



ONTARIO
Superior Court of Justice, Family Court
(Name of Court)

Court File Number
252/15

at **469 Montreal St., Kingston, Ontario, K7K 3H9**
(Court office address)

Form 25: Order (general)

Temporary
 Final

Applicant(s)

<p>(Full legal name & address for service: street, number, municipality, postal code telephone & fax numbers & e-mail address (if any).)</p> <p>Mervin Brian Schick 2845 Washburn Road Inverary, Ontario K0H 1X0</p>	<p>Lawyer's name & address: street, number, municipality, postal code, telephone & fax numbers & e-mail address (if any).</p> <p>Mark S. LaFrance Kamin, LaFrance Barristers and Solicitors 797 Princess Street, Suite 300 Kingston, Ontario K7L 1G1 Tel: 613-549-3294 Fax: 613-549-2615 mark.lafrance@kingston.net</p>
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Justice T. Minnema

Respondent(s)

December 29, 2023
Date of order

<p>(Full legal name & address for service: street, number, municipality, postal code telephone & fax numbers & e-mail address (if any).)</p> <p>Deborah Lynn Cardinal (formerly Schick) c/o Counsel</p>	<p>Lawyer's name & address: street, number, municipality, postal code, telephone & fax numbers & e-mail address (if any).</p> <p>Kulbir K. Rahal Vaid Gene C. Colman Family Law Centre Barristers and Solicitors 25 Bowring Walk, Toronto,, Ontario M3H 5Z5 Tel: 416-635-9264 Fax: 647-930-1835 kulbir@complexfamilylaw.com</p>
<p>-----</p> <p>1475459 Ontario Inc. (operating as End of The Roll) 695 Gardiners Road Kingston ON K7M 3Y4</p>	
<p>-----</p> <p>Schick's Holdings Inc. 695 Gardiners Road Kingston ON K7M 3Y4</p>	

This order is made pursuant to provincial legislation only.

The court heard an application/motion made by (name of person or persons)

BDO Canada Limited ("**BDO**") in its joint capacities as the Court-appointed Sales Officer (in such capacity, the "**Sales Officer**") and the Court-appointed Liquidator (in such capacity, the "**Liquidator**", together with the Sales Officer, the "**Court Officer**") of all of the estate and effects of Schick's Holdings Inc. ("**HOLDCO**"), for an order, amongst other things, (i) approving the Third Report of the Court Officer, dated December 1, 2023 (the "**Third Report**") and the activities of the Court Officer set out therein, (ii) approving the Court Officer's interim statements of receipts and disbursements, (iii) approving the fees and disbursements of the Court Officer and its legal counsel, (iv) approving and authorizing the Liquidator's claims process (the "**Claims Process**") and associated forms, *nunc pro tunc*, and (v) approving a claims bar order with respect to the Claims Process.

The following persons were in court (names of parties and lawyers in court)

The court received evidence and heard submissions on behalf of (name or names)

~~PURSUANT TO THE DIVORCE ACT (CANADA), THIS COURT ORDERS THAT: (if not applicable, cross out this line)~~

~~PURSUANT TO THE CHILDREN'S LAW REFORM ACT, THIS COURT ORDERS THAT:
(if not applicable, cross out this line)~~

~~PURSUANT TO THE FAMILY LAW ACT, THIS COURT ORDERS THAT: (if not applicable, cross out this line)~~

THIS COURT ORDERS THAT *(specify legislation, where applicable):*

SERVICE

1. **THIS COURT ORDERS** that the time for service and filing of the Notice of Motion, the Affidavit of Brandy Kaddoura, sworn December 1, 2023, the Fee Affidavit of Jonathan Gross, sworn November 29, 2023, the Fee Affidavit of Matthew Marchand, sworn November 29, 2023, and the Third Report is hereby abridged and validated so that this Motion is properly returnable today and hereby dispenses with further service thereof.

APPROVAL OF ACTIVITIES AND FEES

2. **THIS COURT ORDERS** that the Third Report and the Court Officer's activities set out therein are hereby approved, provided, however, that only the Court Officer, in its personal capacity and only with respect to its own personal liability, shall be entitled to rely upon or utilize in any way such approval.

3. **THIS COURT ORDERS** that the Interim Statement of Receipts and Disbursements of the Court Officer as set forth in its Third Report be and the same are hereby approved.

4. **THIS COURT ORDERS** that the professional fees and disbursements of BDO in its capacity as Court Officer for the period from March 1, 2023 to November 28, 2023 in the amount of \$61,554.50 and HST of \$8,002.09 for a total of \$69,556.59, as set out in the Affidavit of Matthew Marchand, sworn November 29, 2023 and attached as Appendix "H" to the Third Report, are hereby approved and the Court Officer is authorized to pay such fees and disbursements, with 50% to be paid on account of HOLDCO and 50% to be paid on account of 1475459 Ontario Inc.

5. **THIS COURT ORDERS** that the professional fees and disbursements of Fogler, Rubinoff LLP, legal counsel to the Court Officer for the period from March 1, 2023 to November 27, 2023, in the amount of \$28,750.80 plus disbursements of \$185.28 and HST of \$3,761.68 for total of \$32,697.76 as set out in the Affidavit of Jonathan Gross, sworn November 27, 2023 and attached as Appendix "J" to the First Report, are hereby approved and the

Liquidator is authorized to pay such fees and disbursements, with 50% to be paid on account of HOLDCO and 50% to be paid on account of 1475459 Ontario Inc.

NOTICE TO PROVE CLAIMS

THIS COURT ORDERS that, *nunc pro tunc*, the claims process as set out in the Third Report (the "**Claims Process**") be and is hereby approved, including the form and content of the Liquidator's Claims Process Newspaper Advertisement and Creditor's Package as described and set out in the Third Report, and the Liquidator's list of parties served with the Creditor's Package (the "**HOLDCO Claims Notice List**"), and the Liquidator is authorized, *nunc pro tunc*, to deliver the Creditor's Package to all parties on the HOLDCO Claims Notice List on October 23, 2023 and publish the Claims Process Newspaper Advertisement in The Kingston Whig-Standard on October 21, 2023.

CLAIMS BAR DATE

6. **THIS COURT ORDERS** that all proofs of claim shall be filed with the Liquidator on or before April 2, 2024 (the "**Claims Bar Date**").

7. **THIS COURT ORDERS** that Liquidator shall, as soon as practicable following the issuance of this order and in any case no more than ten (10) days) following the issuance of this order, send to each of the parties listed in the HOLDCO Claims Notice List further notice of the Claims Process and publish a further advertisement in the Kingston Whig Standard newspaper for one business day (together, the "**Further Notices**"), advising claimants that unless a proof of claim supported with sufficient evidence is filed with the Liquidator on or before the Claim Bar Date then such claimant shall be barred from making or enforcing such claim against HOLDCO in accordance with the terms of this order and shall not be entitled to any further notice, and shall not be entitled to participate as a creditor, in these proceedings.

8. **THIS COURT ORDERS** that any claimant that does not file a proof of claim as provided for herein such that such proof of claim is received by the Liquidator on or before the Claims Bar Date: (a) shall be, and is hereby forever barred, from making or enforcing such claim against HOLDCO; and (b) shall not be entitled to any further notice, and shall not be entitled to participate as a creditor, in these proceedings.

REVIEW OF PROOFS OF CLAIM

9. **THIS COURT ORDERS** that the Liquidator shall review all proofs of claim filed, and at any time: (a) may request additional information from a claimant; (b) may request that the claimant file a revised proof of claim; (c) may attempt to resolve and settle any issue arising in a proof of claim or in respect of a claim; (d) may accept (in whole or in part) the amount and/or status of any claim and notify the creditor in writing; and (e) may by notice in writing revise or disallow (in whole or in part) the amount and/or status of any Claim.

10. **THIS COURT ORDERS** that where a claim is revised or disallowed (in whole or in part, and whether as to amount and/or as to status), the Liquidator shall deliver to the claimant a notice of revision or disallowance, attaching a form of dispute notice.

11. **THIS COURT ORDERS** that the Liquidator is hereby authorized to use its reasonable discretion as to the adequacy of compliance with respect to the manner and timing in which forms delivered hereunder are completed and executed, and may, where it is satisfied that a claim has been adequately proven, waive strict compliance with the requirements of this Order as to completion and execution of such forms.

DISPUTE NOTICE

12. **THIS COURT ORDERS** that a claimant who intends to dispute a notice of revision or disallowance shall file a dispute notice with the Liquidator as soon as reasonably practicable but in any event such that the dispute notice shall be received by the Liquidator on or before 5:00 p.m. (prevailing Eastern Time) on the day that is fifteen (15) calendar days after the claimant is deemed to have received the notice of revision or disallowance in

accordance with paragraph 18 of this Order. The filing of a dispute notice with the Liquidator within the fifteen (15) day period specified in this paragraph shall constitute an application to have the amount or status of such claim determined as set out in paragraphs 14 to 15 hereof.

13. **THIS COURT ORDERS** that where a claimant that receives a notice of revision or disallowance fails to file a dispute notice with the Liquidator within the time period provided for in paragraph 12 above, the amount and status of such claimant's claim shall be deemed to be as set out in the notice of revision or disallowance and such amount and status, if any, shall constitute such claimant's proven claim as a creditor.

RESOLUTION OF CLAIMS

14. **THIS COURT ORDERS** that, as soon as practicable after a dispute notice is received by the Liquidator in accordance with this Order, the Liquidator, in consultation with the claimant, shall attempt to resolve and settle the amount and status of the claimant's claim.

15. **THIS COURT ORDERS** that, in the event that a dispute raised in a dispute notice is not settled within a reasonable time period or in a manner satisfactory to the Liquidator and the applicable claimant, the Liquidator may, on notice to the disputing claimant, bring the dispute before the Court for determination.

DETERMINATION OF PROVEN CLAIM

16. **THIS COURT ORDERS** that the amount and status of every claim as finally determined in accordance with the procedures set forth in this Order, shall be final for all purposes, including for distributions made to creditors of HOLDCO, provided however, that no claim may be allowed or may be established as a proven claim unless a proof of claim with respect to that claim is filed in accordance with this Order.

PROTECTIONS FOR LIQUIDATOR

17. **THIS COURT ORDERS** that: (a) in carrying out the terms of this Order, the Liquidator shall have all of the protections given to it by the order of the Honourable Justice Minnema, dated April 6, 2023 (the "**Appointment Order**") or as an officer of this Court, including the stay of proceedings in its favour; (b) the Liquidator shall incur no liability or obligation as a result of the carrying out of the provisions of this Order; (c) the Liquidator shall be entitled to rely on the books and records of HOLDCO and any information provided by HOLDCO, all without independent investigation; and (d) the Liquidator shall not be liable for any claims or damages resulting from any errors or omissions in such books, records or information.

SERVICE AND NOTICE

18. **THIS COURT ORDERS** that the Liquidator is at liberty to deliver the Creditor's Package, and any letters, notices or other documents to claimants and creditors or other interested persons, by forwarding true copies thereof by prepaid ordinary mail, courier, personal delivery or electronic or digital transmission to such persons at the address as last shown on the records of HOLDCO, and that any such service or notice by courier, personal delivery or electronic or digital transmission shall be deemed to be received on the next business day following the date of forwarding thereof, or if sent by prepaid ordinary mail, on the third business day after mailing.

GENERAL

19. **THIS COURT ORDERS** that this Order is effective from the date it is made and it is enforceable without any need for entry and filing.

Put a line through any blank space left on this page.

December 29, 2023

Date of signature



Signature of judge