

SUPERIOR COURT
(COMMERCIAL DIVISION)

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

NO: 500-11-022700-047

DATE: December 16, 2005

IN THE PRESENCE OF THE HONOURABLE ROBERT MONGEON, J.S.C.

IN THE MATTER OF THE ARRANGEMENT OF :

9161-5849 QUÉBEC INC.
(formerly known as EAUX VIVES HARRICANA INC.)

-and-

41902 DELAWARE INC. (formerly known as EVH U.S.A. INC.),

-and-

9161-5286 QUÉBEC INC. (formerly known as LES SOURCES PERIGNY INC.)

Petitioners

-and-

RSM RICHTER INC.

Monitor

ORDER

- [1] **GIVEN** the Motion for the Extension of Time for the Filing of the Plan of Arrangement (the "**Motion**") and the affidavit submitted in support thereof:
- [2] **GIVEN** the reasons alleged in said Motion duly supported by an affidavit and the representations made by counsel for Petitioners;

[3] **GIVEN** the fact that the Motion is well founded;

FOR THESE REASONS THE COURT:

- [4] **GRANTS** the "Motion for the Extension of Time for the Filing of the Plan of Arrangement" (the "**Motion**");
- [5] **GRANTS** the remedies and relief sought by Petitioners, 9161-5849 (formerly known as Eaux Vives Harricana Inc. ("**EVH Inc.**"), 41902 Delaware Inc. (formerly know as EVH U.S.A., Inc.) ("**EVH U.S.A.**"), and 9161-5286 Québec Inc., (formerly known as Les Sources Périgny Inc.) ("**Sources Périgny**") (collectively, "**EVH**" which may from time to time refer to EVH Inc. and/or EVH U.S.A. and/or Sources Périgny);
- [6] **EXEMPTS** EVH from the service of the Motion and of any notice or delay of presentation;
- [7] **DECLARES** that EVH INC., EVH U.S.A., and Sources Périgny are debtor companies within the meaning of Section 2 of the *Companies Creditors Arrangement Act* ("**CCAA**") and that said Act applies to them, as affiliated debtor companies in accordance with Section 3 of the CCAA;
- [8] **DECLARES** that EVH INC., EVH U.S.A., and Sources Périgny have acted and are acting in good faith and with due diligence and that, as appears from the Motion, the circumstances are such that the present Order should be rendered;
- [9] **DECLARES** that the allegations of EVH, and the affidavit in support thereof, are sufficient at this stage to grant the relief sought by EVH;
- [10] **EXTENDS** the Initial Order rendered on March 19, 2004 by the Honourable François Rolland J.S.C. (as he then was) as amended and extended, and the stay of proceedings included therein until February 28, 2006 (inclusively);
- [11] **AUTHORIZES** the Monitor to send, together with the notice of convocation of the meeting of creditors, a notice substantially in the form of Exhibit R-2 (the "**Notice**");
- [12] **DECLARES** that the Notice complies with the requirement of the CCAA and is a sufficient notice to apply for an Order sanctioning EVH's plan of arrangement in the circumstances;
- [13] **ORDERS** provisional execution of this Order, notwithstanding any appeal and without the necessity of furnishing any security;

[14] THE WHOLE, without costs.

COPIE CONFORME

Jules Guerin
Greffier en chef

Robert Mongeon
ROBERT MONGEON J.S.C.