

ONTARIO
SUPERIOR COURT OF JUSTICE
(IN BANKRUPTCY AND INSOLVENCY)
(COMMERCIAL LIST)

THE HONOURABLE) FRIDAY, THE 28TH
)
JUSTICE CONWAY) DAY OF APRIL, 2023

IN THE MATTER OF THE *BANKRUPTCY AND INSOLVENCY ACT*,
RSC 1985, c. B-3, AS AMENDED

IN THE MATTER OF THE PROPOSAL OF KUK-ILL JOHN KIM

AND IN THE MATTER OF THE PROPOSAL OF MYOUNG-JA MARY KIM

ORDER
(Ancillary)

THIS MOTION, originally returnable April 17, 2023, made by made by Kuk-Ill John Kim and Myoung-Ja Mary Kim (collectively, the “**Debtors**”) for, among other things, an order amending the Order of Justice Conway dated April 28, 2022, was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Affidavit of Silver Stephen Kim sworn on April 10, 2023 and the exhibits thereto (the “**Silver Affidavit**”), the fifth report of Albert Gelman Inc. (“**AGI**”) in its capacity as proposal trustee (the “**Proposal Trustee**”) dated April 11, 2023 (the “**Fifth Report**”) and the appendices thereto, including the fee affidavit of Wojtek Jaskiewicz sworn on April 10, 2023, and the fee affidavits of Tom McElroy each sworn on April 11, 2023 (the “**Fee Affidavits**”), the Supplementary Report to the Fifth Report dated April 24, 2023 (the “**Supplementary Report**”, and the appendices thereto, and on hearing the submissions of counsel for the Debtor, and such other counsel who were present as listed on the counsel slip, no one appearing for any other person on the service list, although properly served as appears from Lawyer’s Certificate of Service dated April 12, 2023, filed:

SERVICE

1. **THIS COURT ORDERS** that the time for service and filing of the Notice of Motion be and is hereby abridged and validated such that this motion is properly returnable today and hereby dispenses with further evidence thereof.

INCREASE OF ADMINISTRATION CHARGE

2. **THIS COURT ORDERS** that paragraph 10 of the Order of the Honourable Justice Conway dated April 28, 2022 be and is hereby amended by replacing “\$125,000” with “\$250,000”, such that the Administration Charge ordered therein be and is hereby increased to an amount not exceeding an aggregate amount of \$250,000, and all references to “NOI Proceedings” shall also be taken to include the proceedings following the filing of proposals by the Debtors on October 18, 2022 pursuant to subsection 62(1) of the *Bankruptcy and Insolvency Act*, RSC 1985, c. B-3, as amended.

APPROVAL OF FIFTH REPORT AND FEES

3. **THIS COURT ORDERS** that the Fifth Report and the Supplementary Report of the Proposal Trustee, and the actions, conduct and activities of the Proposal Trustee set out therein, be and are hereby approved, provided however that only AGI, in its personal capacity and only with respect to its personal liability, shall be entitled to rely upon or utilize in any way such approval.
4. **THIS COURT ORDERS** that the fees and disbursements of counsel to the Debtor and of the Proposal Trustee as set out in the Fee Affidavits, respectively, appended to the Fifth Report be and are hereby approved, and that the Proposal Trustee is hereby authorized and directed to pay the same from available funds.

GENERAL

5. **THIS COURT FURTHER ORDERS** that notwithstanding Rule 59.05, this Order is effective from 12:01am on the date that it is made and is enforceable without any need for entry and filing.

A handwritten signature in blue ink is written over a horizontal black line. The signature is cursive and appears to read "Conroy J.".

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Proceeding commenced at Toronto

ORDER
(Ancillary Relief)

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