



SUPERIOR COURT OF JUSTICE

ENDORSEMENT

COURT FILE NO.: BK-24-03014694-0031
BK-24-03014698-0031
BK-24-03014700-0031
BK-24-03014702-0031

DATE: February 14, 2024

NO. ON LIST: 1-4

TITLE OF PROCEEDING: PROEX LOGISTICS INC et al
GURU LOGISTICS INC et al
2221589 ONTARIO INC et al
1542300 ONTARIO INC et al

BEFORE: JUSTICE CAVANAGH

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party:

Name of Person Appearing	Name of Party	Contact Info
Natalie Levine	Lawyers for KSV Restructuring Inc. in its capacity as Trustee and Receiver	nlevine@cassels.com
Stephanie Fernandes		sfernandes@cassels.com

For Defendant, Respondent, Responding Party:

Name of Person Appearing	Name of Party	Contact Info
Noah Goldstein	Trustee and Receiver	ngoldstein@ksvadvisory.com

For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info

ENDORSEMENT

[1] The Trustee of four bankruptcy estates brings a motion seeking, for procedural and administrative efficiency of the bankruptcy proceedings, (i) orders (the “Procedural Consolidation Orders”) for the procedural consolidation of the bankruptcy estates, and (ii) an order (the “Prior Claims Order”) authorizing the Trustee to use the proofs of claim filed or deemed to be filed in the receivership proceedings (described in the motion materials) in these bankruptcy proceedings and dispensing with the requirement that the creditors of the bankrupt entities who have filed or were deemed to have filed such proofs of claim, file an additional proof of claim.

[2] The background of these proceedings is set out in the Trustee’s Report of KSV Restructuring Inc. as Trustee dated February 7, 2024.

[3] Consolidation for procedural purposes is appropriate where it will provide greater administrative efficiency and prevent unnecessary duplication in the administration of the bankruptcy estates. Procedural consolidation does not merge or substantively consolidate the proposed bankruptcy proceedings or the respective estates. See *Ornge Global GP Inc. (Re)*, 2013 ONSC 4518.

[4] The Procedural Consolidation Orders are appropriate because (a) they will permit all motions to be brought before one judge, rather than having multiple proceedings; (b) they will facilitate the orderly administration of these proceedings; (c) creditor rights will not be affected by the procedural consolidation; and (d) procedural consolidation will reduce costs, including by filing materials in one proceeding only.

[5] I am satisfied that the Procedural Consolidation Orders should be made.

[6] Pursuant to section 183 (1) of the BIA, this Court has equitable and ancillary powers at law and in equity to enable it to exercise original, auxiliary and ancillary jurisdiction in bankruptcy proceedings. Section 187 (12) of the BIA further provides that where the cost of preparing statements, lists of creditors, and other material required by the BIA or the cost of sending such materials as unjustified in the circumstances, the Court may give leave to admit the material or any part thereof or to send the material or notices and such a manner as the Court may direct. Similar relief was granted in *Quest Guardian Properties Ltd. (Re)*, 2021 BCSC 251.

[7] I am satisfied that the requested Prior Claims Order should be made.

[8] Orders to issue in forms of Orders signed by me today.

Justice Cavanagh

Date: February 14, 2024