

NO. S-115028
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

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

AND

IN THE MATTER OF THE *CANADA BUSINESS CORPORATIONS ACT*, R.S.C. 1985, c. C-44

AND

IN THE MATTER OF PAKIT INC.

PETITIONER

NOTICE OF APPLICATION

Names of applicant: PAKIT INC.

TO: THE SERVICE LIST AS SET OUT IN SCHEDULE "A"

TAKE NOTICE that an application will be made by the applicant at the courthouse at 800
Smithe Street, Vancouver, BC, V6Z 2E1, on ~~Friday~~ ^{Thursday}, the ~~2nd~~ ^{1st} day of December, 2011 at 9:15 ⁰⁰ a.m.,
for directions as set out in Part 1 below.

PART 1: ORDER SOUGHT

1. An order in the form of the draft attached as Schedule "B."

PART 2: FACTUAL BASIS

1. Circumstances exist that make the continuation of the stay appropriate.
2. The applicant has acted and continues to act diligently and in good faith to stabilize its finances and prepare a plan for its creditors, and requires a further period of time to do so.

PART 3: LEGAL BASIS

1. The applicant will rely on ss.11, 11.02(2) and 11.2 of the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended, and the inherent jurisdiction of this court.

PART 4: MATERIAL TO BE RELIED ON

1. Affidavit #1 of Dwayne Yaretz, sworn July 26, 2011;
2. Affidavit #2 of Dwayne Yaretz, sworn August 23, 2011;
3. Affidavit #3 of Dwayne Yaretz, sworn August 24, 2011;
4. Affidavit #4 of Dwayne Yaretz, sworn August 25, 2011;
5. Affidavit #5 of Dwayne Yaretz, sworn August 30, 2011;
6. Affidavit #6 of Dwayne Yaretz, sworn October 5, 2011; and
7. Affidavit #7 of Dwayne Yaretz, sworn November 29, 2011.

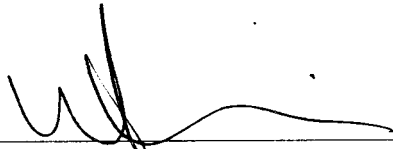
The applicants estimate that the application will take one (1) hour.

☒ This matter is not within the jurisdiction of a master.

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this notice of application, you must, within 5 business days after service of this notice of application or, if this application is brought under Rule 9-7, within 8 business days after service of this notice of application:

- (a) file an Application Response in Form 33
- (b) file the original of every affidavit, and of every other document, that
 - (i) you intend to refer to at the hearing of this application, and
 - (ii) has not already been filed in the proceeding, and
- (c) serve on the applicant 2 copies of the following, and on every other party of record one copy of the following
 - (i) a copy of the filed application response;
 - (ii) a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;
 - (iii) if this application is brought under Rule 9-7, any notice that you are required to give under Rule 9-7(9).

DATED: November 29, 2011



Warren B. Milman
Counsel for the Petitioner, Pakit Inc.

To be completed by the court only:

Order made

☐ in the terms requested in paragraphs
of Part 1 of this Notice of Application

☐ with the following variations and additional terms:

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DATED: _____

Signature of ☐ Judge

☒ Master

SCHEDULE "A"

SERVICE LIST

Petitioner PAKIT INC. 2250 – 1050 West Pender Street Vancouver, BC V6E 3S7 Attn: Dwayne Yaretz Direct: 604-683-3200 / 360-214-3112 Facsimile: 604-683-3204 Email: dyaretz@gmail.com	Counsel for Petitioner MCCARTHY TÉTRAULT LLP 1300 – 777 Dunsmuir Street Vancouver, BC V7Y 1K2 Attn: Warren B. Milman Direct: 604-643-7104 Facsimile: 604-622-5704 Email: wmilman@mccarthy.ca
Monitor ALVAREZ & MARSAL CANADA INC. 1680 – 400 Burrard Street Vancouver, BC V6C 3A6 Attn: Pam K. Boparai/Tom Powell Direct: 604-638-7446 Facsimile: 604-638-7441 Email: pboparai@alvarezandmarsal.com tpowell@alvarezandmarsal.com	Counsel for Monitor BORDEN LADNER GERVAIS LLP 1200 – 200 Burrard Street Vancouver, BC V7X 1T2 Attn: Magnus C. Verbrugge Direct: 604-640-4198 Facsimile: 604-622-5898 Email: mverbrugge@blg.com
Counsel for Fairfax Financial Holdings Limited and Craig Barton BLAKE, CASSELS & GRAYDON LLP 2600 – 595 Burrard Street Vancouver, BC V7X 1L3 Attn: Peter L. Rubin/Tanveer M. Siddiqui Direct: 604-631-3315 / 4282 Facsimile: 604-631-3309 Email: peter.rubin@blakes.com tanveer.siddiqui@blakes.com	Counsel for True Partners Financial Services, LLC THOMPSON DORFMAN SWEATMAN LLP 2200 – 201 Portage Avenue Winnipeg, Manitoba R3B 3L3 Attn: Ross A. McFadyen/James G. Edmond Direct: 204-934-2378 / 2450 Facsimile: 204-934-0538 / 0508 Email: ram@tdslaw.com jge@tdslaw.com
Secured Creditor HSBC BANK CANADA Special Credit Department 400 – 888 Dunsmuir Street Vancouver, BC V6C 3K4 Attn: Philip Wong Direct: 604-641-2584 Facsimile: 604-641-1909 Email: philip_wong@hsbc.ca	Counsel for Canada Revenue Agency DEPARTMENT OF JUSTICE BC Regional Office 900 – 840 Howe Street Vancouver, BC V6Z 2S9 Attn: Neva Beckie/Wendy Petersmeyer Direct: 604-666-5443 / 0948 Facsimile: 604-666-1462 Email: neva.beckie@justice.gc.ca wendy.petersmeyer@justice.gc.ca
Counsel for ATS Automation Tooling Systems Inc. GOWLING LAFLEUR HENDERSON LLP 2300 – 550 Burrard Street Vancouver, BC V6C 2B5 Attn: John I. McLean Direct: 604-891-2285 Facsimile: 604-683-3558 Email: john.mclean@gowlings.com	

SCHEDULE "B"

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IN THE MATTER OF PAKIT INC.

PETITIONER

ORDER MADE AFTER APPLICATION

BEFORE	)	)
	) THE HONOURABLE	) WEDNESDAY, THE 31 st
	) MR. JUSTICE BURNYEAT	)
	)	) DAY OF AUGUST, 2011

ON THE APPLICATION of the Petitioner, Pakit Inc., coming on for hearing at 800 Smithe Street, Vancouver, British Columbia on the 31st day of August, 2011, AND ON HEARING Warren B. Milman on behalf of the Petitioner, Magnus C. Verbrugge on behalf of the Monitor, and Peter L. Rubin and Tanveer Siddiqui on behalf of the Respondent, Fairfax Financial Holdings Limited;

THIS COURT ORDERS that:

8. The time for service is hereby abridged so that the application for this order is properly returnable this day.
9. The order granted herein on July 28, 2011 (the "Initial Order") is extended until the close of business on January 6, 2012.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:

WARREN B. MILMAN

Counsel for the Petitioner, Pakit Inc.

MAGNUS C. VERBRUGGE
Counsel for the Monitor

PETER L. RUBIN
Counsel for Fairfax Financial Holdings
Limited

BY THE COURT

REGISTRAR