

**SUPERIOR COURT  
(COMMERCIAL DIVISION)**

**CANADA  
PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL**

**NO: 500-11-022700-047**

**DATE: June 1, 2004**

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**IN THE PRESENCE OF FRANÇOIS ROLLAND S.C.J.**

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**IN THE MATTER OF THE ARRANGEMENT OF :**

**EAUX VIVES HARRICANA INC.**, legal person, duly constituted under the laws of Québec, having its head office at 11 Chemin des Sablières, St-Mathieu-d'Harricana, Province of Québec, District of Abitibi, J0Y 1M0;

-and-

**EVH U.S.A. INC.**, legal person, duly constituted under the laws of Delaware, U.s.a., having a place of business at 17821 East 17<sup>th</sup> Street, suite 193, Tustin, California, 92780, U.S.A.

-and-

**LES SOURCES PERIGNY INC.**, legal person, duly constituted under the laws of Quebec, having a place of business at 11 Chemin des Sablières, St- Mathieu-D'Harricana, Province of Quebec, District of Abitibi, J0Y 1M0

Petitioners

-and-

**RICHTER & ASSOCIÉS INC.**, a body politic and corporate, duly incorporated according to law, having a place of business at 2 Place Alexis-Nihon, 3500 de Maisonneuve Blvd. West, 22<sup>nd</sup> Floor, in the City of Montréal, Province of Québec, H3Z 3C2

Monitor

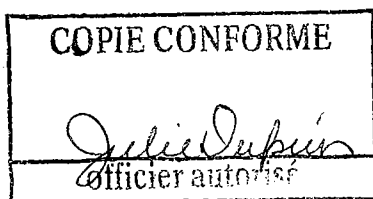
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**ORDER**

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- [1] I, the undersigned, Judge of the Superior Court, in and for the District of Montréal, after having examined the Motion for the extension of time for the filing of the plan of arrangement (the "**Motion**"), after having read the affidavit submitted in support thereof;
- [2] **GIVEN** the reasons alleged in said Motion duly supported by an affidavit;
- [3] **GIVEN** the fact that said Motion is well founded;
- [4] **FOR THESE REASONS:**
- [5] **GRANT** the present "Motion for the Extension of time for the filing of the plan of arrangement" (the "**Motion**");
- [6] **GRANT** the remedies granted to EVH INC. and EVH U.S.A. in the Initial Order rendered by Mr. Justice François Rolland on March 19, 2004, as extended and amended on April 15, 2004, to Les Sources Périgny Inc. ("**Sources Périgny**"), with retroactive effect;
- [7] **GRANT** the remedies and relief sought by Petitioners, Eaux Vives Harricana Inc. ("**EVH INC.**"), EVH U.S.A., Inc. ("**EVH U.S.A.**") and Sources Périgny (collectively, "**EVH**" which may from time to time refer to EVH INC. and/or EVH U.S.A. and/or Sources Périgny);
- [8] **EXEMPT** EVH from the service of this Motion and of any notice or delay of presentation;
- [9] **DECLARE** 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;
- [10] **DECLARE** 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 Order sought herein should be rendered (the "**Order**");
- [11] **DECLARE** that the allegations of EVH, and the affidavit in support thereof, are sufficient at this stage to grant the reliefs sought by EVH;
- [12] **EXTEND** the Initial Order rendered on March 19, 2004 by Mr. Justice François Rolland, as amended and extended, and the stay of proceedings included therein until Tuesday, August 31, 2004;
- [13] **ORDER** that the Monitor shall in the future be designated as RSM Richter Inc. and that any order rendered previously, and any undertaking or obligation be amended and modified so as to designate the Monitor as RSM Richter Inc.;

- [14] **ORDER** that Parmalat shall be subrogated to the rights of the relevant professionals and advisors for any amount paid on behalf of EVH in relation with the fees and expenses covered by the Administration Charge and further **ORDER** that Parmalat's claim in relation with these payments shall be guaranteed by the Administration Charge, said claim being subordinated to any future payment to be owed by EVH;
- [15] **ORDER** that in the event:
- (a) the stay of proceedings granted in favor of Petitioner in virtue of the CCAA comes to an end without the acceptance by the creditors and the sanctioning by the Court of (a) plan(s) of arrangement pursuant to the CCAA; and
  - (b) Petitioner becomes bankrupt following the filing, within thirty (30) days from the expiry of the stay period referred to in the preceding sub-paragraph, of a proceeding in virtue of the BIA with respect to Petitioner (whether a Notice of Intention to File a Proposal, a Proposal, a Petition for the issuance of a Receiving Order or a Voluntary Assignment in bankruptcy),
- Then the "date of the initial bankruptcy event" (within the meaning of Section 2 of the BIA) shall be deemed to be June 1, 2004 in relation to any proceeding in virtue of the BIA;
- [16] **ORDER** provisional execution of the Order, notwithstanding any appeal and without the necessity of furnishing any security;
- [17] **THE WHOLE**, without costs.



(S) FRANÇOIS ROLLAND S.C.J.  
FRANÇOIS ROLLAND S.C.J.