

SUPERIOR COURT
Commercial Division

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

N°: 500-11-040900-116

DATE : OCTOBER 8, 2014

PRESENT : THE HONOURABLE MARIE-ANNE PAQUETTE, J.S.C.

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

KITCO METALS INC.
Petitioner

and

RICHTER ADVISORY GROUP INC.
Monitor

**ORDER FOR AN EIGHTH EXTENSION OF THE INITIAL ORDER
AND MANAGEMENT ORDER ON PENDING MOTIONS**

[1] SEEING Kitco Metals Inc.'s (the "**Petitioner**" or "**Kitco**") Motion for an Eighth Extension of the Initial Order, pursuant to section 11.02 of the *Companies' Creditors Arrangement Act* R.S.C. 1985, c. C-36 ("**CCAA**") (the "**Motion**"), the affidavit of Denis Majeau filed in support thereof, the Twenty-Second Report of the Monitor and submissions of counsel present at the hearing;

[2] CONSIDERING that the Stay Period as defined in the Initial Order expires on October 9, 2014;

[3] CONSIDERING the absence of contestation in connection with a limited extension of the Stay Period until the next date on which the undersigned and the parties in


interest are available for a hearing on the merit of the Motion, namely November 6, 2014;

[4] **CONSIDERING** the following motions, which are also pending in this matter:

- 4.1. Motion of Kitco to enforce the initial order, to declare illegal certain rights of set-off exercised by the Agence du revenu du Québec and the Attorney General of Canada, to declare inapplicable, invalid, inoperative, unconstitutional or of no force and effect certain provisions of certain tax statutes of the province of Quebec and of Canada and to condemn l'Agence du revenu du Québec and the Attorney General of Canada to pay to the Petitioner the input tax credit and the input tax refunds to Petitioner the input tax credits and the input tax refunds to which it is entitled;
- 4.2. *Requête du Procureur Général du Québec en irrecevabilité de l'Avis d'intention du l'article 95 du Code de procédure civile;*
- 4.3. *Requête de l'intimé Procureur Général du Canada pour faire déclarer la requérante en défaut de respecter un échéancier et pour forclusion;*
- 4.4. *Requête de l'Agence du revenu du Québec pour déclarer la requérante Kitco Metals inc. en défaut de respecter un échéancier et pour forclusion (the "Other Motions").*

WHEREFORE, THE COURT:

- [5] **GRANTS** the Motion on an interim basis;
- [6] **DECLARES** that the notices given of the presentation of the Motion are adequate and sufficient;
- [7] **ORDERS** that the Stay Period as defined in the Initial Order be extended by this Court up to and including November 6, 2014;
- [8] **DECLARES** that the Initial Order shall remain otherwise unchanged;
- [9] **POSTPONES** the hearing on the merit of the Motion and the case management hearing on the Other Motions to **NOVEMBER 6, 2014, 9:15 AM, ROOM 16.12, MONTREAL COURTHOUSE;**
- [10] **ORDERS** the provisional execution of the Order notwithstanding any appeal without the need to furnish any security;
- [11] **THE WHOLE WITHOUT COSTS.**


MARIE-ANNE PAQUETTE, J.S.C.