

## Jessie Hue

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**Subject:** FW: IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF FERREX ENGINEERING LTD Court File No. 31-2636073

**Attachments:** Signed Order.pdf

**Importance:** High

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**From:** Conway, Madam Justice Barbara (SCJ) <[Barbara.Conway@scj-csj.ca](mailto:Barbara.Conway@scj-csj.ca)>

**Sent:** May 4, 2020 1:33 PM

**To:** Kyle Armagon <[kcarmagon@walkerhead.com](mailto:kcarmagon@walkerhead.com)>; Danny Nunes <[danny.nunes@dlapiper.com](mailto:danny.nunes@dlapiper.com)>; Maurice Fleming <[mfleming@foglers.com](mailto:mfleming@foglers.com)>; Sheldon Title <[Sheldon.Title@mnp.ca](mailto:Sheldon.Title@mnp.ca)>

**Subject:** IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF FERREX ENGINEERING LTD Court File No. 31-2636073

**Importance:** High

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**Due to the COVID-19 crisis**, I held a hearing on the above matter today by Zoom videoconference call. This hearing was held in accordance with: (a) the Notice to the Profession issued by Chief Justice Morawetz on March 15, 2020 and the Update dated April 2, 2020; and (b) the "Changes to Commercial List operations in light of COVID-19" developed by the Commercial List judges in consultation with the Commercial List Users Committee. The videoconference facilities were arranged by Walker Head Lawyers to facilitate the hearing, as per the foregoing COVID-19 practice directions. Materials were sent to me by email prior to the hearing.

This email constitutes my endorsement of today's date and is to be placed in the court file.

The following participants were on the videoconference call with me, all of whom are copied on this email:

Kyle Armagon, for Ferrex Engineering Ltd.  
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The company seeks (i) an extension of the time to file a proposal (to June 18, 2020), (ii) approval to conduct a sale process and (iii) approval of the first report of the Proposal Trustee. This motion is unopposed. Specifically, it is not opposed by 1199541 Ontario Inc. (Secured Creditor) or by Micro Fines Recycling Oswego LLC (as confirmed by its counsel Mr. Ilchenko to Mr. Armagon). It is supported by the Proposal Trustee, for the reasons set out in paragraph 35 of its first report. I am satisfied that Ferrex is acting in good faith and with due diligence, that the extension should not adversely affect or materially prejudice creditors and that the sale process could position the company to make a viable proposal. I therefore consider it appropriate to grant the order, subject to the revisions I required made to the draft order – in particular, that paragraph 3 is subject to the provisions of the BIA. Mr. Armagon has amended the order accordingly.

Order to go as signed by me and attached to this email. The order is effective from today's date and is not required to be entered.

Conway J.  
Superior Court of Justice (Toronto)