

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE)
JUSTICE KIMMEL) WEDNESDAY THE 22nd
DAY OF MAY 2024

B E T W E E N :

EXPORT DEVELOPMENT CANADA

Applicant

- and -

ANTAMEX INDUSTRIES ULC

Respondent

**AND IN THE MATTER OF AN APPLICATION UNDER section 243(1) of
the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, as amended, and
section 101 of the *Courts of Justice Act*, R.S.O. 1990, c C.43, as amended**

**ORDER
(Lift Stay and Intervention)**

THIS MOTION, made by Klimer Platforms Inc. (“**Klimer**”) for an Order lifting the stay to permit certain lien claimants to proceed with their lien actions as against Antamex Industries ULC (“**Antamex**”) and permitting Aviva Insurance Company of Canada (“**Aviva**”) to intervene in those lien actions, was read this day at the courthouse at 330 University Avenue, 8th Floor, Toronto, Ontario.

ON BEING ADVISED of the consent of Aviva and Deloitte Restructuring Inc. in its capacity as receiver and manager of Antamex (in such capacity, the “**Receiver**”) and upon hearing submissions of counsel for Klimer.

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

2. **THIS COURT ORDERS** that Aviva is hereby granted leave to intervene in the lien actions commenced by Klimer as against Antamex, among others, under Court File Nos.: CV-21-00674166 and CV-21-00674168 commenced in Toronto (the “**Klimer Lien Actions**”), as an added party, and that Aviva shall be entitled to advance the defences, set-offs, and counterclaims of Antamex in the Klimer Lien Actions.

3. **THIS COURT ORDERS** that Aviva shall be required to comply with all procedural steps including pleading, production, and discovery that could have been demanded of Antamex in the Klimer Lien Actions, and neither Antamex nor the Receiver shall have any obligation to proceed with any of the foregoing steps provided that the stay of proceedings granted in the Receivership Appointment Order in these proceedings dated March 5, 2024, (as amended and restated March 13, 2024) (the “**Receivership Order**”) remains effective.

4. **THIS COURT ORDERS** that in order to advance the defences, set-offs, and counterclaims of Antamex, Aviva shall be at liberty to file a Statement of Defence and Counterclaim in the Klimer Lien Actions.

5. **THIS COURT ORDERS** that Aviva shall be solely responsible for the payment of any costs in the Klimer Lien Actions which the Court may order be paid by Aviva.

6. **THIS COURT ORDERS** that a copy of this Order shall be filed in the Klimer Lien Actions.

7. **THIS COURT ORDERS** that the stay of proceedings granted in the Receivership Order, is hereby lifted solely to the extent necessary to permit the Klimer Lien Actions to proceed as set out above and, for greater certainty, although Aviva will advance the defences, set-offs, and counterclaims of Antamex in the Klimer Lien Actions, neither Antamex nor the Receiver shall be required to take any steps in connection with the Klimer Lien Actions and any steps to recover any amounts from Antamex in connection with the Klimer Lien Actions shall remain stayed and suspended.

Court File No.: CV-24-00715153-00CL

IN THE MATTER OF THE *BANKRUPTCY AND INSOLVENCY ACT*,
R.S.C. 1985, c. B-3, AS AMENDED

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

Proceeding commenced at TORONTO

**ORDER
(Lift Stay and Intervention)**

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