



Court File No. CV-24-00716267-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE
JUSTICE OSBORNE

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THURSDAY, THE 25th
DAY OF APRIL, 2024

IN THE MATTER OF THE *COMPANIES' CREDITORS
ARRANGEMENT ACT*, R.S.C. 1985, c. C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR
ARRANGEMENT OF SKYLINK EXPRESS INC. (the "**Applicant**")

ORDER

THIS MOTION, made by the Applicant, Skylink Express Inc. (the "**Applicant**"), for an order (a) extending the Stay Period (as defined in the Amended and Restated Initial Order, as amended on March 21, 2024, the "**ARIO**") to and including May 31, 2024; (b) approving a forbearance agreement dated as of April 19, 2024 (the "**Forbearance Agreement**") among The Toronto-Dominion Bank (the "**Bank**"), the Applicant and Momentum Decisive Solutions Canada Inc. ("**Momentum**"); and (c) approving an escrow agreement dated as of April 19, 2024 (the "**Escrow Agreement**") among Momentum, the Bank, the Monitor (defined below) and Norton Rose Fulbright Canada LLP, was heard this day was heard this day by Zoom videoconference.

ON READING the affidavit of Kyle Dennhardt sworn April 20, 2024 and the exhibits attached thereto, the second report of KSV Restructuring Inc. in its capacity as the monitor of the Applicant (in such capacity, the "**Monitor**") dated April 22, 2024 (the "**Second Report**"), and on hearing the submissions of the lawyers for the Applicant, Momentum, the Bank, the Monitor and

those other parties present although duly served as appears from the affidavit of service of Katie Parent sworn April 22, 2024,

SERVICE

1. THIS COURT ORDERS that the time for service of the Notice of Motion, the Motion Record and the Second Report is hereby abridged and validated so that this Motion is properly returnable today and hereby dispenses with further service thereof.

STAY EXTENSION

2. THIS COURT ORDERS that the Stay Period, as defined in the ARIO, be and is hereby extended up to and including May 31, 2024.

FORBEARANCE AGREEMENT AND ESCROW AGREEMENT

3. THIS COURT ORDERS that the Forbearance Agreement be and is hereby approved and that the Applicant is hereby, *nunc pro tunc*, authorized to enter into and perform its obligations under the Forbearance Agreement.

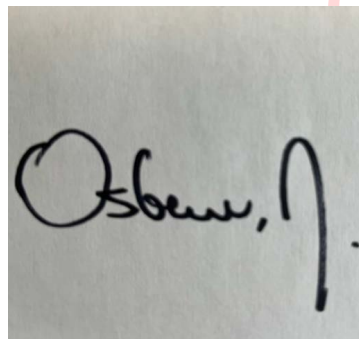
4. THIS COURT ORDERS that the Escrow Agreement be and is hereby approved and the Monitor is hereby, *nunc pro tunc*, authorized to enter into and perform its obligations under the Escrow Agreement.

5. THIS COURT ORDERS that the Monitor, and their respective affiliates, partners, directors, employees, and agents and controlling persons shall have no liability with respect to any and all losses, claims, damages or liabilities of any nature or kind to any person in connection with or as a result of the Escrow Agreement, except to the extent of losses, claims, damages or liabilities that arise or result from the gross negligence or wilful misconduct of the Monitor, as applicable, in performing their obligations under the Escrow Agreement, as determined by this Court.

GENERAL

6. THIS COURT HEREBY REQUESTS the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or in the United States, to give effect to this Order and to assist the Applicant, the Monitor and their respective agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Applicant and to the Monitor, as an officer of this Court, as may be necessary or desirable to give effect to this Order, to grant representative status to the Monitor in any foreign proceeding, or to assist the Applicant and the Monitor and their respective agents in carrying out the terms of this Order.

7. THIS COURT ORDERS that this Order and all of its provisions are effective from the date it is made without any need for entry and/or filing.



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PROCEEDING COMMENCED AT
TORONTO

ORDER

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