective from today's date and is enforceable without the need for entry and filing.

A handwritten signature in blue ink, appearing to read "Conway J.", with a stylized flourish at the end.

Superior Court of Justice (Toronto)