

Endorsement

Two motions are brought in this proceeding today.

The first motion is brought by the court-appointed Representative Counsel to all current and former employees of Hyndman Transport Limited. It seeks an order discharging Jeff Sipel, as Representative, and Koskie Minsky LLP, as Representative Counsel to the Employees.

Having reviewed the record and heard the submissions of counsel, I am satisfied that Representative and Representative Counsel have fulfilled their role in this proceeding. They were engaged in successfully facilitating WEPP (Wage Earner Protection Program) payments to terminated employees in the receivership in which there were no funds to pay unsecured claims. They also successfully advanced trust claims of amounts owing to Owner/Operators.

The dockets in support of the fees sought by Representative and Representative Counsel were reviewed by the Receiver, KSV Restructuring Inc., and Luminus Energy Partners Master Fund, Ltd. There is no objection to the fees to be paid to Representative and Representative Counsel.

Notice of this motion was given to the Employees. In response, the Employees made no adverse comments on the motion or the fees sought.

An Order discharging Jeff Sipel, as Representative, and Koskie Minsky LLP, as Representative Counsel to the Employees shall issue in the form attached hereto and signed by me. The Order is effective as of today's date and it does not need to be entered.

In the second motion, the Receiver and affiliated debtors seek an order authorizing the Receiver to make defined Distributions and discharging the Receiver upon the filing of its Discharge Certificate. The Receiver also seeks an order approving its reports, its fees and the fees of its counsel (the "Distribution and Discharge Order").

There is no opposition to this motion.

Having reviewed the record, including the Eighth Report of the Receiver, including the fee affidavits attached thereto, and having heard the submissions of counsel, I am satisfied that the activities of the Receiver, as described in the Eighth Report, should be approved and that the fees of the Receiver and its counsel are fair and reasonable. The Receiver should be discharged after it has made the defined Distributions, prepared its final report and filed its Discharge Certificate.

Distribution and Discharge Order to go in the form of the draft attached hereto and signed by me. The Distribution and Discharge Order is effective as of today's date and it does not need to be entered.



Dietrich J.
Superior Court of Justice (Toronto)
July 14, 2021