

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

THE HONOURABLE ) FRIDAY, THE 8<sup>TH</sup>  
MR. JUSTICE CAVANAGH ) DAY OF OCTOBER, 2021

IN THE MATTER OF THE LIQUIDATION AND WINDING UP OF  
ONTARIO ELECTRONIC STEWARDSHIP

MOTION PURSUANT TO S. 260 OF THE *CORPORATIONS ACT*, R.S.O. 1990, C. C.38

DELOITTE RESTRUCTURING INC.

Applicant

**BAR DATE ORDER**



**THIS MOTION**, made by the Applicant pursuant to section 260 of the *Corporations Act*, R.S.O. 1990, c. C.38, as amended (the “**Corporations Act**”) (which incorporates by reference sections 25-27 of the *Assignments and Preferences Act*, R.S.O. 1990, c. A.33), for an order (the “**Bar Date Order**”) approving a Bar Date following Deloitte Restructuring Inc.’s, in its capacity as Court-appointed liquidator (the “**Liquidator**”), administration of the Claims Procedure for the identification, quantification, and resolution of claims of creditors of Ontario Electronic Stewardship (“**OES**”), was heard this day by way of judicial videoconference via Zoom in Toronto, Ontario due to the COVID-19 pandemic.

**ON READING** the Notice of Motion, the Claims Procedure Order (the “**Claims Procedure Order**”) granted by his Honour Mr. Justice Dunphy on June 11, 2021, the first report of the Liquidator dated September 23, 2021 and the appendices thereto, and on hearing the submissions of counsel for the Applicant, and those other parties that were present as listed on the counsel slip, no other party appearing

although duly served as appears from the affidavit of service of Katherine Yurkovich dated September 23, 2021, filed.

### **INTERPRETATION**

1. **THIS COURT ORDERS** that defined terms used herein shall have the meanings ascribed to them in the Claims Procedure Order.

2. **THIS COURT ORDERS** that the Bar Date to be set pursuant to the Claims Procedure Order shall be 5:00 p.m. (Eastern Time) on October 21, 2021.

### **LIQUIDATOR'S ROLE**

3. **THIS COURT ORDERS** that (i) in carrying out the terms of this Bar Date Order, the Liquidator shall have all of the protections given to it by the *Corporations Act*, the Appointment Order, the Claims Procedure Order, and this Bar Date Order, and as an officer of this Court, including the stay of proceedings in its favour, (ii) the Liquidator shall incur no liability or obligation as a result of the carrying out of the provisions of this Bar Date Order, except to the extent that the Liquidator has acted with gross negligence or willful misconduct, (iii) the Liquidator shall be entitled to rely on the books and records of OES and any information provided by OES or its agents, all without independent investigation, and (iv) the Liquidator shall not be liable for any claims or damages resulting from any errors or omissions in such books, records or information or in any information provided by any Claimant, except to the extent that the Liquidator has acted with gross negligence or willful misconduct.

### **PROOFS OF CLAIM TO BE FILED PRIOR TO CLAIMS BAR DATE**

4. **THIS COURT ORDERS** that, in accordance with paragraph 18 of the Claims Procedure Order, if any Person who received a Pre-Populated Proof of Claim in accordance with paragraph 11 of the Claims Procedure Order does not return a Proof of Claim in accordance with paragraph 16 of the Claims Procedure

Order by the Bar Date, such Claim shall be deemed to be as set out in the Pre-Populated Proof of Claim and the Claimant will be barred from disputing or appealing same, and the balance of such Claimant's Claim, if any, shall be forever barred and extinguished.

5. **THIS COURT ORDERS** that, in accordance with Paragraph 18 of the Claims Procedure Order, any Person who has not received a Pre-Populated Proof of Claim and has not filed a Proof of Claim in accordance with paragraph 16 of the Claims Procedure Order with the Liquidator by the Bar Date shall:

- (a) not be entitled to receive further notice with respect to, and shall not be entitled to participate as a Claimant or creditor in, the Claims Procedure or these Proceedings in respect of such Claim; and
- (b) be forever barred, estopped and enjoined from asserting or enforcing such Claim against OES and OES shall not have any liability whatsoever in respect of such Claim and such Claim shall be extinguished without any further act or notification by the Liquidator.

## **SERVICE AND NOTICES**

6. **THIS COURT ORDERS** that the posting of this Bar Date Order on the Liquidator's Website shall constitute good and sufficient service and delivery of notice of this Bar Date Order and the Bar Date on all Persons who may be entitled to receive notice and who may assert a Claim and no other notice or service need be given or made and no other documents or material need be sent to or served upon any Person in respect of the Claims Procedure Order or this Bar Date Order.

7. **THIS COURT ORDERS** that the Liquidator may, unless otherwise specified by the Claims Procedure Order, serve and deliver any letters, notices or other documents to the Claimants or any other interested Person by forwarding true copies thereof by prepaid ordinary mail, registered mail, courier, personal delivery, facsimile transmission or email to such Persons at the physical or electronic address, as applicable, last shown on the books and records of OES or set out in such Claimant's Proof of Claim. Any

such service and delivery shall deemed to have been received: (a) if sent by ordinary mail or registered mail, on the third Business Day after mailing; (b) if sent by courier or personal delivery, on the next Business Day following dispatch; and (c) if delivered by facsimile transmission or email by 5:00 p.m. on a Business Day, on such Business Day and if delivered after 5:00 p.m. or other than on a Business Day, on the following Business Day.

## **MISCELLANEOUS**

8. **THIS COURT ORDERS** that notwithstanding the terms of this Bar Date Order, the Liquidator may apply to this Court from time to time for directions from this Court with respect to this Bar Date Order, or for such further order or orders as it may consider necessary or desirable to amend, supplement or clarify the terms of this Bar Date Order.

9. **THIS COURT ORDERS** that this Bar Date Order shall have full force and effect in all provinces and territories in Canada, outside Canada and against all Persons against whom it may be enforceable.

10. **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, or abroad, to give effect to this Bar Date Order and to assist the Liquidator and its respective agents in carrying out the terms of this Bar Date Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Liquidator, as an officer of this Court, as may be necessary or desirable to give effect to this Bar Date Order, to grant representative status to OES in any foreign proceeding, or to assist the Liquidator and its respective agents in carrying out the terms of this Bar Date Order.

11. **THIS COURT ORDERS** that the Liquidator be at liberty and is hereby authorized and empowered to apply to any court, tribunal, regulatory or administrative body, wherever located, for the recognition of this Bar Date Order and for assistance in carrying out the terms of this Bar Date Order.

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PROCEEDING COMMENCED AT  
TORONTO

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**BAR DATE ORDER**

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