ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

THE HONOURABLE MR.	)	TUESDAY, THE 8th
	)	
JUSTICE MORAWETZ	)	DAY OF DECEMBER, 2009
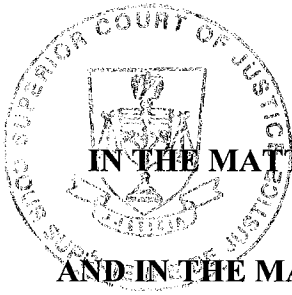
IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C. 1985, c. C-36, AS AMENDED
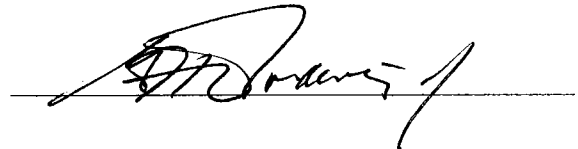
AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF EDDIE BAUER OF CANADA, INC. AND EDDIE BAUER CUSTOMER SERVICES INC.

ORDER

THIS MOTION, made by Tenere of Canada, Inc. (formerly Eddie Bauer of Canada, Inc.) and Yuma Customer Services Inc. (formerly Eddie Bauer Customer Services Inc.) (collectively, the "**Applicants**") for the relief set out in the Applicants' notice of motion dated December 3, 2009, was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Seventh Report of RSM Richter Inc. dated December 3, 2009 (the "**Seventh Report**"), in its capacity as monitor (the "**Monitor**") of the Applicants, and on hearing submissions of counsel for the Applicants and the Monitor, no one appearing for any other person on the service list, although duly served as appears from the Affidavit of Service of Nikki Wilson sworn December 4, 2009, filed.

1.   **THIS COURT ORDERS** that the time for the service of the Applicants' motion record and the Seventh Report is hereby abridged so that this Motion is properly returnable today and hereby dispenses with further service thereof.

2.   **THIS COURT ORDERS** that the Stay Period referred to in the Initial Order of the Honourable Mr. Justice Morawetz dated June 17, 2009, as amended and restated, is extended until April 30, 2010, or such later date as this Court may order.

3.   **THIS COURT ORDERS** that the Monitor, for and on behalf of the Applicants, be and is hereby authorized and directed to engage Gowling Lafleur Henderson LLP to perform services in furtherance of the recovery of potential tax refunds of the Applicants, in accordance with and as more fully described in the Seventh Report.

4.   **THIS COURT ORDERS** that the conduct and activities of the Monitor as set out and described in the Seventh Report be and are hereby approved.

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

DEC 0 8 2009

PER / PAR: TU

Court File No. 09-8240-CL

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C.
1985, c. C.36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF
EDDIE BAUER OF CANADA, INC. AND EDDIE BAUER CUSTOMER SERVICES INC.

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

Proceeding commenced at Toronto

ORDER
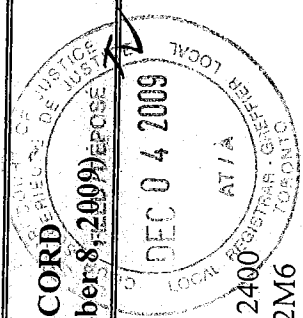
GOODMANS LLP
Barristers & Solicitors
250 Yonge Street, Suite 2400
Toronto, Canada M5B 2M6

L. Joseph Latham LSUC#: 32326A
Fred Myers LSUC#: 26301A
Christopher G. Armstrong LSUC #: 55148B

Tel: 416.979.2211
Fax: 416.979.1234

Lawyers for the Applicants

8 Dec 2009

Court File No: CV-09-8240-CL

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C. 1985, c. C.36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF EDDIE BAUER OF CANADA, INC. AND EDDIE BAUER CUSTOMER SERVICES INC.

Dec 0/09

L. J. Latham for Applicants.
M. Gollick for Monitor.
R. Agarwal ⎤
S. Zweig   ⎦ for Wilmington Trust.

The motion was not opposed. Counsel to the Monitor advised that is active in current there has been received in respect

① the 7th Report.

I am satisfied that the Report establishes that the Applicant in [...] to work in good faith

and with due diligence such that the requested extension is appropriate.

The stay is extended to April 30, 2010.

The 7th Report and the activities of the Monitor described in the Report are approved.

The The Monitor is authorized to engage Gowlings on the basis set out in the Report. The parties having examined no interest in this matter are supportive of the integrity arangt. These parties include the U.S. Parent, the unsecured creditors committee, and the team leader. In the circumstances I am satisfied that the integrity arangt, which has seen the subject of negotiation by the parties is appropriate.

An order shall issue in the form presented.