



Court File No. 06-CL-6752

**ONTARIO  
SUPERIOR COURT OF JUSTICE – COMMERCIAL LIST**

THE HONOURABLE MR. ) THURSDAY, THE 1<sup>ST</sup> DAY  
JUSTICE CUMMING ) OF OCTOBER, 2009

BETWEEN:

JAMES RYAN

Applicant

- and -

6356095 CANADA INC.

Respondent

APPLICATION UNDER SECTION 211(8) OF THE *CANADA BUSINESS CORPORATIONS ACT*, R.S.C. 1985, c. C-44, AS AMENDED, AND RULE 14.05(2) OF THE *RULES OF CIVIL PROCEDURE*

**ORDER  
(Extending Time Pursuant to Section 223(2)(b) of the CBCA)**

**THIS MOTION** made by XMT Liquidations Inc., in its capacity as the liquidator of 6356095 Canada Inc. (formerly known as Excapsa Software Inc.) (the "**Liquidator**") for an Order approving the extension of time pursuant to Section 223(2)(b) of the *Canada Business Corporations Act*, R.S.C. 1985, C. C-44, as amended (the "**CBCA**"), approving of the activities of the Liquidator as set out in its second report to this Honourable Court dated September 18 ,2009 (the "**Second Report**") and approving the professional fees and disbursements of the Liquidator, its counsel and counsel to the Respondent was heard this day at 330 University Avenue, Toronto, Ontario.

**ON READING** the Notice of Motion, the Second Report, the Supplemental Report to the Second Report dated September 28, 2009, and the fee affidavits of Sheldon Krakower, Mark Schragger and Gary Steinhart, filed, and on hearing the submissions of counsel for the Liquidator and for Gail Gleed and Melissa Gaddis in their capacities as inspectors appointed in the liquidation of the Respondent, and on being advised that the Service List was served with the Notice of Motion herein:

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and the Motion Record be and it is hereby abridged and that the motion is properly returnable today and further that service thereof upon any interested party other than those served is hereby dispensed with.

2. **THIS COURT ORDERS** that the time by which the Liquidator shall apply to this Honourable Court for approval of the final accounts and for an order permitting the Liquidator to distribute in money or in kind the remaining property of the Respondent to the Respondent's shareholders according to their respective rights pursuant to Section 223(2) of the CBCA be and is hereby extended to October 1, 2010 unless extended further by further order of this Honourable Court.

3. **THIS COURT ORDERS** that the activities of the Liquidator as set out in the Second Report be and are hereby approved.

4. **THIS COURT ORDERS** that the fees and disbursements of the Liquidator as set out in the affidavit of Sheldon Krakower dated August 26, 2009 in the total amount of \$612,955.00 be and are hereby approved.

5. **THIS COURT ORDERS** that the fees and disbursements of the Liquidator's counsel, Davies Ward Phillips & Vineberg LLP as set out in the affidavit of Mark Schrager dated August 25, 2009 in the total amount of \$465,941.00 be and are hereby approved.

6. **THIS COURT ORDERS** that the fees and disbursements of the counsel to the Respondent, Cassels Brock & Blackwell LLP, as set out in the affidavit of Gary Steinhart dated August 25, 2009 in the total amount of \$869,656.24 be and are hereby approved.

7. **THIS COURT ORDERS** that the fees and disbursements of special tax counsel to the Respondent, Davies Ward Phillips & Vineberg LLP, as set out in the second affidavit of Mark Schrager dated August 25, 2009 in the total amount of \$167,895.37 be and are hereby approved.

*Oct 1, 2009*

*Peter A. Cumming J.*

ENTERED AT / INSCRIT A TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO.:

OCT 01 2009

PER / PAR: *JSN* Joanne Nicoara  
Registrar, Superior Court of Justice

BETWEEN:

JAMES RYAN (Applicant) – and - 6356095 CANADA INC. (Respondent)

APPLICATION UNDER SECTION 211(8) OF THE *CANADA BUSINESS CORPORATIONS ACT*, R.S.C. 1985, c. C-44, AS AMENDED,  
AND RULE 14.05(2) OF THE *RULES OF CIVIL PROCEDURE*

**ONTARIO  
SUPERIOR COURT OF JUSTICE –  
COMMERCIAL LIST**

Proceeding commenced at Toronto

**ORDER**

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the liquidator of 6356095 Canada Inc. (formerly known  
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capacity

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(If more than 2 parties involved, add additional signatures and particulars on reverse or separate page)

To be submitted to:

**Commercial List / Bankruptcy Court Office  
393 University Avenue, 10th Floor  
Toronto, ON M5G 1E6  
Telephone: (416) 327-5043  
Fax No.: (416) 327-6228**

*Oct 1 / 09*

Endorsement / disposition *Submissions, No opposition.  
Order signed & issued.*

*Peter A. Curran*