

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

THE HONOURABLE) TUESDAY, THE 30TH
)
JUSTICE MCEWEN) DAY OF MARCH, 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 **JTI-MACDONALD CORP.**

STAY EXTENSION ORDER

THIS MOTION, made by JTI-Macdonald Corp. (the “**Applicant**”), pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended (the “**CCAA**”) was heard this day by way of judicial video conference in Toronto, Ontario due to the COVID-19 pandemic.

ON READING the affidavit of William E. Aziz sworn March 22, 2021 and the exhibits thereto, and the Ninth Report of the Monitor, as filed by Deloitte Restructuring Inc. in its capacity as Monitor of the Applicant (the “**Monitor**”), and on hearing the submissions of counsel for the Applicant, counsel for the Monitor and such other counsel as were present, no one else appearing although duly served as appears from the affidavit of service of Leanne Williams sworn on March 23, 2021, filed:

SERVICE

1. **THIS COURT ORDERS** that the time for service and filing of the Notice of Motion and the Motion Record is hereby validated so that this Motion was properly returnable on March 30, 2021, and hereby dispenses with further service thereof.

STAY EXTENSION

2. **THIS COURT ORDERS** that the Stay Period, as ordered and defined in paragraph 18 of the Initial Order granted March 8, 2019 (as amended and restated from time to time) (the “**Initial Order**”) is hereby extended until and including September 30, 2021.

LIFT STAY

3. **THIS COURT ORDERS** that the Stay of Proceedings (as defined in the Initial Order) be and is hereby lifted to permit the Applicant to execute the Consent Order, substantially in the form attached to this Order as Schedule “A”.

GENERAL

4. **THIS COURT ORDERS** that this Order is effective from the date that it is made and is enforceable without any need for entry and filing.

5. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or in the United States to give effect to this Order and to assist the Applicant and the Monitor 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 the Monitor as may be

necessary or desirable to give effect to this Order or to assist the Applicant and the Monitor in carrying out the terms of this Order.

McE T.

SCHEDULE “A”

Form 23
[Rule 4.36(4)]

COURT FILE NUMBER **LF01-33123**

COURT COURT OF QUEEN’S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

APPLICANT MARIE MONIQUE LEBLANC-ISBELL

RESPONDENTS SANDRA HEWITT, SUN LIFE ASSURANCE
COMPANY OF CANADA.

DOCUMENT **CONSENT ORDER**

ADDRESS FOR SERVICE Cory Ryan
AND CONTACT Borden Ladner Gervais LLP
INFORMATION OF 1900, 520 3rd Ave. S.W.
PARTY FILING THIS Calgary, AB T2P 0R3
DOCUMENT Telephone: (403) 232-9423
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 File No. 200331-000781

DATE ON WHICH ORDER WAS PRONOUNCED: _____

LOCATION WHERE ORDER WAS PRONOUNCED: Calgary, Alberta

NAME OF JUSTICE WHO MADE THIS ORDER: _____

UPON THE ORIGINATING APPLICATION of the Applicant seeking amongst other relief, that Sun Life Assurance Company and JTI-Macdonald Corp., pay the Applicant the insurance proceeds as a result of the death of Joseph Marcel LeBlanc under Group Policy 100264 issued by Sun Life to JTI-Macdonald Corp. (the “Policy”); AND UPON reading the Affidavit of the Applicant, filed; AND UPON reading the Affidavit of Dominique Dubuc, filed on behalf of the Respondent, Sun Life Assurance Company; AND UPON noting there is an Order in place staying any legal proceedings as against JTI-Macdonald Corp., in the Ontario Superior Court of Justice (Commercial List), dated March 8, 2019; AND UPON noting the consent of counsel for the Applicant, and the consent of counsel for Sun Life Assurance

Company and JTI-Macdonald Corp.; AND UPON noting that there remains issues in dispute as between the Applicant and the Respondent, Sandra Hewitt.

IT IS HEREBY ORDERED THAT:

1. The within Originating Application, as against the Respondent, Sun Life Assurance Company of Canada (“Sun Life”) is dismissed, without costs, pursuant to an agreement reached between the parties.
2. JTI-Macdonald Corp (“JTI”) will pay the amount of \$10,800 into Court, being its total portion of insurance proceeds payable under the Policy, inclusive of interest.
3. Sun Life will pay the amount of \$35,000 plus interest into Court, being its portion of insurance proceeds payable under the Policy.
4. Upon payment into Court of the funds outlined in paragraph 3 herein, Sun Life has discharged its obligations under section 684 of the Insurance Act, R.S.A. 2000, c. I-3, as amended; and
5. The Applicant may continue with its Application as against the Hewitt Respondent, with respect to how these funds are to be paid out from Court.
6. This Dismissal Order may be signed in counterpart and transmitted by electronic submission and/or facsimile.

Justice of Court of Queen’s Bench of Alberta

CONSENTED TO this ____ day of March, 2021.

CONSENTED TO this ____ day of March, 2021.

Legal Counsel for the Plaintiffs.

Legal Counsel for JTI-Macdonald Corp.

Gleb Malinovsky
Harmony Law

Cory Ryan
Borden Ladner Gervais LLP

CONSENTED TO this day of March, 2021.

Legal Counsel for Sunlife Assurance Company.

Nancy Tran
Parlee McLaws LLP

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 **JTI-MACDONALD CORP.**

Court File No.: CV-19-615862-00CL

30 March 21

Order to go as per the draft filed and signed.
An endorsement will follow.



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

Proceedings commenced at Toronto

STAY EXTENSION ORDER

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