

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

THE HONOURABLE) THURSDAY, THE 8th
)
JUSTICE STEELE) DAY OF JUNE, 2023
)

**IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF PLANET
ENERGY (ONTARIO) CORP.**

**AND IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF
PLANET ENERGY (B.C.) CORP**

**ORDER
(Extension Of Stay and Administration Order)**

THIS MOTION, made by Planet Energy (Ontario) Corp. (“**PEOC**”) and Planet Energy (B.C.) Corp. (“**PEBC**”, and together with PEOC, “**Applicants**” or “**Planet Energy**”) for an order, among other things, consolidating the Applicants’ proposal proceedings (the “**Proposal Proceedings**”) and extending the time for Planet Energy to file a proposal to July 25, 2023, was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the affidavit of Nino Silvestri sworn May 26, 2023 (the “**Silvestri Affidavit**”) and the exhibits thereto, the First Report (the “**First Report**”) of the Richter Inc., in its capacity as proposal trustee of each of PEOC and PEBC (the “**Proposal Trustee**”), the affidavit of Robert Stevanovski sworn May 15, 2023, the transcripts of the cross-examinations of Mr. Silvestri and Mr. Stevanovski on their respective affidavits, and on hearing the submissions of counsel for Planet Energy, counsel for the Proposal Trustee and all other counsel appearing on the counsel slip.

SERVICE

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and the Motion Record is hereby abridged and validated so that this Motion is properly returnable today and hereby dispenses with further service thereof.

ADMINISTRATIVE CONSOLIDATION

2. **THIS COURT ORDERS** the administrative consolidation of the proceedings bearing Court/Estate File No. 31-2943175 and 31-2943168 (the “**Proposal Proceedings**”) and the Proposal Trustee shall administer the Proposal Proceedings under Court/Estate File No. 31-2943175 as if the Proposal Proceedings were a single proceeding for the purposes of carrying out its duties and responsibilities as proposal trustee under the BIA.

EXTENSION OF THE PROPOSAL PERIOD

3. **THIS COURT ORDERS** that the time for Planet Energy to file a proposal (the “**Proposal Period**”), and the stay of proceedings herein, is hereby extended in accordance with subsection 50.4(9) of the *Bankruptcy and Insolvency Act* R.S.C. 1985 c. B-3, as amended (the “**BIA**”), to and including July 4, 2023.

SERVICE AND NOTICE

4. **THIS COURT ORDERS** the E-Service Guide of the Commercial List (the “**Guide**”) is approved and adopted by reference herein and, in this proceeding, the service of documents made in accordance with the Guide (which can be found on the Commercial List website at: www.ontariocourts.ca/scj/practice/practice-directions/toronto/eservice-commercial/) shall be valid and effective service. Subject to Rule 17.05 this Order shall constitute an order for substituted service pursuant to Rule 16.04 of the Rules of Civil Procedure. Subject to Rule 3.01(d) of the Rules of Civil Procedure and paragraph 13 of the Guide, service of documents in accordance with the Guide will be effective on transmission. This Court further orders that a Case Website shall be established in accordance with the Protocol with the following URLs:

- (a) “<https://www.richter.ca/insolvencycase/planet-energy-ontario-corp/>”; and
- (b) “<https://www.richter.ca/insolvencycase/planet-energy-b-c-corp/>”.

5. **THIS COURT ORDERS** that if the service or distribution of documents in accordance with the Protocol is not practicable, the Proposal Trustee is at liberty to serve or distribute this Order, any other materials and orders in these proceedings, any notices or other correspondence, by forwarding true copies thereof by prepaid ordinary mail, courier, personal delivery or facsimile transmission to Planet Energy’s creditors or other interested parties at their respective addresses as last shown on the records of Planet Energy and that any such service or distribution by courier, personal delivery or facsimile transmission shall be deemed to be received on the next business day following the date of forwarding thereof, or if sent by ordinary mail, on the third business day after mailing.

6. **THIS COURT ORDERS** that the Proposal Trustee, Planet Energy and their respective counsel, are at liberty to serve or distribute this Order, any materials and orders as may be reasonably required in these proceedings including any notices, or other correspondence, by forwarding true copies thereof by electronic message to Planet Energy’s creditors or other interested parties and their advisors. For greater certainty, any such distribution or service shall be deemed to be in satisfaction of a legal or juridical obligation, and notice requirements within the meaning of clause 3(c) of the Electronic Commerce Protection Regulations, Reg. 81000-2-175 (SOR/DORS).

GENERAL

7. **THIS COURT ORDERS** that the Proposal Trustee shall not take possession of the Property and shall take no part whatsoever in management or supervision of the management of the business of Planet Energy and shall not, in fulfilling its obligations hereunder or under the BIA, be deemed to have taken possession or control of the business of Planet Energy or its property, or any part thereof.

8. **THIS COURT ORDERS** that that the Proposal Trustee shall provide any creditor of Planet Energy with information provided by Planet Energy in response to reasonable requests for information made in writing by such creditor addressed to the Proposal Trustee. The Proposal Trustee shall not have any responsibility or liability with respect to the information disseminated by it pursuant to this paragraph. In the case of information that the Proposal Trustee has been advised by Planet Energy or its counsel is confidential, the Proposal Trustee shall not provide such information to creditors unless otherwise directed by this Court or on such terms as the Proposal Trustee and Planet Energy may agree.

9. **THIS COURT ORDERS** that, in addition to the rights and protections afforded the Proposal Trustee under the BIA or as an officer of this Court, the Proposal Trustee shall incur no liability or obligation as a result of its appointment or carrying out any provisions of this Order, save and except for any gross negligence or wilful misconduct on its part. Nothing in this Order shall derogate from the protections afforded the Proposal Trustee by the BIA or any applicable legislation.

10. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada, to give effect to this Order and to assist Planet Energy and the Proposal Trustee and their respective agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to Planet Energy and the Proposal Trustee, as an officer of this Court, as may be necessary or desirable to give effect to this Order or to assist Planet Energy, the Proposal Trustee and their respective agents in carrying out the terms of this Order.

11. **THIS COURT ORDERS** that any interested party (including Planet Energy and the Proposal Trustee) may apply to this court to vary or amend this Order on not less than seven

(7) days notice to any other party or parties likely to be affected by the order sought or upon such other notice, if any, as this Court may order.

ONTARIO
SUPERIOR COURT OF JUSTICE

(IN BANKRUPTCY AND INSOLVENCY)

Proceeding Commenced at Toronto

ORDER

STIKEMAN ELLIOTT LLP

Barristers & Solicitors
5300 Commerce Court West, 199 Bay Street
Toronto, ON M5L 1B9

Daniel S. Murdoch LSO# 53123L

Tel: 416.869.5529
dmurdoch@stikeman.com

Lee Nicholson LSO#66412I

Tel: 416.869.5604
leenicholson@stikeman.com

Zev Smith LSO# 70756R

Tel: 416.869.5260
zsmith@stikeman.com

Gavin Inkster LSO# 82737I

Tel: 416.869.5242
ginkster@stikeman.com

Lawyers for the Debtors under Proposal,
Planet Energy (Ontario) Corp. and Planet Energy (B.C.) Corp.