



Court File No. CV-10-8647-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE

)

THURSDAY, THE 12th DAY

JUSTICE MORAWETZ

)

OF AUGUST, 2010

**IN THE MATTER OF THE RECEIVERSHIP OF
SKYSERVICE AIRLINES INC.**

B E T W E E N:

THOMAS COOK CANADA INC.

Applicant

- and -

SKYSERVICE AIRLINES INC.

Respondent

ORDER

THIS MOTION, made by FTI Consulting Canada Inc. in its capacity as the court-appointed receiver (the "**Receiver**") of the undertaking, property and assets of Skyservice Airlines Inc. ("**Skyservice**") for an order authorizing the Receiver to execute a consent (the "**Consent**") on behalf of Skyservice, to an order dismissing an application commenced by Skyservice by Notice of Application dated December 11, 2009, against First Choice Canada Inc., TUI Travel PLC, TUI Canada Holdings Inc., Sunwing Travel Group Inc. and Sunwing Airlines Inc. in Court File No. CV-09-393220 (the "**Application**"), was heard this day at 330 University Avenue, Toronto, Ontario.

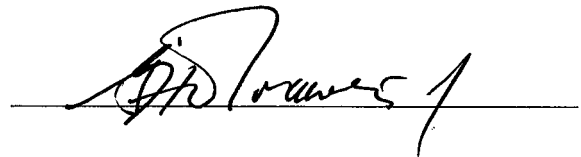
ON READING the Fifth Report of the Receiver dated August 6, 2010 (the "**Fifth Report**"), and on hearing the submissions of counsel for the Receiver, and those other parties present, no one

appearing for any other person on the service list, although properly served as appears from the affidavit of Maria Basurto sworn August 6, 2010, filed:

1. THIS COURT ORDERS AND DECLARES that the time for service of the Notice of Motion and Motion Record is hereby abridged so that this Motion is properly returnable today, and that all parties requiring service of the Notice of Motion and the Motion Record in respect of this Motion have been duly served, and that further service of such materials upon all interested parties be and is hereby dispensed with and the service of such materials be and is hereby validated in all respects.

2. THIS COURT ORDERS that the Receiver is hereby authorized to execute the Consent in the form appended to the Fifth Report.

3. THIS COURT ORDERS that the Receiver is hereby authorized and directed to take such additional steps and execute such additional documents as may be necessary to dismiss the Application.



ENTERED AT / INSCRIT A TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NQ.:

AUG 12 2010

PER / PAR:

NB

IN THE MATTER OF THE RECEIVERSHIP OF SKYSERVICE AIRLINES INC.

BETWEEN:

THOMAS COOK CANADA INC.

- and -

SKYSERVICE AIRLINES INC.

Court File No. CV-10-8647-00CL

ONTARIO
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COMMERCIAL LIST

Proceeding Commenced at Toronto

ORDER

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