

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

THE HONOURABLE) **THURSDAY, THE 14th DAY OF**
)
JUSTICE DIETRICH) **JULY, 2021**

**IN THE MATTER OF THE *BANKRUPTCY AND INSOLVENCY ACT*,
R.S.C. 1985, c. B-3, AS AMENDED**

**AND IN THE MATTER OF CERTAIN PROCEEDINGS TAKEN IN THE UNITED
STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE WITH
RESPECT TO CELADON GROUP, INC. AND THE AFFILIATED ENTITIES LISTED
IN FOOTNOTE "1" HERETO**

**APPLICATION OF CELADON GROUP, INC. PURSUANT TO PART XIII OF THE
BANKRUPTCY AND INSOLVENCY ACT AND SECTION 101 OF THE *COURTS OF
JUSTICE ACT*, R.S.O. 1990, c. C.-43, AS AMENDED**

ORDER

(Termination of Employee Representation Order)

THIS MOTION, made by Koskie Minsky LLP ("**KM**") the court appointed Representative Counsel to all current and former employees of Hyndman Transport Limited ("**Hyndman Canada**"), including those drivers referred to as "owners/operators" (collectively the "**Employees**" or individually, "**Employee**"), for an order to discharge the Representative and Representative Counsel who were appointed pursuant to the order of the Court dated February 12, 2020 (the "**Employee Representation Order**") in these proceedings or in any other insolvency proceeding which may be brought before this Honourable Court pertaining to Hyndman Canada

(the "**Proceedings**"), proceeded on July 14, 2020 by judicial videoconference via Zoom in Toronto, Ontario due to COVID-19 pandemic.

ON READING the Affidavit of Sydney Edmonds sworn on July 7, 2020, the Eighth Report of the Receiver dated July 7, 2020 and the appendices thereto, and on hearing the submissions of Representative Counsel, counsel for the Receiver, and such other counsel as were present, no one appearing for any other person on the service list, although properly served as appears from the affidavit of Veronica De Leoz sworn July 7, 2020 filed,

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 that further service is hereby dispensed with.
2. **THIS COURT ORDERS** that Jeff Sippel (the aforementioned "**Representative**") is hereby discharged as Representative to the Employees, and KM is hereby discharged as Representative Counsel to the Employees in the Proceedings, provided however that notwithstanding their discharge as Representative and Representative Counsel, Jeff Sippel and KM shall continue to have the benefit of the provisions of all prior Orders made in this proceeding, including the Employee Representation Order, and all protections and releases.
3. **THIS COURT ORDERS** that the costs of the Employees in the Proceedings incurred by Representative Counsel on behalf of the Employees from January 24, 2020 up to and including July 14, 2021 in the total amount of \$100,226.10, inclusive of taxes and disbursements are hereby approved.

4. **THIS COURT ORDERS** that the conduct and actions of the Representative and Representative Counsel in connection with their mandate pursuant to the Employee Representation Order, shall be and are hereby approved.

5. **THIS COURT ORDERS** that Jeff Sippel and KM are hereby released and discharged from any and all liability that they now have or may hereafter have by reason of, or in any way arising out of, their acts or omissions while acting in their capacity as Representative and Representative Counsel herein, including but not limited to any and all liability arising out of their mandate under the Employee Representation Order, save and except for any gross negligence or wilful misconduct on their part. Without limiting the generality of the foregoing, Jeff Sippel and KM are hereby forever released and discharged from any and all liability relating to matters that were raised, or which could have been raised, in the Proceedings, save and except for any gross negligence or wilful misconduct on their part.

6. **THIS COURT ORDERS** that despite their discharge herein Representative and Representative Counsel shall continue to have the benefit of the provisions of all prior Orders made in this proceeding, including the Employee Representation Order, and all protections and releases in favour of them in their capacity as Representative and Representative Counsel for the performance of such further incidental duties as may be required to complete the administration of its mandate in the Proceedings.



DIETRICH, J.

Court File No. CV-20-00634911-00CL

**IN THE MATTER OF THE *BANKRUPTCY AND INSOLVENCY ACT*, R.S.C. 1985, c. B-3, AS AMENDED
AND IN THE MATTER OF CERTAIN PROCEEDINGS TAKEN IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE WITH
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OF JUSTICE ACT*, R.S.O. 1990, c. C-43, AS AMENDED**

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

Proceeding commenced at Toronto

ORDER
(Termination of
Employee Representation Order)

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Representative Counsel to all employees of
Hyndman Transport Limited

ⁱ In addition to Celadon, the Chapter 11 Debtors are A R Management Services, Inc., Bee Line, Inc., Celadon Canadian Holdings, Limited (“**CCHL**”), Celadon E-Commerce, Inc., Celadon International Corporation, Celadon Logistics Services, Inc., Celadon Mexicana, S.A. de C.V., Celadon Realty, LLC, Celadon Trucking Services, Inc., Distribution, Inc., Eagle Logistics Services Inc., Hyndman Transport Limited (“**Hyndman**”), Jaguar Logistics, S.A. de C.V., Leasing Servicios, S.A. de C.V., Osborn Transportation, Inc., Quality Companies LLC, Quality Equipment Leasing, LLC, Quality Insurance LLC, Servicios Corporativos Jaguar, S.C., Servicios de Transportacion Jaguar, S.A. de C.V., Stinger Logistics, Inc., Strategic Leasing, Inc., Taylor Express, Inc., Transportation Insurance Services Risk Retention Group, Inc. and Vorbas, LLC