



SUPERIOR COURT OF JUSTICE
COUNSEL SLIP/ENDORSEMENT

COURT FILE

NO.: CV-22-00679628-00CL

HEARING

DATE: JULY 19, 2022

TITLE OF
PROCEEDING

SUNGARD AVAILABILITY SERVICES LTEE V. DIGITAL TORONTO NOMINEE
INC. et al

BEFORE MADAM JUSTICE KIMMEL

NAMES OF COUNSEL AND PARTY:

APPLICANT(S): JANE DIETRICH, NATALIE LEVINE, and
WILLIAM ONYEAJU for SUNGARD AVAILABILITY
SERVICES LTEE

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ENDORSEMENT OF JUSTICE KIMMEL:

[1] This court granted, pursuant to the *Companies' Creditors Arrangement Act*, R.S.C ., 1985, c. C-36, as amended (the "CCAA"), an Initial Recognition Order and supplemental order on April 14, 2022 in respect of a filing by the debtor company in the U.S. Bankruptcy Court for the Southern District of Texas under Chapter 11, title 11 of the United States Code. Since the granting of the Initial Recognition Order and the Supplemental Order, the Court has granted recognition of additional orders from the U.S. Bankruptcy Court, as requested by the Foreign Representative.

[2] The Foreign Representative now seeks an order recognizing, enforcing and giving full force and effect to a July 13, 2022 Order of the U.S. Bankruptcy Court (I) Approving the Debtors' Key Employee Retention Program, (II) Authorizing the Debtors to Honor and Pay Certain Compensation Obligations, and (III) Granting Related Relief, (the "KERP Order").

[3] The record establishes that the court's discretion under s. 49 of the CCAA is appropriately exercised in the granting of an order recognizing the KERP Order for the protection of the debtor's property and in the interests of its creditors. The requested order is recommended by the court appointed Information Officer on the basis that it is considered to be reasonable and appropriate, as detailed in the Second Report of the Information Officer dated July 14, 2022.

[4] There have been no objections indicated from parties on the service list, so the motion is unopposed.

[5] Order to go in the form signed by me today, with immediate effect and without the necessity of formal issuance and entry.

A handwritten signature in cursive script, appearing to read "Kimmel J.", written in black ink.

KIMMEL J.

July 20, 2022