

# SUPERIOR COURT

(Commercial Division)

CANADA

PROVINCE OF QUÉBEC  
DISTRICT OF MONTRÉAL

NO.: 500-11-056311-190

DATE: 6 août 2019

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PRESIDING: Me Julie Bégin, registraire

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IN THE MATTER OF THE NOTICE OF INTENTION OF:

**BIOMOD CONCEPTS INC.**

Debtor

and

**RICHTER ADVISORY GROUP INC.**

Trustee

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## JUDGMENT

(third extension of the delay to file a proposal and approval of additional interim financing)

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[1] **ON READING** Biomod Concepts Inc.'s (the "**Petitioner**") *Motion for a third extension of the delay to file a proposal and for additional interim financing* (the "**Motion**") as well as the Exhibits and Affidavit in support thereof;

[2] **GIVEN** the representations of counsel;

[3] **GIVEN** the order issued by the honourable Justice Brian Riordan, J.S.C. on May 8, 2019 in respect of, among other things, the approval of interim financing to be provided by Franbeau Inc. (the "**May 8<sup>th</sup> Order**");

[4] **GIVEN** the provisions of the *Bankruptcy and Insolvency Act*;

**FOR THESE REASONS, THE COURT:**

[5] **GRANTS** the Motion;

[6] **REDUCES AND WAIVES** the delay for filing and presentation of the Motion;

**EXTENSION OF DELAY**

[7] **EXTENDS** the delay granted to the Debtor to file its proposal with the Official Receiver to September 20, 2019;

**APPROVAL OF NEW INTERIM FINANCING**

[8] **ORDERS** that the following paragraphs of the May 8<sup>th</sup> Order, which all fall under the heading "Approval of Interim Financing", are hereby amended as follows:

[13] **ORDERS** that Petitioner be and is hereby authorized to borrow from I Investment Corp. (the "**Interim Lender**") an amount of CDN\$665,000.00 on the terms and conditions as set forth in the Terms and Conditions for a Super-Priority Secured Debtor-in-Possession Credit Facility (R-3 to the Motion for a third extension of the delay to file a proposal and for additional interim financing) (the "**Interim Financing Term Sheet**") and in the Interim Financing Documents (as defined hereinafter), to fund the ongoing expenditures of Petitioner and to pay such other amounts as are permitted by the terms of this Order and the Interim Financing Documents (as defined hereinafter) (the "**Interim Facility**");

shall be treated as an unaffected creditor in these proceedings and in any proposal;

- [18] **ORDERS** that the Interim Lender may notwithstanding any other provision of the Order, take such steps from time to time as it may deem necessary or appropriate to register, record or perfect the Interim Lender Charge and the Interim Financing Documents in all jurisdictions where it deems it is appropriate;
- [19] **ORDERS** that the Interim Lender shall not take any enforcement steps under the Interim Financing Documents or the Interim Lender Charge without providing at least five (5) business days written notice (the "**Notice Period**") of a default thereunder to the Petitioner, Richter Advisory Group Inc., in its capacities as a trustee and interim receiver, and to creditors whose rights are registered or published at the appropriate registers or requesting a copy of such notice. Upon expiry of such Notice Period, the Interim Lender shall be entitled to take any and all steps under the Interim Financing Documents and the Interim Lender Charge and otherwise permitted at law, but without having to send any demands under Section 244 of the BIA;
- [20] **ORDERS** that, subject to further order of this Court, no order shall be made varying, rescinding, or otherwise affecting paragraphs 13 to 20 hereof unless either (a) notice of a motion for such order is served on the Interim Lender by the moving party at least seven (7) days prior to the hearing of said motion or such other notice as may be ordered by this Court, or (b) the Interim Lender applies for or consents to such order;
- [9] **ORDERS** that the remainder of the May 8<sup>th</sup> Order, including the paragraphs under the heading "BIA Charges", shall remain unchanged;

[10] **ORDERS** Franbeau Inc. to execute any and all documents required in order to release the security granted to it pursuant to the May 8<sup>th</sup> Order;

[11] **ORDERS** the provisional execution hereof notwithstanding appeal;

[12] **THE WHOLE** without costs.



Me Julie Bégin, registraire

COPIE CERTIFIÉE CONFORME  
AU DOCUMENT DÉTENU PAR LA COUR

  
Emmanuelle Bourque, g.a.c.s  
Personne désignée par le greffier