

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE) THURSDAY, THE 16TH
)
JUSTICE MCEWEN) DAY OF DECEMBER, 2021



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 SEARS CANADA INC., 9370-2751 QUEBEC INC., 191020 CANADA INC., THE CUT INC., SEARS CONTACT SERVICES INC., INITIUM LOGISTICS SERVICES INC., 9845488 CANADA INC., INITIUM TRADING AND SOURCING CORP., SEARS FLOOR COVERING CENTRES INC., 173470 CANADA INC., 2497089 ONTARIO INC., 6988741 CANADA INC., 10011711 CANADA INC., 1592580 ONTARIO LIMITED, 955041 ALBERTA LTD., 4201531 CANADA INC., 168886 CANADA INC., AND 3339611 CANADA INC.

Applicants

ORDER

THIS MOTION, made by FTI Consulting Canada Inc., in its capacity as Court-appointed Monitor (the "**Monitor**") pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended (the "**CCAA**"), proceeded by way of videoconference due to the COVID-19 pandemic.

ON READING the Affidavit of Katie Parent, sworn December 13, 2021; and on hearing the submissions of Ursel Phillips Fellows Hopkinson LLP, in its capacity as representative counsel as appointed pursuant to an Order of this Court dated July 13, 2017 ("**ERC**"); Koskie Minsky LLP, in its capacity as representative counsel as appointed pursuant to an Order of this Court dated July 13, 2017 ("**PRC**"); counsel for the Monitor; and such other counsel as were present, no one else appearing although duly served as evidenced by the Affidavit of Katie Parent, sworn December 13, 2021, filed;

SERVICE

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and the Motion Record is hereby abridged and validated so that this Motion is properly returnable today and hereby dispenses with further service thereof.

DISCLOSURE OF EMPLOYEE INFORMATION

2. **THIS COURT ORDERS** that pursuant to Section 7(3)(c) of the Canada *Personal Information Protection and Electronic Documents Act*, the Monitor is hereby ordered to disclose such name, personal address, social insurance number and other information regarding retirees and former employees of the Applicants and SearsConnect who are represented by ERC and PRC (the “**Non-Located Creditors**”) to Mintz Global Screening Inc. (the “**Agent**”) as determined by the Monitor to be necessary solely to locate a current address for such Non-Located Creditors and to permit the Applicants to complete distributions to such Non-Located Creditors in accordance with the Joint Amended and Restated Plan of Compromise and Arrangement of the Applicants and SearsConnect, as approved in these proceedings on November 23, 2020 (the “**Purpose**”).

3. **THIS COURT ORDERS** that the Monitor shall disclose such information to the Agent only following agreement by the Agent to:

- (a) keep confidential all such information, comply with all applicable Canadian federal and provincial privacy laws with respect to such information, and use such information only for the Purpose or as required by applicable law; and

(b) promptly return to the Monitor or destroy with care all such information which is no longer necessary to fulfill the Purpose, unless otherwise instructed by the Monitor or required by applicable law.

McE T.

16 Dec 21

Order to go as per the draft filed and signed.
Representative counsel for the Retirees and Employees consent. Otherwise
there is no opposition.
The relief sought is practical, fair and reasonable to allow for allocations.

McE T.

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Proceeding commenced at Toronto

ORDER

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as Monitor