

SUPERIOR COURT
(Commercial Division)

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

N°: 500-11-062372-236

DATE: July 24, 2023

THE HONOURABLE MICHEL A. PINSONNAULT, J.S.C., PRESIDING

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

GELCAN CORPORATION INC.

-and-

CAPCIUM INC.
Debtors

-and-

THE BANK OF NOVA SCOTIA
Applicant

-and-

RAYMOND CHABOT INC.
Monitor

ORDER

[1] **CONSIDERING** the *Application for an Initial Order, an Amended and Restated Order and Other Relief* dated May 15, 2023 of The Bank of Nova Scotia (the "**Applicant**") in respect of Capcium Inc. ("**Capcium**") and Gelcan Corporation Inc. ("**Gelcan**", and together with Capcium, the "**Debtors**") pursuant to the *Companies' Creditors Arrangement Act*, RSC 1985, c C-36 (the "**CCAA**");

JP1736

- [2] **CONSIDERING** the Initial Order of this Court issued on May 17, 2023, which, *inter alia*, stayed all proceedings and remedies taken or that might be taken in respect of the Debtors, and any of their Property, Directors or Officers, until May 26, 2023 (the “**Stay Period**”);
- [3] **CONSIDERING** the Bidding Procedure Order of this Court issued on May 17, 2023, approving a Sale and Investment Solicitation Process in respect of the Assets of the Debtors;
- [4] **CONSIDERING** the Amended and Restated Initial Order of this Court issued on May 26, 2023 (the “**ARIO**”), which, *inter alia*, extended the Stay Period until July 24, 2023;
- [5] **CONSIDERING** the Applicant’s *Application for the Issuance of an Order Extending the Stay Period* dated July 20, 2023;
- [6] **CONSIDERING** the representations of the lawyers present and the testimony and the recommendations of the representative of the Monitor;
- [7] **CONSIDERING** the provisions of the CCAA;

FOR THESE REASONS, THE COURT HEREBY:

- [8] **GRANTS** the *Application for the Issuance of an Order Extending the Stay Period* dated July 20, 2023 (the “**Application**”);
- [9] **ORDERS** that the time for service of the Application be abridged and that the Application is properly presentable and **DECLARES** that the service of the Application constitutes good and sufficient service on all persons and **DECLARES** that all parties are relieved of any further requirement for service of the Application;
- [10] **EXTENDS** the Stay Period until **September 6, 2023**;
- [11] **ORDERS** that paragraph 15 of the ARIO be amended as follows:

[15] **ORDERS** that, until and including **September 6, 2023**, or such later date as the Court may order (the “**Stay Period**”), no proceeding or enforcement process in any court or tribunal (each, a “**Proceeding**”), including but not limited to seizures, right to distrain, executions, writs of seizure or execution, judicial or extrajudicial right of resolution or resiliation, right of set-off or compensation between mutual claims arising prior to the Effective Time or mutual claims arising respectively prior to and after the Effective Time, any and all actions, applications, arbitration proceedings and other lawsuits existing at the time of this Order in which any of the Debtors is a defendant, party or respondent (either individually or with other Persons (as defined below)), shall be commenced or continued against or in respect of the Debtors, or affecting the Debtors’ business operations and activities (the “**Business**”) or the Property (as defined herein below), including as provided in paragraph [21] of the ARIO except with leave of this Court. Any and all

Proceedings currently under way against or in respect of the Debtors or affecting the Business or the Property are hereby stayed and suspended pending further order of this Court, the whole subject to section 11.1 CCAA.

- [12] **APPROVES** the activities of the Monitor up to the date of this Order, as reported in the Monitor's Second Report dated July 21, 2023 (**R-2**);
- [13] **ORDERS** the provisional execution of the present Order notwithstanding any appeal;
- [14] **THE WHOLE** without costs.

MICHEL A. PINSONNAULT, J.S.C.

Date of hearing: July 24, 2023