

SUPERIOR COURT
(Commercial Division)

Canada
Province of Québec
District of Montréal
No: 500-11-062636-234
Date: November 1, 2023

Presiding: The Honourable Christian Immer, J.C.S.

In the Matter of the Notice of Intention to Make a Proposal Under the *Bankruptcy And Insolvency Act*, RSC 1985, c B-3 of :

BRUNSWICK HEALTH GROUP INC.
BRUNSWICK MEDICAL CENTER INC.
DMSC REAL ESTATE INC.
THE CHILDREN'S CLINIC @ POINTE-CLAIRE INC.
SANOMED SOLUTIONS INC.
BRUNSWICK MEDICAL CENTRE @ GLEN INC.
BRUNSWICK RESEARCH INC.
BRUNSWICK MINOR SURGERY CENTER INC.
BRUNSWICK ENDOSCOPY INC.
6892094 CANADA INC.
8981515 CANADA INC.

Debtors / Applicants

-AND-

C.S. ADJAMI INC.

NOI Trustee

**ORDER EXTENDING THE NOI PROCEEDING AND
INCREASING THE ADMINISTRATION CHARGE**

- [1] **ON READING** the *Motion for an Order Extending the NOI Proceedings and Increasing the Administration Charge* dated October 31, 2023 (the **Motion**) of Brunswick Health Group Inc., Brunswick Medical Center Inc., DMSC Real Estate Inc., The Children's Clinic @ Pointe-Claire Inc., SanoMed Solutions Inc., Brunswick Medical Centre @ Glen Inc., Brunswick Research Inc., Brunswick Minor Surgery Center Inc., Brunswick Endoscopy Inc., 6892094 Canada Inc. and 8981515 Canada Inc. (collectively, the **Debtors**) pursuant to the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3 (the **BIA**), the affidavit, and the exhibits filed in support thereof;

- [2] **CONDIDERING** the Order of the Court issued on August 17, 2023 (the **Order Approving NOI Charges**)
- [3] **CONSIDERING** the notification of the Motion;
- [4] **CONSIDERING** the Fourth Trustee's Report to Court dated October 31, 2023 (the **Fourth Report of the NOI Trustee**) filed by C.S. Adjami Inc., in its capacity as trustee (the **NOI Trustee**), and the testimony of the NOI Trustee;
- [5] **CONSIDERING** the representations of the lawyers present;
- [6] **CONSIDERING** the provisions of the BIA;

THE COURT:

- [7] **GRANTS** the Motion;

Definitions

- [8] **DECLARES** that, unless otherwise defined, all capitalized terms in this Order shall have the meanings ascribed thereto in the Motion.

Service

- [9] **ORDERS** that any prior delay for the presentation of the Motion is hereby abridged and validated so that the Motion is properly returnable today and hereby dispenses with further service thereof.
- [10] **DECLARES** that sufficient prior notice of the presentation of this Motion has been given by the Debtors to the interested parties, including the secured creditors which are likely to be affected by the charges created herein.
- [11] **PERMITS** the notification of this Order at any time and place and by any means whatsoever, including by email.

Effective Time

- [12] **DECLARES** that this Order and all of its provisions are effective as of 12:01 a.m. Montréal time, province of Québec, on November 1, 2023 (the **Effective Time**).

Extension of Time to File a Proposal

- [13] **ORDERS** that the time within which to file a proposal pursuant to subsection 62(1) of the BIA and the corresponding stay of proceedings provided for in section 69 of the BIA, be and are hereby extended in accordance with subsection 50.4(9) of the BIA up to and including November 22, 2023.

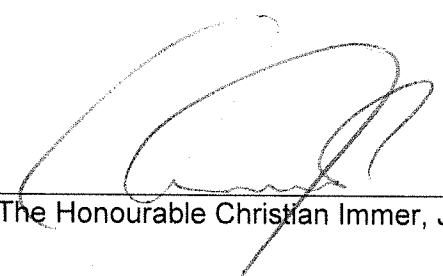
Administration Charge

- [14] **ORDERS** that paragraph [32] of the Order Approving NOI Charges is hereby amended and restated as follows:

ORDERS that the NOI Trustee, the Interim Receiver and the Debtors' legal counsel (McCarthy Tétrault LLP), as security for the payment of the professional fees and disbursements incurred both before and after the making of this Order and directly related to the Debtors' BIA proceedings and the restructuring of the Debtors' business and affairs, be entitled to the benefit of and are hereby granted an charge, hypothec and security in the Property to the extent of the aggregate amount of \$200,000 (the **Administration Charge**), having the priority established by paragraphs [35] and [37] of this Order.

General

- [15] **APPROVES** the activities of the NOI Trustee, up to the date of this Order, described in the Fourth Report of the NOI Trustee dated October 31, 2023.
- [16] **DECLARES** that the filing of the Notice of Intention to Make a Proposal by the Debtors, this Order and any proceeding or affidavit leading to this Order, shall not, in and of themselves, constitute a default or failure to comply by the Debtors under any statute, regulation, licence, permit, contract, permission, covenant, agreement, undertaking or other written document or requirement.
- [17] **DECLARES** that this Order and all other orders in these proceedings shall have full force and effect in all provinces and territories in Canada.
- [18] **REQUESTS** the aid and recognition of any Court, tribunal, regulatory or administrative body in Canada, the United States of America or elsewhere, to give effect to this Order and to assist the Debtors, the NOI Trustee, the Interim Receiver 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 Debtors, the NOI Trustee and the Interim Receiver as may be necessary or desirable to give effect to this Order, to grant representative status to the NOI Trustee or the authorized representative of the Debtors in any foreign proceeding, to assist the Debtors, the NOI Trustee and the Interim Receiver, and to act in aid of and to be complementary to this Court, in carrying out the terms of this Order.
- [19] **ORDERS** the provisional execution of this Order notwithstanding any appeal.
- [20] **THE WHOLE** without costs.



The Honourable Christian Immer, J.C.S.