

ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)

THE HONOURABLE )  
JUSTICE HAINEY ) TUESDAY, THE 22<sup>nd</sup>  
DAY OF OCTOBER, 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



**PRESERVATION ORDER**

(October 22, 2019)

THIS MOTION, made by Del Equipment Inc. (the "**Applicant**" or "**DEL**"), pursuant to Rule 45.02 of the Ontario *Rules of Civil Procedure*, R.R.O. 1990, Reg 194 (the "**Rules**"), was heard without notice on this day at 330 University Avenue, Toronto, Ontario.

ON READING the affidavit of Douglas Lucky sworn October 20, 2019, and the Exhibits thereto (the "**Lucky Affidavit**"), and on hearing the submissions of counsel for the Applicant, counsel for MNP Ltd. (the "**Monitor**"), and those other parties present as indicated on the counsel sheet,

## SERVICE

1. THIS COURT ORDERS that the time for service, if applicable, for the Notice of Motion and the Motion Record is hereby abridged and validated so that this Motion is properly returnable today and hereby dispenses with further service thereof.

## PRESERVATION OF FUNDS

2. THIS COURT ORDERS that funds in the amount of \$874,107.08, representing the funds received by Gin-Cor Industries Inc. ("**Gin-Cor**") from Mack Defense, LLC ("**Mack Defense**") via wire transfers made on or about August 28, 2019 and September 5, 2019 (the "**Funds**"), are to be transferred by Gin-Cor to the Monitor forthwith and in any event no later than October 25, 2019.

3. THIS COURT ORDERS that the Monitor shall continue to hold the Funds and to account for the Funds until further Order of the Court.

4. THIS COURT ORDERS that the Monitor shall incur no liability or obligation as a result of its carrying out of the provisions of this Order, save and except for any gross negligence or wilful misconduct on its part. Nothing in this Order shall derogate from the protections afforded the Monitor by the Initial Order made in these proceedings on October 22, 2019, the CCAA or any applicable legislation.

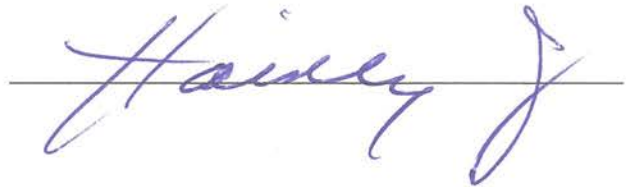
5. THIS COURT ORDERS that the Monitor shall have no obligation or duty to deposit the Funds in an interest bearing account and shall not be required to take any steps with respect to the Funds without further Order of this Court.

6. THIS COURT ORDERS that this Order is without prejudice to any argument that Gin-Cor may wish to make on a motion to set aside or vary this Order.

7. THIS COURT ORDERS that any of the Company, Gin-Cor and the Monitor may make a motion to this Court to set aside or vary this Order on seven days' notice to each of the Company and the Monitor provided that any such motion to set aside or vary this Order must be brought by no later than November 14, 2019.

~~8. THIS COURT ORDERS that the Company and Gin-Cor shall attend at a 9:30 Chambers appointment by no later than \_\_\_\_\_, 2019, to set a timetable for the hearing to determine the entitlement to the Funds.~~ 74

9. THIS COURT ORDERS that in addition to the above, the Monitor may make a motion to this Court to seek advice and directions on any matter relating to this Order.



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PER / PAR: JP

**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.**

Court File No: C-1-19-629552-0001

Applicant

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

Proceeding commenced at Toronto

**ORDER**

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