



Court File No. 06-CL-6752

ONTARIO
SUPERIOR COURT OF JUSTICE – COMMERCIAL LIST

THE HONOURABLE MR.
JUSTICE NEWBOULD

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THURSDAY, THE 2nd DAY
OF SEPTEMBER, 2010

BETWEEN:

JAMES RYAN

Applicant

- and -

6356095 CANADA INC.

Respondent

APPLICATION UNDER SECTION 211(8) OF THE *CANADA BUSINESS CORPORATIONS ACT*, R.S.C. 1985, c. C-44, AS AMENDED, AND RULE 14.05(2) OF THE *RULES OF CIVIL PROCEDURE*

ORDER
(Extending Time Pursuant to Section 223(2)(b) of the CBCA)

THIS MOTION made by XMT Liquidations Inc., in its capacity as the liquidator of 6356095 Canada Inc. (formerly known as Excapsa Software Inc.) (the "**Liquidator**") for an Order approving the extension of time pursuant to Section 223(2)(b) of the *Canada Business Corporations Act*, R.S.C. 1985, C. C-44, as amended (the "**CBCA**"), authorizing the Respondent to continue with a board of directors having less than three directors or otherwise continue without a board of directors, discharging Melissa Gaddis, *nunc pro tunc*, as an inspector in these proceedings, permitting the Liquidator not to fill the existing inspector vacancies, approving of the activities of the Liquidator as set out in its third report to this Court

dated August 25, 2010 (the "**Third Report**") and approving the professional fees and disbursements of the Liquidator, its counsel and counsel to the Respondent as set out in the Third Report was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Notice of Motion, the Third Report, the Supplemental Report to the Third Report dated August 31, 2010 and all appendices thereto, and on hearing the submissions of counsel for the Liquidator and for Gail Gleed in her capacity as inspector appointed in the liquidation of the Respondent, and on being advised that the Service List was served with the Notice of Motion herein:

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and the Motion Record be and it is hereby abridged and validated and that the motion is properly returnable today and further that service thereof upon any interested party other than those served is hereby dispensed with.

2. **THIS COURT ORDERS** that the time by which the Liquidator shall apply to this Court for approval of the final accounts and for an order permitting the Liquidator to distribute in money or in kind the remaining property of the Respondent to the Respondent's shareholders according to their respective rights pursuant to Section 223(2) of the CBCA be and is hereby extended to and including September 30, 2011 unless extended further by further order of this Court.

3. **THIS COURT ORDERS** that the Respondent be and is hereby authorized to continue with a board of directors having less than three directors or otherwise continue without a board of directors;

4. **THIS COURT ORDERS** that Melissa Gaddis be and is hereby discharged, *nunc pro tunc*, as an inspector in these proceedings;

5. **THIS COURT ORDERS** that the Liquidator be and is hereby authorized not to fill any existing inspector vacancies;

6. **THIS COURT ORDERS** that the activities of the Liquidator as set out in the Third Report be and are hereby approved.

7. **THIS COURT ORDERS** that the fees and disbursements of the Liquidator as set out in the Third Report be and are hereby approved.

8. **THIS COURT ORDERS** that the fees and disbursements of the Liquidator's counsel, Davies Ward Phillips & Vineberg LLP as set out in the Third Report be and are hereby approved.

9. **THIS COURT ORDERS** that the fees and disbursements of the counsel to the Respondent, Cassels Brock & Blackwell LLP, as set out in the Third Report be and are hereby approved.



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

SEP 02 2010

PER / PAR: 

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JAMES RYAN (Applicant) – and - 6356095 CANADA INC. (Respondent)

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AND RULE 14.05(2) OF THE *RULES OF CIVIL PROCEDURE*

**ONTARIO
SUPERIOR COURT OF JUSTICE –
COMMERCIAL LIST**

Proceeding commenced at Toronto

ORDER

DAVIES WARD PHILLIPS & VINEBERG LLP
1 First Canadian Place
Suite 4400
Toronto, ON M5X 1B1

Robin B. Schwill (LSUC #384521)
Tel: 416.863.5502
Fax: 416.863.0871

Solicitors for XMT Liquidations Inc., in its capacity as
the liquidator of 6356095 Canada Inc. (formerly known
as Excapas Software Inc.), and not in its personal
capacity

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Sept 2-10

SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

Proceeding commenced at Toronto

MOTION RECORD
OF THE LIQUIDATOR
(Returnable September 2, 2010)

Volume 2 of 2

DAVIES WARD PHILLIPS & VINEBERG LLP
1 First Canadian Place
Suite 4400
Toronto, ON M5X 1B1

Robin Schwill (LSUC #384521)
Tel: 416.863.0900
Fax: 416.863.0871

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as the liquidator of 6356095 Canada Inc. (formerly
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personal capacity

2 September/10

*Robin Schwill for liquidator
John Birch for Inspectors
Susan Brown for Black Off*

*This matter is unopposed. The inspectors
concur. Black Off takes no position.
I am satisfied with the action of the
liquidator & feel the order sought
is reasonable. Orders to go, which I
have signed.*

AT/A

