

Court File No. CV-09-8257-0001

ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)

Proceedings Commenced At Toronto

MOTION RECORD  
(Re: Stay Extension - Returnable: July 28, 2009)

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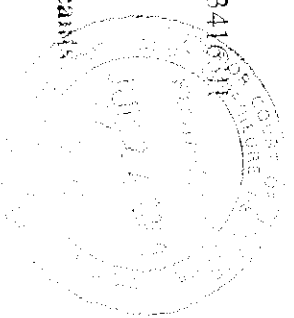
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Lawyers for the Applicants



July 28/09.

After reading the written record & hearing from counsel no party opposing - Counsel for Bencherit reflecting counsel as set out in the attached sheet - Counsel for the Applicant well needed stay since counsel has not necessarily shared the information is hereby granted. The extension is hereby granted as set out in the sheet of the stay order filed & approved. as set out in the Receiver's Report.

McCarthy

### **Nexient Endorsement**

Comerica has advised that it continues to be concerned about the deterioration of its security position and cash burn during the sale process. Comerica has also advised that it is particularly concerned about the fact that there is a significant variance in the cash burn from the projected cash flows. Despite these concerns, based on the information contained in the Monitor's Report, Comerica had agreed to support an extension of the stay to allow the sale process to be completed. This support is based on the current timetable which provides for a closing by no later than August 15.

Comerica has advised that depending on the deterioration of Comerica's security position, the variance in Nexient's cash use from projections and what happens when offers are received on August 4, it may be back seeking some form of relief and it specifically reserves all rights to take any steps necessary to protect its interests at any time.