



SUPERIOR COURT OF JUSTICE

**COUNSEL/ENDORSEMENT SLIP**

COURT FILE NO.: CV-23-00699238-00CL

DATE: August 17, 2023

NO. ON LIST: 9

TITLE OF PROCEEDING: Ortho Studio Express Inc. v. Digital Orthodontic Care Inc.

BEFORE: JUSTICE CONWAY

**PARTICIPANT INFORMATION**

**For Plaintiff, Applicant, Moving Party:**

Name of Person Appearing	Name of Party	Contact Info
Shaun Parsons	Receiver (Richter Inc.)	<a href="mailto:sparsons@reconllp.com">sparsons@reconllp.com</a>
Caitlin Fell		<a href="mailto:cfell@reconllp.com">cfell@reconllp.com</a>
Simran Joshi		<a href="mailto:sjoshi@reconllp.com">sjoshi@reconllp.com</a>

**For Defendant, Respondent, Responding Party:**

Name of Person Appearing	Name of Party	Contact Info
Jeffrey Levine	Ortho Studio Express Inc.	<a href="mailto:Jeffrey.levine@mcmillan.ca">Jeffrey.levine@mcmillan.ca</a>

**For Other, Self-Represented:**

Name of Person Appearing	Name of Party	Contact Info

**ENDORSEMENT OF JUSTICE CONWAY:**

[1] The Receiver seeks a variety of relief today including approval of the Liquidation Plan, approval of the sale process for the Sale Process Property, conditional approval of the Stalking Horse Bid and of the Transaction if no superior bid is received, approval of the First Report, and authorization to terminate the lease of the Premises on not less than seven days' notice.

[2] The motion is unopposed.

- [3] The only concern I raised was the conditional approval of the Transaction. The Stalking Horse Bid is a \$3 million credit bid by the secured creditor, who is owed \$5 million and will be under water if there is no superior offer. It wants to keep costs to a minimum by obtaining conditional approval now. There is a process for the Receiver to serve the Stalking Horse Approval Report on the Service List and to receive no objections before the Transaction is approved. As further protection, I have required the order to be amended so that the conditional approval will apply only if there are no other bids at all. With this change, I am satisfied that the conditional approval is acceptable in this case.
- [4] I am satisfied with the remainder of the relief sought, including the terms of the Sale Process, the Stalking Horse Bid, the Liquidation Plan, and the First Report.
- [5] Order to go as signed by me and attached to this Endorsement. This order is effective from today's date and is enforceable without the need for entry and filing.

Handwritten signature in blue ink, appearing to read "Conway J." with a period at the end.