



SUPERIOR COURT OF JUSTICE

COUNSEL/ENDORSEMENT SLIP

COURT FILE NO.: CV-24-718993-00CL

DATE: January 28 2025

NO. ON LIST: 5

TITLE OF PROCEEDING: TED BAKER CANADA INC et al v YORKDALE SHOPPING CTR et al
BEFORE: JUSTICE PENNY

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party:

| Name of Person Appearing | Name of Party | Contact Info |
|--------------------------|---------------------------------|--|
| Shawn Irving | TED BAKER CANADA INC | sirving@osler.com |
| | TED BAKER LTD | |
| | OSL FASHION SERVICES CANADA INC | |
| | OSL FASHION SERVICES INC | |

For Defendant, Respondent, Responding Party:

| Name of Person Appearing | Name of Party | Contact Info |
|--------------------------|---------------|--------------|
| | | |

For Other, Self-Represented:

| Name of Person Appearing | Name of Party | Contact Info |
|---------------------------------|---|--|
| Jesse Mighton, Joshua Nevsky | ALVAREZ & MARSAL CANADA INC, Monitor | mightonj@bennettjones.com , inevsky@alvarezandmarsal.com |

ENDORSEMENT OF JUSTICE PENNY:

[1] The applicants move for a stay extension and approval of the activities of the Monitor to date.

- [2] I am satisfied that the applicants are pursuing this application with due diligence and in good faith. The active businesses have been sold; all employees have now been terminated. The main outstanding issues involve continuing efforts to collect outstanding accounts receivable, completion of remaining activities regarding outstanding letters of credit, pursuing a possible IRS COVID-related tax rebate and completion of other ancillary matters relating to the orderly wind-down of the business of the applicants in both Canada and the US.
- [3] The requested stay extension is until January 31, 2026. While this is a long period of time, the driver for this term is uncertainty around the timing of IRS's determination of the tax rebate which is material, being in the millions of dollars. The time frame for the IRS's consideration is something entirely beyond the applicants' control. The requested extension is a reasonable one in the circumstances. The Monitor supports the requested extension. The extension is granted.
- [4] The Monitor's third report sets out its activities. I am satisfied with the Monitor's report and the activities it describes. The report and the activities described are approved in the usual form.
- [5] Order to issue in the form signed by me this day.

A handwritten signature in blue ink, appearing to read "Penny J.", followed by a period.

Penny J.