

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

THE HONOURABLE MR.)

THURSDAY, THE 7TH

JUSTICE HAINEY)

DAY OF MAY, 2020)

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 DEL EQUIPMENT INC.

Applicant



ORDER

THIS MOTION, made by Del Equipment Inc. (the "**Applicant**"), pursuant to the litigation protocol approved by the Order of the Honourable Justice Hainey dated February 27, 2020 was heard on May 5, 2020 by videoconference in light of the COVID-19 crisis.

ON READING the affidavit of Douglas Lucky sworn October 20, 2019 and the exhibits thereto (the "**Lucky Affidavit**"), the supplementary affidavit of Douglas Lucky sworn January 15, 2020 and the exhibits thereto (the "**Supplementary Lucky Affidavit**"), the affidavit of Renzo Silveri sworn November 3, 2019 (the "**Silveri Affidavit**"), the transcripts of the cross-examinations of Messrs. Lucky and Silveri on the foregoing affidavits dated April 20, 2020, and on hearing the submissions of counsel for the Applicant, counsel for GCI Industries Inc. ("**GCI**", and with its affiliates, "**Gin-Cor**") and counsel for MNP Ltd. in its capacity as monitor of the Applicant in its CCAA proceedings, and on reading the affidavit of service of Andrew Harnes sworn May 1, 2020:

SERVICE

1. **THIS COURT ORDERS** that the time for service of the materials filed in this Motion is hereby abridged and validated so that this Motion is properly returnable today and hereby dispenses with further service thereof.
2. **THIS COURT ORDERS** that the amount of \$874,107.08 (the "Funds") being held in trust by Gin-Cor's counsel Kagan Shastri LLP pursuant to the Order granted, on consent, by this Honourable Court on November 5, 2019, together with any interest earned thereon, shall be forthwith paid to the Applicant. Kagan Shastri LLP is hereby authorized and directed to transfer the Funds, and any interest earned thereon, to the Applicant forthwith.
3. **THIS COURT ORDERS** that, pending the Payment of the Funds to the Applicant in accordance with paragraph 2, the Funds are subject to a constructive trust in favour of the Applicant.
4. **THIS COURT ORDERS** that the Applicant is entitled to its costs of this motion. A 15-minute teleconference is scheduled for JUNE 3, 2020 AT 11AM for counsel to address the scale and the amount of the costs payable by GCI to the Applicant. *YH*

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ON / BOOK NO:
LE / DANS LE REGISTRE NO:

MAY 28 2020

PER / PAR:

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1985, c. C-36, AS AMENDED
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Court File No: CV-19-629552-00CL

Applicant

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)
Proceeding commenced at Toronto

ORDER

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