

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE MR) FRIDAY, THE 28th
JUSTICE NEWBOULD) DAY OF OCTOBER, 2016

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 2123125 ONTARIO INC.

Applicant

CLAIMS BAR AND STAY EXTENSION ORDER

THIS MOTION, made by 2123125 Ontario Inc., previously named FirstOnSite G.P. Inc. ("**212**"), the general partner of Former Restoration L.P., previously named FirstOnSite Restoration L.P. ("**Former LP**", collectively with 212, "**FirstOnSite**"), a limited partnership formed under the laws of Ontario, for an order approving a claims process and claims bar date in respect of certain claims against FirstOnSite, granting an extension of the stay of proceedings referred to in the Initial Order of the Honourable Justice Newbould dated April 21, 2016, to January 27, 2017 and approving a report and activities of the Monitor, was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the affidavit of Kevin McElcheran, sworn October 21, 2016 (the "**McElcheran Affidavit**") and the Fourth Report of FTI Consulting Canada Inc., dated October 24, 2016 (the "**Fourth Report**"), in its capacity as Monitor of the Applicant (the "**Monitor**"), and on hearing the submissions of counsel for the Applicant, counsel for the Monitor and those other parties present, no one appearing for any other person, although duly served as appears from the affidavit of service of C. Haddon Murray, sworn October 24, 2016, filed:

SERVICE

1. **THIS COURT ORDERS** that the times for service of the Notice of Motion and the Motion Record are hereby abridged and validated so that this Motion is properly returnable today and hereby dispenses with further service thereof.

APPROVAL OF THE MONITOR'S REPORT AND ACTIVITIES

2. **THIS COURT ORDERS** that the Fourth Report and the activities of the Monitor set out therein are hereby approved.

APPROVAL OF THE CLAIMS PROCESS

3. **THIS COURT ORDERS** that the claims process, as set out in paragraphs 35 to 39 of the McElcheran Affidavit and paragraphs 49 to 53 of the Fourth Report (the "**Claims Process**"), and the form of Claims Notice (as defined in the McElcheran Affidavit) are hereby approved.

4. **THIS COURT ORDERS** that the Monitor is authorized to deliver the Claims Notice to the applicable parties specified in the Claims Process.

5. **THIS COURT ORDERS** that the Monitor, in consultation with FirstOnSite, is authorized to resolve any claims submitted pursuant to the Claims Process with the applicable claimant, or, if the claim cannot be resolved, return to this Court for further directions or a determination of such claim.

6. **THIS COURT ORDERS** that, in connection with the Claims Process, the Monitor (i) shall have all of the protections given to it by the CCAA, this Order and any other orders of the Court in the CCAA Proceedings, (ii) shall incur no liability or obligation as a result of carrying out matters in connection with the Claims Process or paragraphs 3 to 5 of this Order, (iii) shall be entitled to rely on the books and records of FirstOnSite and any information provided by FirstOnSite, all without independent investigation, (iv) shall not be liable for any claims or damages resulting from any errors or omissions in such books, records or information, and (v) may seek such assistance as may be required to carry out matters in connection with the Claims Process and paragraphs 3 to 5 of this Order from FirstOnSite or any of its subsidiaries.

7. **THIS COURT ORDERS** that any Eligible Claim (as defined in the McElcheran Affidavit) not received by the Monitor in accordance with the Claims Process by 5:00 p.m. (Eastern Standard Time) on November 15, 2016, or such later date as may be ordered by the Court, is forever barred from being enforced against

FirstOnSite, shall be extinguished without any further act or notification, and neither FirstOnSite nor the Monitor shall have any liability whatsoever in respect of such Eligible Claim.

8. **THIS COURT ORDERS** that, notwithstanding anything provided in the Distribution Order, the Monitor shall have no obligation to hold back any Sale Proceeds, as defined in the Distribution Order of Justice Newbould dated May 18, 2016, in respect of claims that are barred and extinguished pursuant to paragraph 4, above.

EXTENSION OF THE STAY PERIOD

9. **THIS COURT ORDERS** that the Stay Period referred to in the Stay Extension Order of the Honourable Justice Newbould dated June 27, 2016 is extended until January 27, 2017.



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

OCT 28 2016

PER / PAR: 

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

Court File No. CV-16-11358-00CL

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF 2123125 ONTARIO INC.

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

Proceeding commenced at Toronto

**CLAIMS BAR AND STAY
EXTENSION ORDER**

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