

**CITATION:** Nordstrom Canada Retail, Inc., 2023 ONSC 3250

**COURT FILE NO.:** 12-695519-00-00CL

**DATE:** 2023-05-30

**SUPERIOR COURT OF JUSTICE - ONTARIO**

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

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT  
OF NORDSTROM CANADA RETAIL INC., NORDSTROM CANADA  
HOLDINGS INC., LLC AND NORDSTROM CANADA HOLDINGS II, LLC

**BEFORE:** Chief Justice Geoffrey B. Morawetz

**COUNSEL:** *Jeremey Dacks, Tracy Sandler, Martino Calvaruso and Marleigh Dick*, for the  
Applicants

*Aubrey Kauffman*, for Nordstrom Inc. (US parent)

*Harvey Chaiton*, for the Directors and Officers of the Nordstrom Canada Entities

*Brendan O'Neill, Brad Wiffen and Andrew Harmes*, for the Monitor, Alvarez &  
Marsal Canada Inc.

*Karen Ensslen, Emily Home and Susan Ursel*, Employee Representative Counsel

*Monique Sassi*, for Consultant JV

*Danny Vu and Peter Millar*, for Richemont Canada Inc.

*Mark Freake*, for Kering Americas Inc.

*David Bish*, for Cadillac Fairview

*Scott Bomhof*, for First Capital Realty

*Saneea Tanvir*, for Valentino

*D.J. Miller*, for Oxford Properties

*Linda Galessiere*, for Ivanhoe Cambridge Orlando Group

*Jonathan Gross*, for Brunello Cucinelli Canada Ltd.

*Jake Harris*, for LVMH Moet Hennessy Louis Vuitton

**HEARD:** May 30, 2023

**ENDORSEMENT**

- [1] The Applicants brought this motion for an order:
- (a) approving a claims process (the “Claims Process”) for the identification, quantification, and resolution of Claims as against the Applicants and Nordstrom Canada Leasing LP (“Canada Leasing LP”, and together with the Applicants, the “Nordstrom Canada Entities”) and their respective current and former directors and officers (the “D&O Claims”);
  - (b) establishing the Claims Bar Date and the Restructuring Period Claims Bar Date; and
  - (c) extending the Stay Period and Parent Stay to September 29, 2023.
- [2] The motion was not opposed.
- [3] The defined terms in this Endorsement not otherwise defined have the meaning given to them in the Affidavit of Misti Heckel, sworn May 19, 2023 (the “Fourth Heckel Affidavit”).
- [4] The evidentiary support for the motion is set out in the Fourth Heckel Affidavit, and the Third Report of the Monitor (the “The Third Report”).
- [5] The Nordstrom Canada Entities developed, in consultation with the Monitor and Employee Representative Counsel, the proposed Claims Process to govern the process for filing and determining the nature, quantum, and validity of Claims against the Nordstrom Canada Entities (including Claims by Employees) and D&O Claims. The proposed Claims Process does not apply to Excluded Claims.
- [6] The Claims Process includes a proposed Claims Bar Date of 5:00 p.m. on August 4, 2023, and a proposed Restructuring Period Claims Bar Date which is the later of (i) August 4, 2023; or (ii) 30 days after the date on which the Monitor sends a Negative Notice Claims Package or General Claims Package, as appropriate, with respect to a Restructuring Period Claim or Restructuring Period D&O Claim. The Claims Bar Date and the Restructuring Period Claims Bar Date were selected by the Nordstrom Canada Entities, in consultation with the Monitor.
- [7] The Nordstrom Canada Entities submit that the Claims Bar Date and the Restructuring Period Claims Bar Date are reasonable in that they provide sufficient time for potential Claimants to evaluate and submit any Claim they may have against the Nordstrom Canada Entities or their Directors and Officers. I accept this submission.
- [8] The Monitor supports the Claims Process and the proposed Claims Procedure Order.

[9] Having reviewed the record and hearing submissions, I am satisfied that the Claims Process is a fair, efficient and reasonable process for the filing and determination of claims against the Nordstrom Canada Entities and D&O Claims.

[10] The Claims Procedure Order is approved.

[11] The applicants also seek to extend the Stay Period, including the Parent Stay, until September 29, 2023.

[12] I am satisfied that the record establishes that the Nordstrom Canada Entities have acted, and continue to act, in good faith and with due diligence such that the request to extend the Stay Period is reasonable in the circumstances.

[13] The Third Report contains the required cash flow forecast which indicates that the Nordstrom Canada Entities have sufficient liquidity to complete the liquidation sale and continue their wind down through to September 29, 2023.

[14] The Monitor supports the request to extend the Stay Period and the Parent Stay.

[15] I am satisfied that the proposed extension of the Stay Period is in the best interests of the Nordstrom Canada Entities and other stakeholders and the requested relief is appropriate in the circumstances and is granted.

[16] The motion is granted and the Claims Procedure Order has been signed.

  
Chief Justice Geoffrey B. Morawetz

**Date:** May 30, 2023