



SUPERIOR COURT OF JUSTICE
COUNSEL SLIP

COURT FILE

NO.: CV-22-00679628-00CL

DATE: 03-AUG-2022

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TITLE OF
PROCEEDING

SUNGARD AVAILABILITY SERVICES
v.
DIGITAL TORONTO NOMINEE, INC. ET AL.

BEFORE JUSTICE DIETRICH

NAMES OF COUNSEL AND PARTY:

☒ APPLICANT(S)
- N. Levine (Counsel to the foreign Representative)

PHONE _____

☐ PLAINTIFF(S)

EMAIL nlevine@cassels.com

NAMES OF COUNSEL AND PARTY:

☒ RESPONDENT(S)
- M. Konyukhova (Counsel to IESO)

PHONE _____

☐ RESPONDENT(S)

☐ DEFENDANT(S)

EMAIL mkonyukhova@stikeman.com

☐ DEFENDANT(S)

PHONE _____

EMAIL _____

NAMES OF COUNSEL AND OTHER PARTIES:

- S. Zweig and T. Gray (Counsel to Information Officer)

PHONE _____

☒ - K. Kraft (for LCPF Realty Inc. and Lasalle Investment
Management Inc.)

grayt@bennettjones.com;

EMAIL zweigs@bennettjones.com;

- G. Azeff (Counsel to PNC Bank)

Kenneth.kraft@dentons.com

gazeff@millerthomson.com

☐

PHONE _____

EMAIL _____

ENDORSEMENT OF JUSTICE DIETRICH:

[1] This motion is made by Sungard Availability Services (Canada), in its capacity as the foreign representative (the "Foreign Representative") of itself and other debtors pursuant to the CCAA. The moving party seeks an order, among other things, recognizing and giving effect, Canada-wide, to two orders of the U.S. Bankruptcy Court.

[2] The first order is referred to as the "Rejection Order" relating to an unexpired lease of non-residential property. The second order is referred to as the "Omnibus Objection Procedures Order", which approves omnibus claims-objection procedures and authorizes debtors to file substantive omnibus objections. These orders were granted by the U.S. Bankruptcy Court in late July 2022.

[3] As set out in the Third Report of the Information Officer Alvarez & Marshal Canada Inc., dated July 25, 2022, the Information Officer and its legal counsel believe that each of the Rejection Offer and the Omnibus Objection Procedures Order is reasonable and appropriate in the circumstances.

[4] There is no opposition to the relief sought, including from the landlord on the lease.

[5] Having reviewed the record and heard the submissions of counsel for the landlord, LCPF Realty Inc. and Lasalle Investment Management Inc., and counsel for the Information Officer, I am satisfied that the relief should be granted.

[6] Order to go in the form attached hereto and signed by me. The Order is effective as of today's date, and it does not need to be entered.

Dietrich J.