



SUPERIOR COURT OF JUSTICE

COUNSEL/ENDORSEMENT SLIP

COURT FILE NO.: CV-23-00699663-00CL

DATE: August 25, 2023

NO. ON LIST: 4

TITLE OF PROCEEDING: THE TD BANK V INJECTION TECHNOLOGIES INC
BEFORE: JUSTICE CONWAY

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party:

Name of Person Appearing	Name of Party	Contact Info
Robb English	Counsel to the Applicant, The Toronto- Dominion Bank	renglish@airdberlis.com

For Defendant, Respondent, Responding Party:

Name of Person Appearing	Name of Party	Contact Info
Gary Fung Ben Gliksman	Counsel for AarKel Testing Technologies Inc.	gfung@ln.law ben@zynik.com

For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info
Tim Hogan Robert Danter	Counsel for Proposed Receiver, Deloitte Restructuring Inc.	thogan@harrisonpensa.com rdanter@harrisonpensa.com
Jorden Sleeth	Proposed Receiver, Deloitte Restructuring Inc.	jsleeth@deloitte.ca

--	--	--

ENDORSEMENT OF JUSTICE CONWAY:

- [1] The Receiver seeks three orders today. All three orders are unopposed. The Windsor transaction is supported by TD Bank and BMO, the two secured creditors. The Kitchener transaction is supported by TD Bank as secured creditor.
- [2] With respect to the two AVOs (the Aarkel Transaction for the sale of assets of the Windsor business as a going concern; and the Auctioneer Transaction for the sale of assets of the Kitchener business), I am satisfied that they meet the *Soundair* test and should be approved. In particular, the transactions were reached after the Receiver followed the court-approved sale process. The transactions represent the highest recovery for creditors. I approve both transactions and the AVOs.
- [3] The relief sought in the Ancillary Order is acceptable. That order contains a sealing order for the Confidential Appendices to the Receiver's First Report pending the closing of the transactions. I am satisfied that this order meets the test in *Sierra Club/Sherman Estates* and that disclosure of this information would pose a risk to the public interest in enabling stakeholders of an insolvent company to maximize the realization of assets. **I direct counsel for the Receiver to file a hard copy of the Confidential Appendices with the CL office in a sealed envelope with a copy of the Ancillary Order and this Endorsement.**
- [4] Orders to go as signed by me and attached to this Endorsement. These orders are effective from today's date and are enforceable without the need for entry and filing.

Handwritten signature of Justice Conway in blue ink.