



Court File No.: CV-24-00719237-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

THE HONOURABLE

)

MONDAY, THE 24th

JUSTICE OSBORNE

)

DAY OF JUNE, 2024

)

B E T W E E N:

NUANCE PHARMA LTD.

Applicant

- and -

ANTIBE THERAPEUTICS INC.

Respondent

**IN THE MATTER OF AN APPLICATION UNDER SECTION 101 OF THE
*COURTS OF JUSTICE ACT***

ORDER

(Approval of the Receiver's First Report and Activities, and other Ancillary Relief)

THIS MOTION, made by FTI Consulting Canada Inc. in its capacity as the Court-appointed receiver and manager (in such capacity, the "**Receiver**") without security, of all of the present and future assets, undertakings and real and personal property of Antibe Therapeutics Inc. ("**Antibe**"), was heard this day via Zoom videoconference at 330 University Avenue, Toronto, Ontario.

ON READING the Motion Record of the Receiver dated June 18, 2024, the First Report of the Receiver dated June 18, 2024 (including the appendices thereto, the "**First Report**"), and on hearing the submissions of counsel for the Receiver and such other counsel as were present, no one appearing for any other person on the Service List, as appears from the affidavit of service, sworn and filed,

APPROVAL OF THE ACTIVITIES OF THE RECEIVER

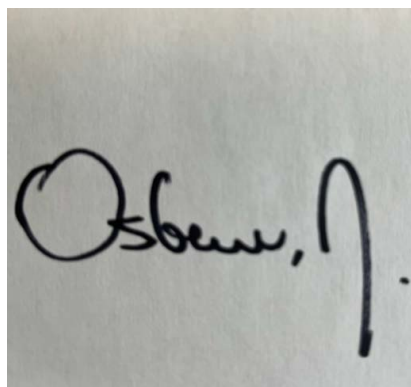
1. **THIS COURT ORDERS** that the First Report and the activities, conduct and decisions of the Receiver set out therein are hereby ratified and approved, provided that only the Receiver, in its personal capacity and only with respect to its own personal liability, shall be entitled to rely upon or utilize in any way such approval.

ACCOUNTS

2. **THIS COURT ORDERS** that the accounts of the Receiver and its legal counsel, Thornton Grout Finnigan LLP, as filed with the First Report, are hereby approved and passed in these proceedings.

RECOGNIZING ARBITRAL AWARD

3. **THIS COURT ORDERS** that the Arbitral Award attached hereto as Schedule "A" shall be and hereby is recognized pursuant to the *International Commercial Arbitration Act, R.S.O. 1990, c. I.19*, and enforceable in the same manner as a judgment or order of the Ontario Superior Court of Justice.
4. **THIS COURT ORDERS** that the Arbitral Award be converted to Canadian currency sufficient to purchase US \$20,000,000 plus US \$4,000,000 representing interest and costs at a bank in Ontario listed in Schedule I to the *Bank Act (Canada)* at the close of business on the first day on which the bank quotes a Canadian dollar rate for purchase of the foreign currency before the day payment of the obligation is received by Nuance pursuant to Section 121 of the *Courts of Justice Act, R.S.O. 1990*, for the principal, interest and costs owing under the Arbitral Award.



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**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

Proceedings commenced at Toronto

ORDER

**(Approval of the Receiver's First Report and Activities
and other Ancillary Relief)**

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Lawyers for the Receiver