

M38059

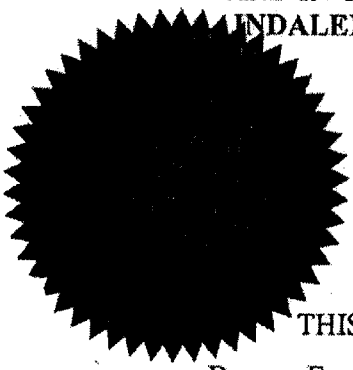
Court of Appeal File No. M37813
Superior Court File No. CV-09-8122-00CL SAC

COURT OF APPEAL FOR ONTARIO

THE HONOURABLE JUSTICE) THURSDAY, THE ~~2nd~~ 22nd SAC
DOHERTY)
DAY OF ~~JULY~~ 2009
OCTOBER

IN THE MATTER OF THE COMPANIES' CREDITORS ARRANGEMENT ACT,
R.S.C. 1985 c. C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF
INDALEX LIMITED, INDALEX HOLDINGS (B.C.) LTD., 6326765 CANADA INC.
and NOVAR INC.



ORDER

THIS MOTION, made by Keith Carruthers, Leon Kozierok, Bertram McBride, Max Degen, Eugene D'Iorio, Richard Smith, Robert Leckie and Neil Fraser (members of the Indalex supplemental executive retirement plan or "SERP", referred to collectively herein as the "SERP Group") for an Order extending the time for the filing of their motion record and factum for leave to appeal to the Court of Appeal for Ontario, pursuant to Rule 3.02 (3) of the *Rules of Civil Procedure* and pursuant to sections 13 and 14 of the *Companies' Creditors Arrangement Act* R.S.C. 1985 c. C-36 ("CCAA") was heard this day in Chambers at Osgoode Hall, 130 Queen Street West, Toronto, Ontario.

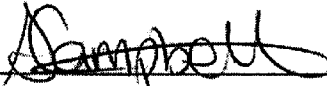
ON READING the October 14, 2009 Motion Record of the SERP Group (including the October 2, 2009 Notice of Motion), and on hearing the submissions of the lawyers for the SERP Group and no one else appearing for any other party, although properly served with the Motion Record, as appears from the Affidavits of Service of Jalo Edwards, sworn October 2 and 14, 2009,

1. THIS COURT ORDERS to extend the time by which the SERP Group may file their motion record and factum for leave to appeal from the decision of the Honourable Justice Morawetz of July 2, 2009 until 14 days after this Honourable Court releases its decision in the *Nortel Networks Corp.* matter which was heard on October 1, 2009 bearing Court of Appeal file numbers M37770 and M37771.

ENTERED AT/INSCRIT À TORONTO
ON/BOOK NO:
LE/DANS LE REGISTRE NO:

OCT 22 2009

PER/PAR: SAC


Registrar
Court of Appeal for Ontario

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Proceeding commenced at Toronto

ORDER

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Richard Smith, Robert Leckie and Neil Fraser
(the "SERP Group")