



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

**IN BANKRUPTCY AND INSOLVENCY**

THE HONOURABLE	)	FRIDAY, THE 16 <sup>TH</sup> DAY
	)	
JUSTICE KIMMEL	)	OF JUNE, 2023

**IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF  
THE SANDERSON-HAROLD COMPANY LIMITED, C.O.B. AS PARIS KITCHENS,  
IN THE CITY OF VAUGHAN, IN THE PROVINCE OF ONTARIO**

**ORDER**

**THIS MOTION**, made by the United Brotherhood of Carpenters and Joiners of America, Local 1072 (“**Local 1072**”), for an Order pursuant to the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3 (the “**BIA**”) lifting the stay of proceedings (the “**BIA Stay**”) under Section 69(4) of the BIA was heard this day at 330 University Avenue, Toronto, Ontario, with the court's decision having been released on July 11, 2023.

**ON READING** the affidavit of Ella Price, sworn May 1, 2023 and the exhibits thereto, the Motion Record of Local 1072, dated May 1, 2023, the affidavit of Brendan Egan, sworn May 18, 2023 and the exhibits thereto, dated May 18, 2023, the Motion Record of 1000296348 Ontario Inc. (the “**Purchaser**”), and on hearing the submissions of counsel for Local 1072, the Sanderson-Harold Company Limited, C.O.B as Paris Kitchens (“**SHCL**”), KSV Restructuring Inc., and the Purchaser, and no one else appearing although served.

1. **THIS COURT ORDERS** that any prior delay for the presentation of the Motion is hereby abridged and validated and the Court hereby dispenses with further service thereof.
2. **THIS COURT ORDERS** that the BIA Stay established by section 69(1) of the BIA shall be and is hereby lifted for the sole purpose of permitting Local 1072 to commence and as applicable continue an application to the Ontario Labour Relations Board (the “**OLRB**”) under the sale of business provisions under the *Ontario Labour Relations Act, 1995* (the “**LRA**”) naming SHCL as a Responding Party (the “**OLRB Application**”). For clarity, absent further order of this court, the BIA Stay is not lifted in respect of any declaratory, consequential or ancillary relief or for any monetary or economic award to be sought directly against SHCL by any party to the OLRB Application.
3. **THIS COURT ORDERS** that, absent further order of the court, any party to the OLRB Application who requests any oral or documentary production or discovery or evidence from SHCL, or from KSV Restructuring Inc. in its personal capacity or in its capacity as trustee in the BIA proposal of SHCL or as trustee in bankruptcy of SHCL (“**KSV**”), in the context of the OLRB Application shall pay SHCL’s and/or KSV’s reasonable full indemnity costs and disbursements incurred to respond and provide any such production, discovery or evidence in response to such request (whether it is ordered by the OLRB or agreed to with SHCL and KSV). If any oral or documentary production or discovery or evidence is required by law or regulation to be made by SHCL or KSV, or ordered by the OLRB on its own initiative or at the request of any other person, the reasonable full indemnity costs and disbursements of SHCL and /or KSV shall be paid, at first instance, by the Purchaser, subject to any

other or further order of the OLRB to require Local 1072 to bear some or all of the responsibility for same.

4. **THIS COURT ORDERS** that, for clarity, the intention of this order is that SHCL and KSV shall not be required to incur any costs or expenses to defend or respond to or participate in the OLRB Application as a result of the lifting of the BIA Stay. If the Purchaser has recourse in the context of the OLRB Application to require Local 1072 to contribute to, indemnify or reimburse it for any amounts it pays, or if it has any recourse under the Asset Purchase Agreement dated August 26, 2022 and/or the Approval and Vesting Order made on September 23, 2022, this order does not derogate from those rights, although the costs and disbursements ordered herein shall be paid and shall not be set-off against any responsibilities or liabilities of others.

5. **THIS COURT ORDERS** that there shall be no costs of this motion payable to or by any participating party.

6. **THIS COURT ORDERS** that this order is effective from today's date and is not required to be entered and filed.



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Jessica Kimmel  
Date: 2023.08.04  
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Kimmel J.

**IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A  
PROPOSAL OF THE SANDERSON-HAROLD COMPANY LIMITED,  
C.O.B. AS PARIS KITCHENS**

Estate/Court File No.: 31-2835198

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

PROCEEDING COMMENCED AT  
TORONTO

**ORDER**

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