

Court File No. CV-19-629552-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

THE HONOURABLE MR.)
)
JUSTICE HAINEY)

TUESDAY THE 5th DAY

OF NOVEMBER, 2019

BETWEEN:

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
ARRANGEMENT OF DEL EQUIPMENT INC.

Applicant

ORDER

THIS MOTION brought by the Applicant for Directions and this Cross-Motion brought by Gin-Cor Industries Inc. (Gin-Cor") for an Order setting aside or otherwise varying the Preservation Order made October 22, 2019 (the "Preservation Order") was heard this day at Toronto, Ontario.

ON BEING ADVISED of the Consent of the Applicant, Gin-Cor and the Monitor, filed,

1. **THIS COURT ORDERS** that paragraphs 2 - 5 of the Preservation Order are hereby deleted.

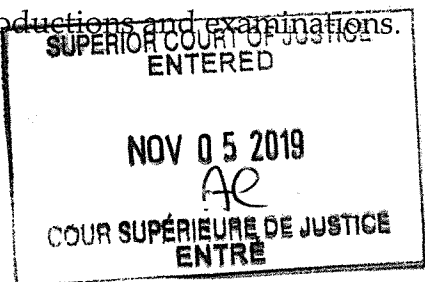
2. **THIS COURT ORDERS** that the sum of \$874,107.08 (the "Fund") shall be paid by or on behalf of Gin-Cor to its lawyers, Kagan Shastri LLP. The Fund shall be paid forthwith and in no event no later than the comeback date on the underlying Application.

3. **THIS COURT FURTHER ORDERS** that Kagan Shastri LLP shall hold the Fund in a segregated interest bearing trust account pending further Court Order or the consent of the Applicant, Gin-Cor and the Monitor.

4. **THIS COURT FURTHER ORDERS** that payment of the Fund shall be without prejudice to Gin-Cor asserting that \$874,107.08 received by it from Mack Defence LLC was not a "specific fund" as referred to in r.45.02 or that such amount was commingled and/or disbursed prior to the date of the Preservation Order, or any other defence available to it at law or equity, including set-off.

5. **THIS COURT FURTHER ORDERS** that the costs of the Motion for the Preservation Order and the within Motions shall be reserved to the Judge who ultimately determines the parties' rights to the Fund.

6. **THIS COURT ORDERS AND DIRECTS** counsel for the Applicant, Gin-Cor and the Monitor to use best efforts to work out an expedited schedule for the determination of the issues as between the Applicant and Gin-Cor, including the exchange of pleadings, productions and examinations.



A handwritten signature in cursive script, reading "Hainey J.", written over a horizontal line.

DEL EQUIPMENT INC.
Applicant

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PROCEEDING COMMENCED AT
TORONTO

ORDER

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RCP-E 4C (May 1, 2016)