



SUPERIOR COURT OF JUSTICE  
**COUNSEL/ENDORSEMENT SLIP**

COURT FILE

NO.: BK-22-2822607-0031

DATE: September 28, 2022

#2

TITLE OF  
PROCEEDING

KUK-ILL JOHN KIM et al.

BEFORE MR. JUSTICE OSBORNE

**NAMES OF COUNSEL AND PARTY:**

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**ENDORSEMENT OF OSBORNE, J:**

[1] The Debtors seek an order amending the Order of Justice Dietrich dated August 5, 2022 in respect of approval of a DIP facility, an extension of the time for filing a proposal up to and including October 18, 2022,

and approving the Fourth Report of the Proposal Trustee, the activities described therein, and the fees of the Proposal Trustee.

[2] The relief sought today is unopposed and is supported by the Proposal Trustee.

[3] The basis for the relief sought today is set out in the Fourth Report as well as the affidavit of Silver Kim sworn September 26, 2022 and exhibits thereto.

[4] The DIP lender contemplated in the order of Justice Dietrich has declined to proceed. The Proposal Trustee is working diligently to find a substitute DIP lender.

[5] I am satisfied that the extension sought should be granted and meets the test set out in section 50.4(9) of the BIA. The Debtors have acted, and are acting, in good faith and with due diligence, would likely be able to make a viable proposal if the extension is granted, and no creditor would be materially prejudiced.

[6] The proposed amendment to the order of Justice Dietrich with respect to the DIP facility is also appropriate. The draft order provides that any such interim financing shall be substantially on terms and subject to conditions set forth in the term sheet attached to the order sought today, which are no less favourable than, and indeed the same as, those approved by Justice Dietrich earlier.

[7] I am satisfied that the relief sought today is appropriate. Order to go in the form signed by me today, which is effective without the necessity of issuing and entering.

A handwritten signature in black ink that reads "Owen, J." The signature is written in a cursive, slightly slanted style.