



SUPERIOR COURT OF JUSTICE

COUNSEL SLIP/ENDORSEMENT

COURT FILE NO.: CV-22-00679628-00CL

DATE: 18 August 2022

NO. ON LIST: 8

TITLE OF PROCEEDING: **Sungard Availability Services**

BEFORE JUSTICE: **OSBORNE**

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party, Crown:

Name of Person Appearing	Name of Party	Contact Info
Jesse Mighton	Counsel for Information Officer	mightoni@bennettjones.com
Thomas Gray	Counsel for Information Officer	gray@bennettjones.com
Natalie Levine	Counsel to the foreign representative	nlevine@cassels.com

For Defendant, Respondent, Responding Party, Defence:

Name of Person Appearing	Name of Party	Contact Info
Gregory Azeff	For PNC Bank	gazeff@millerthomson.com
Daniel Richer	Digital Toronto Nominee, Inc.	dricher@fasken.com
Raajan Aery	Digital Toronto Nominee, Inc.	raery@fasken.com

ENDORSEMENT OF JUSTICE OSBORNE:

1. Digital Toronto Nominee, Inc. ["Digital Realty"] moves for an order recognizing, pursuant to section 49 of the CCAA, the Lift Stay Order granted by the United States Bankruptcy Court for the Southern District of Texas on August 12, 2022 in the Chapter 11 proceedings commenced by Sungard AS Canada, including the reservation of rights provided in paragraph four of that Lift Stay Order.
2. Justice Conway of this Court granted the Initial Recognition Order and associated stays on April 14, 2022.
3. The relief sought today is intended solely to authorize Digital Realty to serve Sungard AS Canada with a notice of default under a lease for a data centre located in Markham Ontario, and to make a claim on the Lease Bond.

4. The relief sought today is unopposed, and materials were provided to the Service List.
5. In the circumstances, given that the relief is unopposed and on the basis of the material set out in the Motion Record of Digital Realty, I am satisfied that the relief is appropriate. For greater certainty, both the Initial Recognition Order and the Supplemental Order previously made in this proceeding are otherwise unaffected by this order and continue in effect.
6. Order to go in the form signed by me today which is effective without the necessity of issuing and entering although any party may take the steps pursuant to Rule 59 to do so if appropriate.

O'Brien, J.