

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

**IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A  
PROPOSAL OF PLANET ENERGY (ONTARIO) CORP.**

**ORDER  
(Substitution of Trustee and Related Relief)**

THIS MOTION, made by All Communications Network of Canada, Co. ("**ACN**"), for, among other things, an order pursuant to sections 50.4(11) and 57.1 of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c.B-3, as amended (the "**BIA**"), terminating the period of time available to the debtor to file a proposal herein (the "**Proposal Period**"), and appointing KSV Restructuring Inc. ("**KSV**") in lieu of Richter Inc. ("**Richter**") the proposal trustee appointed under the notice of intention to make a proposal that was filed herein

ON READING the Motion Record of ACN dated September 21, 2023, filed, including the Affidavit of Tom Ulry sworn September 21, 2023, the fee affidavits of David Sieradzki and Edmond Lamek sworn September 20, 2023, and the fee affidavits of Karen Kimel and Danish Afroz sworn September 21, 2023, and on hearing the submissions of counsel to ACN, KSV in its capacity as Interim Receiver (the "**Interim Receiver**"), Richter in its capacity as proposal trustee, and Bank of Nova Scotia, no one else appearing,

1. THIS COURT ORDERS that the time for bringing this motion is hereby abridged, the method of service is hereby validated, and further service of the Notice of Motion and Motion Record is hereby dispensed with such that the motion is properly returnable today.

2. THIS COURT ORDERS AND DECLARES that, pursuant to subsection 50.4(11) of the BIA, the Proposal Period is hereby terminated.
3. THIS COURT ORDERS, pursuant to section 57.1 of the BIA, KSV is hereby appointed as licensed insolvency trustee in the Debtor's bankruptcy proceedings.
4. THIS COURT ORDERS that the fees, disbursements and taxes of KSV as Interim Receiver, and its counsel, DLA Piper (Canada) LLP ("**DLA**"), for the period ending August 31, 2023, are hereby approved in the respective amounts of \$320,021.66 and \$102,017.79, and further approves an aggregate amount not to exceed \$60,000 in respect of the fees, disbursements and taxes of KSV as Interim Receiver and DLA accrued for the period of September 1, 2023 and ending September 26, 2023.
5. THIS COURT ORDERS that KSV is hereby discharged as Interim Receiver, provided however that notwithstanding its discharge herein, KSV shall: (i) remain Interim Receiver for the performance of such incidental duties as may be required to complete the administration of the interim receivership herein; and (ii) continue to have the benefit of all the rights and protections afforded to it under the BIA, its appointment order or as an officer of this Court.
6. THIS COURT ORDERS AND DECLARES that KSV and its officers, directors, employees, agents and professional advisors is hereby released and discharged from any and all liability that they now have or may hereafter have by reason of, or in any way arising out of, their acts or omissions in respect of KSV's appointment as Interim Receiver, save and except for any gross negligence or wilful misconduct.
7. THIS COURT ORDERS that Richter is hereby discharged as the proposal trustee, provided however that notwithstanding its discharge herein, Richter shall continue to have the benefit of all the rights and protections afforded to the proposal trustee under the BIA or as an officer of this Court.
8. THIS COURT ORDERS that the fees, disbursements and taxes of Richter as proposal trustee, including the fees, disbursements and taxes of its counsel, Chaitons LLP, up to and including the time of discharge, are hereby approved in the respective

amounts of \$127,240.54 and \$33,180.20, and further approves an aggregate amount not to exceed \$10,000 plus HST in respect of the fees, disbursements and taxes of Richter as proposal trustee and Chaitons to the conclusion of their respective mandates.

9. THIS COURT ORDERS AND DECLARES that Richter and its officers, directors, employees, agents and professional advisors are hereby released and discharged from any and all liability that they now has or may hereafter have by reason of, or in any way arising out of, its acts or omissions in respect of Richter's appointment as the proposal trustee, save and except for any gross negligence or wilful misconduct.



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Kimmel

Date: 2023.09.26 15:41:04 -04'00'

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**IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A  
PROPOSAL OF PLANET ENERGY (ONTARIO) CORP.  
AND IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A  
PROPOSAL OF PLANET ENERGY (B.C.) CORP.**

Court File No. 31-2943175  
Estate No. 31-2943175

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**ONTARIO  
SUPERIOR COURT OF JUSTICE**  
  
PROCEEDING COMMENCED AT  
TORONTO

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**ORDER**  
  
**(Substitution of Trustee and Related Relief)**

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