

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

THE HONOURABLE MR. ) TUESDAY, THE 31<sup>ST</sup> DAY  
JUSTICE LEDELMAN ) OF MARCH, 2009

**IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*  
R.S.C. 1985, c. C - 36, as amended**

**IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF  
KOREX DON VALLEY ULC**

**APPLICANT**

**ORDER**

**THIS MOTION**, made by Ira Smith Trustee & Receiver Inc. in its capacity as the Court-appointed monitor (the "**Monitor**") of Korex Don Valley ULC (the "**Applicant**") pursuant to the Order of the Honourable Mr. Justice Cumming dated February 6, 2009 (the "**Initial Order**"), was heard on Tuesday, the 31<sup>st</sup> day of March, 2009, at 330 University Avenue, Toronto, Ontario.

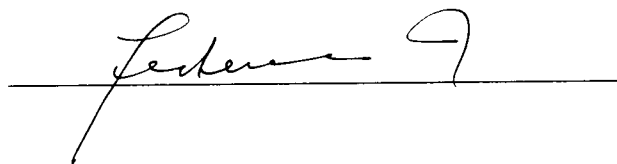
**ON READING** the First Report of the Monitor dated March 6, 2009, the Second Report of the Monitor dated March 25, 2009, the affidavits of the Monitor and its counsel as to fees, and on hearing the submissions of counsel for the Monitor, UL Canada Inc., Comerica Bank and the Applicant, no one else appearing although served as evidenced by the Affidavit of Richard Epstein sworn March 24, 2009, filed;

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and Motion Record be and is hereby abridged such that the motion is properly returnable today, and, further, that any requirement for service of the Notice of Motion and the Motion Record upon any interested party, other than the parties herein mentioned, is hereby dispensed with.

2. **THIS COURT ORDERS** that the activities of the Monitor in these proceedings, including, without limitation, as set out in the Proposed Monitor's First Report to Court dated January 9, 2009, the Proposed Monitor's First Supplementary Report to Court dated January 22, 2009, the Proposed Monitor's Second Supplementary Report to Court dated January 22, 2009, the Monitor's First Report to Court dated March 6, 2009 and the Monitor's Second Report to Court dated March 25, 2009 (collectively, the "**Reports**"), and the Reports themselves, be and are hereby approved.

3. **THIS COURT ORDERS** that the fees and disbursements of the Monitor in respect of the period from February 6, 2009 to March 20, 2009, in the amount of \$132,473.01, be and are hereby approved and allowed.

4. **THIS COURT ORDERS** that the fees and disbursements of counsel to the Monitor, Aird & Berlis LLP, in respect to the period from January 8, 2009 to March 18, 2009, in the amount of \$20,350.96 be and are hereby approved and allowed.



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**IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF KOREX DON VALLEY ULC**

**APPLICANT**

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

PROCEEDINGS COMMENCED AT TORONTO

**ORDER**

**AIRD & BERLIS LLP**  
Barristers and Solicitors  
Brookfield Place  
Suite 1800, Box 754  
181 Bay Street  
Toronto, Ontario M5J 2T9  
Tel: 416.863.1500  
Fax: 416.863.1515

**Sanjeev Mitra** – LSUC # 37934 U  
Tel: 416.863.1500  
Fax: 416.863.1515

Solicitors for the Monitor