

ONTARIO SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST
APPLICATION RECORD

REASONS OF MR. JUSTICE PETER A. CUMMING

DATE: JULY 20/2007

The Applicant appears on an urgent basis. The secured creditor, Graphic, with the first charge against the property, requests an adjournment given the short notice. After submissions, the requested adjournment is refused.

In my view, the CCAA applies. The total claims against the debtor company exceed \$5 M. The circumstances establish that the Order made is appropriate. The Applicant is insolvent, being unable to pay its debts as they become due. It is in the best interests of all creditors to maximize the value of the property through the present \$30 M offer to purchase.

If the Applicant intends to make a follow-on application under s. 11(4) of the CCAA, that application is to be heard by me **August 16, 2007, at 2:00 p.m.** (Any request to vary, amend or dissolve the Order, if extended, to be on **Sept. 4/07 at 10:00 a.m.**)

SIGNED TO ISSUE

PETER A. CUMMING, J.