



SUPERIOR COURT OF JUSTICE

ENDORSEMENT

COURT FILE NO.: CV-23-00703348-00CL DATE: January 15, 2024

NO. ON LIST: 1

TITLE OF PROCEEDING: THE TORONTO-DOMINION BANK v. INJECTION TECHNOLOGIES INC. et. al

BEFORE: MR. JUSTICE H.J. WILTON-SIEGEL

**PARTICIPANT INFORMATION**

**For Plaintiff, Applicant, Moving Party:**

Name of Person Appearing	Name of Party	Contact Info
Tim Hogan	Deloitte Restructuring Inc.	thogan@harrisonpensa.com

**For Defendant, Respondent, Responding Party:**

Name of Person Appearing	Name of Party	Contact Info
Matilda Luci	The Toronto-Dominion Bank	Mlici@airdberlis.com

**For Other, Self-Represented:**

Name of Person Appearing	Name of Party	Contact Info
Ben Glikzman	Arkel Injection Technologies Inc.	ben@znic.com

**ENDORSEMENT**

All parties have been served and no objections have been received. In particular, the Toronto-Dominion Bank, which has the economic interest, does not object to the distributions and fees to be authorized by the proposed order. Accordingly, order to go in the form attached.

*Wilton-Siegel J.*

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Wilton-Siegel J.

Date: January 15, 2024

ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST

THE HONOURABLE *MR.* )  
JUSTICE *H.J. WILTON-SIEBER* )

MONDAY, THE 15<sup>th</sup>  
DAY OF JANUARY, 2024

*HWS*

B E T W E E N:

THE TORONTO-DOMINION BANK

Applicant

- and -

INJECTION TECHNOLOGIES INC., MOLDCO PLASTICS INC.,  
AND MOLDCO HOLDINGS INC.

Respondents

DISTRIBUTION AND DISCHARGE ORDER

THIS MOTION, made by Deloitte Restructuring Inc. in its capacity as the Court-appointed receiver (the "**Receiver**") of the undertaking, property and assets of Injection Technologies Inc., Moldco Plastics Inc., and Moldco Holdings Inc. (collectively, the "**Debtors**"), for an order for the distribution of proceeds, providing for the discharge of the Receiver, and for other associated relief was heard this day by way of judicial teleconference via Zoom at the Court House, 330 University Avenue, Toronto, Ontario .

ON READING the Receiver's Notice of Motion dated December 21, 2023, the Second Report of the Receiver dated December 21, 2023 (the "**Second Report**") and all appendices thereto, the affidavits of the Receiver and its counsel as to the Fees (the "**Fee Affidavits**"), the Factum and Book of Authorities of the Receiver dated January 8, 2024, and on hearing the submissions of counsel for the Receiver and any other parties or counsel in attendance, no one else appearing although served as evidenced by the Affidavits of Service of Isabelle Stacey sworn

December 22, 2023 and January 8, 2024, and the affidavit of service of Emma Benaway sworn December 27, 2023, filed;

1. THIS COURT ORDERS that the time for service, filing and confirmation of the Notice of Motion and the Motion Record be abridged so that this motion is properly returnable today and hereby dispensing with further service and confirmation hereof.
2. THIS COURT ORDERS that the Second Report, and the activities and conduct of the Receiver as set forth therein, including the completion of the Receivables and Inventory purchase Agreement, are hereby approved and that only the Receiver, in its personal capacity and only with respect to its own personal liability, shall be entitled to rely upon or utilize in any way the approval of the Second Report, as detailed herein.
3. THIS COURT ORDERS that the Statement of Receipts and Disbursements (as defined and detailed in the Second Report) be and is hereby approved.
4. THIS COURT ORDERS that the Fees and the Fee Accrual, as defined and set out in the Second Report and the Fee Affidavits, and payment thereof, be and are hereby approved .
5. THIS COURT ORDERS that the Receiver is authorized to maintain the Holdbacks (as defined and detailed in the Second Report), for the purposes set forth in the Second Report.
6. THIS COURT ORDERS that, after payment of the Fees herein approved, and subject to the Fee Accrual and any amounts utilized by the Receiver from the Holdbacks, the Receiver be and is authorized and directed to make the following distributions, as detailed and described in the Second Report:
  - (a) The BMO Distribution;
  - (b) The Interim TD Distribution; and,
  - (c) The Final Distribution.
7. THIS COURT ORDERS that upon payment of the amounts set out in paragraphs 4,5, and 6 hereof and upon the Receiver filing a certificate certifying that it has completed the other activities described in the Second Report, the Receiver shall be discharged as Receiver of the undertaking, property and assets of the Debtor, provided however that notwithstanding its

discharge herein (a) the Receiver shall remain Receiver for the performance of such incidental duties as may be required to complete the administration of the receivership herein, and (b) the Receiver shall continue to have the benefit of the provisions of all Orders made in this proceeding, including all approvals, protections and stays of proceedings in favour of Deloitte Restructuring Inc. in its capacity as Receiver.

8. THIS COURT ORDERS AND DECLARES that Deloitte Restructuring Inc. is hereby released and discharged from any and all liability that Deloitte Restructuring Inc. now has or may hereafter have by reason of, or in any way arising out of, the acts or omissions of Deloitte Restructuring Inc. while acting in its capacity as Receiver herein, save and except for any gross negligence or wilful misconduct on the Receiver's part. Without limiting the generality of the foregoing, Deloitte Restructuring Inc. is hereby forever released and discharged from any and all liability relating to matters that were raised, or which could have been raised, in the within receivership proceedings, save and except for any gross negligence or wilful misconduct on the Receiver's part.



Justice, Ontario Superior Court of Justice (Commercial List)

**SCHEDULE "A"**  
**CERTIFICATE OF COMPLETION**

Court File No. CV- 23-00699663-00CL

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

**BETWEEN:**

**THE TORONTO-DOMINION BANK**

Applicant

- and -

**INJECTION TECHNOLOGIES INC., MOLDCO PLASTICS INC.,  
AND MOLDCO HOLDINGS INC.**

Respondents

**CERTIFICATE OF COMPLETION**

**RECITALS**

- A. Pursuant to an Order of the Honourable Justice Steele of the Ontario Superior Court of Justice (Commercial List) (the "**Court**") dated May 26, 2023 (the "**Appointment Order**"), Deloitte Restructuring Inc. was appointed as receiver (the "**Receiver**") of the Property (as defined in the Appointment Order) of the Respondents, Injection Technologies Inc., Moldco Plastics Inc., and Moldco Holdings Inc. (the "**Debtors**")
- B. Pursuant to an Order of the Court dated [ ], 2024, granted by the Honourable Justice [ ] (the "**Discharge Order**"), the Court authorized and directed the Receiver to make certain distributions and to hold back certain funds, as proposed in the Receiver's Second Report to the Court dated December 21, 2023 (the "**Second Report**"), and to carry out certain final outstanding matters (the "**Outstanding Matters**") that were outlined in the Second Report, and further provided that upon the Receiver filing a Certificate of Completion with

this Court certifying that the administration of the Debtors' estate, including the Outstanding Matters, had been completed, the Receiver shall thereby be immediately discharged and the Receiver and all of its directors, officers, partners, employees, agents, attorneys and counsel released from any and all claims in respect of all acts or omissions of any such parties in the performance or intended performance of the Receiver's mandate or any activity related thereto.

THE RECEIVER HEREBY CERTIFIES the following:

1. The Receiver has completed the administration of the Debtors' estate, including the Outstanding Matters, in accordance with the terms of the Second Report and the Discharge Order, such that the discharge and release of the Receiver should now be effective.

DATED at Toronto, Ontario this      day of \_\_\_\_\_, 2023.

**DELOITTE RESTRUCTURING INC.,  
in its capacity as Receiver of the Property  
of Injection Technologies Inc., Moldco Plastics  
Inc., and Moldco Holdings Inc.,  
and not in its personal or corporate capacity**

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Per: Jordan Sleeth, LIT

THE TORONTO-DOMINION BANK

v.

INJECTION TECHNOLOGIES INC., et al.

Applicant

Respondents

Court File No. CV-23-00699663-00CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

PROCEEDING COMMENCED AT  
TORONTO, ONTARIO

**ORDER  
(DISTRIBUTION AND DISCHARGE)**

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Lawyers for the Receiver,  
Deloitte Restructuring Inc.