



SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

ENDORSEMENT

COURT FILE NO.: CV-23-00693758-00CL

DATE: JANUARY 30 2024

NO. ON LIST: 5

TITLE OF PROCEEDING: ORIGINAL TRADERS' ENERGY LTD. et al v HIS MAJESTY THE
KING IN RIGHT OF ONTARIO AS REPRESENTED BY THE
MINISTRY OF FINANCE et al

BEFORE JUSTICE: P. CAVANAGH

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party, Crown:

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For Defendant, Respondent, Responding Party, Defence:

Name of Person Appearing	Name of Party	Contact Info
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ENDORSEMENT OF JUSTICE P. CAVANAGH:

KPMG Inc., in its capacity as the Court-appointed Monitor of the OTE Group (as defined in the materials) in these proceedings under the CCAA seeks an Approval and Vesting Order and an Ancillary Order.

The Approval and Vesting Order will authorize the Monitor to execute the transaction for the sale of vehicles in the possession of the OTE Group to Allstar Auctions Inc. and, upon closing of this transaction, vest the OTE Group's right, title and interest in and to the vehicles in Allstar. The vehicle transaction was a result of a Court-approved a bid process which was conducted by the Monitor. I am satisfied that this process provides the best price and most certainty of recovery for the vehicles in the circumstances. When I consider the factors in section 36 (3) of the CCAA and the principles in *Royal Bank of Canada v. Soundair Corp.*, I am satisfied that the requested Order should be made. In this respect, I accept the submissions made by the Monitor at paragraph 27 of its factum.

With respect to the requested Ancillary Order, I am satisfied that the KERP described in the motion materials should be approved, *nunc pro tunc*. The Monitor supports the requested order.

I am satisfied that the requested sealing order for the Confidential Appendices should be granted. The test set out in *Sherman Estate v. Donovan* is satisfied. In this respect, I accept the submissions at paragraphs 41-45 of the Monitor's factum.

Orders to issue in forms of Orders signed by me today.