

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE

JUSTICE HAINEY

) THURSDAY, THE 22nd
)
) DAY OF JUNE, 2017



**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 returnable June 22, 2017, was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Twenty-First Report of KSV Kofman Inc. dated June 15, 2017 (the “**Twenty-First Report**”) in its capacity as monitor (the “**Monitor**”) of the Applicants, the Affidavit of David Sieradzki sworn June 15, 2017 (the “**Sieradzki Affidavit**”), the Affidavit of Jay Swartz sworn June 13, 2017 (the “**Swartz Affidavit**”) and the Affidavit of Paul Michell sworn June 12, 2017 (the “**Michell Affidavit**”) 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 Jennifer Messier sworn June 15, 2017, filed.

1. **THIS COURT ORDERS** that the time for the service of the Applicants' Motion Record and the Twenty-First 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 R.S.J. Morawetz dated June 17, 2009, as amended and restated, is extended until December 31, 2017, or such later date as this Court may order.

3. **THIS COURT ORDERS** that the conduct and activities of the Monitor as set out and described in the Twenty-First Report be and are hereby approved.

4. **THIS COURT ORDERS** that the fees and disbursements of the Monitor for the period from June 1, 2009 to May 31, 2017, as detailed in the Twenty-First Report and the Sieradzki Affidavit, be and are hereby approved.

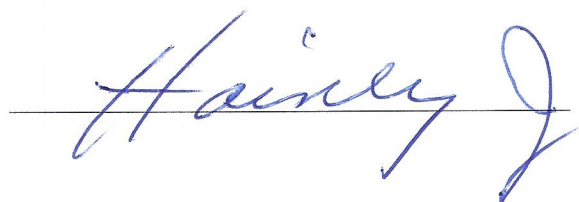
5. **THIS COURT ORDERS** that the fees and disbursements of Davies Ward Phillips & Vineberg LLP, as counsel to the Monitor for the period from June 1, 2009 to November 10, 2011, as detailed in the Swartz Affidavit, be and are hereby approved.

6. **THIS COURT ORDERS** that the fees and disbursements of Lax O'Sullivan Lisus Gottlieb LLP, as counsel to the Monitor for the period from November 11, 2011 to May 31, 2017, as detailed in the Michell Affidavit, be and are hereby approved.

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

JUN 22 2017

PER / PAR: 



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

Court File No. 09-8240-CL

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

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