



Court File No. 08-CL-7840

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

THE HONOURABLE MADAM

JUSTICE HOY

) *Monday*, THE *23rd*
)
) DAY OF NOVEMBER, 2009.

IN THE MATTER OF AN APPLICATION UNDER SECTION 47(1)
OF THE *BANKRUPTCY AND INSOLVENCY ACT*, R.S.C. 1985, c. B-3

AND IN THE MATTER OF SECTION 101 OF
THE *COURTS OF JUSTICE ACT*, R.S.O. 1990, c. C.43

B E T W E E N:

BANK OF MONTREAL, AS AGENT FOR
BANK OF MONTREAL, THE BANK OF NOVA SCOTIA
AND ALBERTA TREASURY
BRANCHES

("Applicant")

- and -

GRAFIKOM LIMITED PARTNERSHIP,
GRAFIKOM GENERAL PARTNER INC.,
GRAFIKOM.SPEEDFAST LIMITED
AND GRAFIKOM.GRENVILLE LIMITED

("Respondents")

O R D E R

THIS motion, made by ADP Canada Co. ("ADP") for an order directing RSM Richter Inc. (the "Receiver") to pay to ADP, out of the estate of the Respondents in priority to the Applicant was heard on June 8, 2009, and October 1, 2009, at 330 University Avenue, Toronto, Ontario.

ON READING the Motion Record of ADP, the Fourth Report of the Receiver dated July 22, 2009, the Supplement to the Fourth Report of the Receiver dated September 24, 2009, and the Facta and Authorities filed by the parties, and on hearing the submissions of counsel for the parties,

1. **THIS COURT ORDERS** that the motion be and is hereby dismissed in accordance with the reasons for decision released on October 14, 2009.

2. **THIS COURT FURTHER ORDERS** that the costs of this motion are fixed in the amount of \$13,500.00, inclusive of GST and disbursements, and are payable by ADP to the Applicant.

3. **THIS COURT ORDERS** that the Receiver is hereby authorized and directed to distribute to the Applicant, as agent for a lending syndicate comprised of Bank of Montreal, The Bank of Nova Scotia and Alberta Treasury Branches (collectively, the "Lending Syndicate"), the sum of \$120,000 plus accrued interest thereon that the Receiver has been required to hold back pursuant to paragraph 2 of the Order of the Honourable Mr. Justice Wilton-Siegel granted in these proceedings on Wednesday January 28, 2009, in reduction of the indebtedness owing to the Lending Syndicate by the Respondents.



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

NOV 26 2009

PER / PAR: 

Joanne Nicoara
Registrar, Superior Court of Justice

ONTARIO
SUPERIOR COURT OF JUSTICE
(Commercial List)
PROCEEDINGS COMMENCED AT
TORONTO

ORDER

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