

COURT FILE NUMBER 2201-03735
COURT COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE CALGARY
PLAINTIFF THE BANK OF MONTREAL
DEFENDANTS THE INSTITUTE OF WELLNESS AND ADVANCED
AESTHETICS LTD., WANDA LEE, THE ESTATE OF JONATHAN
PATRICK LEE, 1608309 ALBERTA LTD., and MOUNT ROYAL
SURGICAL CENTRE INC.

Clerk's Stamp

DOCUMENT **ORDER (Fee and Conduct Approval and Sealing Order)**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT: McCarthy Tétrault LLP
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Calgary, Alberta T2P 4K9
Attention: Walker W. MacLeod
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DATE ON WHICH ORDER WAS PRONOUNCED: July 7, 2022
LOCATION OF HEARING OR TRIAL: Calgary, Alberta
NAME OF JUDGE WHO MADE THIS ORDER: Honourable Justice B.E.C. Romaine

UPON the application (the "**Application**") of Alvarez & Marsal Canada Inc. (the "**Receiver**"), in its capacity as the court-appointed receiver and manager of The Institute of Wellness and Advanced Aesthetics Ltd., 1608309 Alberta Ltd., and Mount Royal Surgical Centre Inc. (collectively, the "**Debtors**") pursuant to the Receivership Order granted on April 1, 2022 (the "**Receivership Order**"), in the within proceedings (the "**Proceedings**"), **AND UPON** reading the First Report of the Receiver, dated May 25, 2022 (the "**First Receiver's Report**"), filed; **AND UPON** reading the Second Report of the Receiver, dated June 27, 2022 (the "**Second Receiver's Report**"), the First Supplement to the Second Report of the Receiver, dated July 7, 2022 (the "**Supplemental Second Receiver's Report**"), and the Brief of Law and Argument of the Receiver, dated July 7, 2022, all filed; **AND UPON** reading the Confidential Appendixes "1" to "3" to the Second Receiver's Report, dated June 27, 2022 (the "**Confidential Appendixes**"), unfilled; **AND UPON** reading the Affidavit of Service of Katie Doran, sworn on July 5, 2022 (the "**Service Affidavit**"), filed; **AND UPON** hearing counsel for the Receiver and for any other parties who may be present;

IT IS HEREBY ORDERED AND DECLARED THAT:

SERVICE

1. The time for service of the Application, the Second Receiver's Report, and the Supplemental Second Receiver's Report is abridged, the Application is properly returnable today, service of the Application, the Second Receiver's Report, and the Supplemental Second Receiver's Report on the service list, in the manner described in the Service Affidavit, is good and sufficient, and no other persons, other than those listed on the service list (the "**Service List**") attached as an exhibit to the Service Affidavit, are entitled to service of the Application, the Second Receiver's Report, or the Supplemental Second Receiver's Report.

FEE APPROVAL

2. The Receiver's interim accounts for fees and disbursements in respect of the Debtors for the period April 1, 2022 to June 26, 2022 (in the amount of \$ \$260,473.45) are hereby approved without the necessity of a formal passing of accounts.
3. The interim accounts of the Receiver's legal counsel, McCarthy Tétrault LLP, for its fees and disbursements in respect of the Debtors for the period April 1, 2022 to June 26, 2022 (in the amount of \$75,695.00) are hereby approved without the necessity of a formal assessment of its accounts.

APPROVAL OF RECEIVER'S ACTIONS

4. The reported actions, activities and conduct of the Receiver as set out in the Second Receiver's Report, the Supplemental Second Receiver's Report, and in all of its other reports filed herein (including the First Report dated May 24, 2022) and the Statement of Receipts and Disbursements as attached to the Second Receiver's Report, are hereby ratified and approved, as of the date of the Second Receiver's Report.

SEALING

5. Part 6, Division 4 of the *Alberta Rules of Court* does not apply to the Application and the Clerk of the Court is hereby directed to seal the Confidential Appendices, on the Court file, until the filing of the Receiver's Certificates (as defined in and contemplated by the Sale Approval and Vesting Order made in connection with the Application). The Confidential

Appendices shall be sealed and filed in an envelope containing the following endorsement thereon:

THIS ENVELOPE CONTAINS THE CONFIDENTIAL APPENDICES TO THE SECOND REPORT OF THE RECEIVER, DATED JUNE 27, 2022. THE CONFIDENTIAL APPENDICES TO THE SECOND REPORT OF THE RECEIVER IS SEALED PURSUANT TO AN ORDER ISSUED BY THE HONOURABLE JUSTICE B.E.C. ROMAINE, DATED JULY 7, 2022 AND IS NOT TO BE PLACED ON THE PUBLIC RECORD OR MADE PUBLICLY ACCESSIBLE UNTIL THE FILING OF THE RECEIVER'S CERTIFICATES REFERRED TO THEREIN.

6. Any person may apply, on reasonable notice to the Receiver and any other persons likely to be affected, to vary or amend the terms of paragraph 5 of this Order.
7. Service of this Order on the Service List by email, facsimile, registered mail, courier, or personal delivery shall constitute good and sufficient service of this Order, and no persons other than the persons listed on the Service List are entitled to be served with a copy of this Order. Service is deemed to be effected the next business day following the transmission or delivery of such documents.
8. Service of this Order on any party not attending this application is hereby dispensed with.



J.C.C.Q.B.A.