

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

THE HONOURABLE	)	THURSDAY, THE 22 <sup>nd</sup> DAY
	)	
JUSTICE W.D. BLACK	)	OF AUGUST, 2024

B E T W E E N:

**THE TORONTO-DOMINION BANK**

Applicant

- and -

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

Respondents

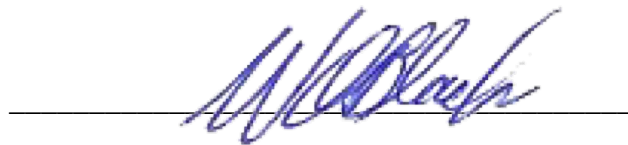
**ORDER**

**THIS MOTION**, made by Deloitte Restructuring Inc., in its capacity as Court-appointed receiver and manager (in such capacities, the "**Receiver**"), without security, of all of the assets, undertakings and properties of Injection Technologies Inc., Moldco Plastics Inc. ("**MPI**"), and Moldco Holdings Inc. (collectively, the "**Respondents**") acquired for, or used in relation to a business carried on by the Respondents, for an order, *inter alia*, approving the Receiver's Third Report to the Court dated July 9, 2024 (the "**Third Report**") and authorizing and directing the Receiver to distribute certain funds held by the Receiver, was heard this day by judicial telephone conference via Zoom at the Court House at Toronto, Ontario.

**ON READING** the Receiver's Notice of Motion dated July 24, 2024, the Third Report and all Appendices thereto, the Factum of the Receiver dated August 13, 2024, the Factum of The Toronto-Dominion Bank ("**TD Bank**") dated August 16, 2024, and on hearing the submissions of

counsel for the Receiver, counsel for TD Bank, and all other counsel present, no one else appearing for any other person on the service list, although properly served as appears from the affidavit of service of Emma Benaway sworn July 25, 2024 and the affidavit of service of Samuel Petersen sworn August 13, 2024, filed;

1. **THIS COURT ORDERS** that the time for service, filing and confirmation of the Notice of Motion and the Motion Record be and is abridged so that this motion is properly returnable on August 22, 2024 and hereby dispenses with further service and confirmation hereof.
2. **THIS COURT ORDERS** that the Third Report, and the activities and conduct of the Receiver as detailed therein, be and are approved, provided, however, 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 such approval.
3. **THIS COURT ORDERS AND DIRECTS** that the security interest of TD Bank in the Property (as defined in the Order of Steele, J. issued May 26, 2023, herein) of MPI stands in priority to any interest which The 2013 Gary Paul Cluthe Family Trust (“**Cluthe**”) may have in such Property, pursuant to the provisions of the *Personal Property Security Act*, R.S.O. 1990, c. P.10.
4. **THIS COURT ORDERS AND DIRECTS** that the portion of the Holdbacks, as that term is defined and described in the Receiver’s Second Report dated December 21, 2023 (the “**Second Report**”), relating to the priority dispute as between TD Bank and Cluthe be and is included in the Final Distribution (as defined and described in the Second Report and in the Order of Wilton-Siegel J. issued January 15, 2024 herein) to TD Bank.
5. **THIS COURT ORDERS** that there shall be no costs of this motion payable by the parties.



THE TORONTO-DOMINION BANK

-and-

INJECTION TECHNOLOGIES INC. et al

Applicant

Respondents

Court File No. CV-23-699663-00CL

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

PROCEEDING COMMENCED AT  
TORONTO, ONTARIO

**ORDER**

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