

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

No.: 500-11-034815-080

SUPERIOR COURT
COMMERCIAL DIVISION
(In Bankruptcy and Insolvency)

*IN THE MATTER OF THE PLAN OF
ARRANGEMENT AND COMPROMISE OF:*

KOMUNIK CORPORATION

and

KOMUNIK DATAMARK INC.

and

KOMUNIK INTRAMEDIA INC.

Petitioners

and

RSM RICHTER INC.

Monitor

SIXTH PETITION FOR THE EXTENSION OF THE STAY ORDER
(Section 11 of the *Companies' Creditors Arrangement Act*, R.S.C. (1985),
c. C-36, as amended ("CCAA"))

**TO ONE OF THE HONOURABLE JUDGES OF THE SUPERIOR COURT, SITTING IN
THE COMMERCIAL DIVISION FOR BANKRUPTCY AND INSOLVENCY MATTERS
IN AND FOR THE DISTRICT OF MONTREAL, THE MONITOR RESPECTFULLY
SUBMITS THAT:**

I. INTRODUCTION

1. On November 18, 2008, the Honourable Justice William Fraiberg, J.S.C issued an order (the "**Initial Order**") granting Komunik Corporation ("**Komunik**"), Komunik Datamark Inc. ("**Datamark**") and Komunik Intramedia Inc. ("**Intramedia**") (collectively, the "**Company**"), protection under the CCAA until December 18, 2008;
2. The Initial Order provided a stay of proceedings in favour of the Company for an initial thirty (30) day period which was extended and is now valid until June 30, 2009, as more fully appears from the Court record;

3. On March 27, 2009, the Honourable Justice Fraiberg issued the Fourth Extension Order which *inter alia* approved the sale by the Company to 4488385 Canada Inc. (the “**Purchaser**”) of substantially all of the assets of the Company (the “**Transaction**”) in accordance with the terms of an agreement of purchase and sale between the Company and the Purchaser (the “**APS**”) for an amount of \$17.5 million (the “**Purchase Price**”), as more fully appears from the Court record;
4. On May 14, 2009, the Purchaser filed before this Court a *Petition to Establish the Value of the Purchased Working Capital*, which was amended on June 15, 2009, as appears more fully from the court record;
5. On June 11, 2009, this Court granted a *Motion for the Distribution of Proceeds of Sale* and authorised the Monitor to distribute the sum of ten million dollars to HSBC Bank Canada, as appears more fully from the court record;
6. The Purchase Price balance of \$7.5 million was set aside by the Monitor to provide namely for the possible satisfaction of any adjustment to the Purchased Working Capital sought by the Purchaser;
7. On June 19, 2009, this Court made an Order which took act of a settlement reached between the Monitor and the Purchaser namely with regard to the adjustment to the Purchased Working Capital sought by the Purchaser in accordance with Section 2.10 of the APS;
8. In accordance with the Order made by this Court, on June 25, 2009, the Monitor remitted to the Purchaser the sum of \$2,442,782 representing the adjustment to the Purchased Working Capital in accordance with the Court’s order made on June 19, 2009;

II. ORDERS SOUGHT

9. The Monitor hereby respectfully seeks from this Court an Order for:
 - (i) the extension of the Initial Order to August 21, 2009;
 - (ii) the extension of the Stay Period and the Stay Termination Date (as defined in the Initial Order) to August 21, 2009;
 - (iii) the approval of the Monitor’s Ninth Report and its activities as described therein;
10. This Order is being sought by the Monitor as all of the Company’s directors have resigned and in accordance with the Fourth Extension Order, which authorizes the Monitor, following the closing of the Transaction, to do all acts on behalf and in the name of the Company, that may be necessary or desirable in order to complete the administration of the estate;

III. ADDITIONAL OUTSTANDING MATTERS IN THE CCAA PROCEEDINGS

11. There continue to be a number of outstanding matters in the CCAA Proceedings, the details of which are provided hereinafter;
12. First, pursuant to a transaction approved by the Court on January 28, 2009, the Company sold the assets of its Konversation division to Intema Solutions Inc. (“**Konversation Transaction**”);
13. The Konversation Transaction excluded the accounts receivable related to the Konversation division, which have a book value of approximately \$50,000 as at June 29, 2009. The Monitor is working to collect these amounts on the Company’s behalf;
14. Furthermore, the purchased assets pursuant to the Agreement excluded deposits paid by the Company to its suppliers and service providers during the CCAA Proceedings;
15. The Monitor, on the Company’s behalf, has worked with the suppliers and service providers to reconcile the Company’s accounts and to collect deposits due to the Company. This process is ongoing;
16. In addition, pursuant to an order issued by this Court on June 19, 2009, the Monitor is to remit to the Purchaser certain payments received by the Monitor from the Company suppliers, as detailed in Appendix 17 of the Monitor’s Eighth Report. Several weeks may be required to complete this task;
17. In order to complete the administration of the Company’s estate, various corporate tax returns and sales tax returns also need to be filed with tax authorities. The Monitor is working to have these filed and to collect any tax refunds that may be payable to the Company. Tax issues may be complicated and time is required to deal with various government agencies across Canada;

IV. THE MONITOR’S REQUEST FOR AN EXTENSION

18. The current stay of proceedings expires on June 30, 2009;
19. The Monitor hereby seeks an extension of the stay of proceedings and renewal of the Initial Order to August 21, 2009;

20. As the Monitor has previously indicated, this additional extension is sought by the Monitor and not by the Company as the Company's directors resigned after the Closing Date and in accordance with the Fourth Extension Order, which authorizes the Monitor, following the closing of the Transaction, to do all acts on behalf and in the name of the Company that may be necessary or desirable in order to complete the administration of the estate;
21. The Company's cash flow projection for the extension period is attached as Appendix "A" to the Monitor's Ninth Report filed in support of this Petition as **Exhibit P-1**;
22. The Monitor believes that the cash flow is reasonable;
23. The Monitor also seeks an order approving its activities, as described in the Monitor's Ninth Report;
24. Both the HSBC Bank Canada and HSBC Capital (Canada) Inc., being the Company's primary secured creditors, consent to the extension requested;
25. Given that, as described in the present petition, the circumstances are such that an order should be rendered, the Monitor respectfully submits that this Petition should be granted as per its conclusions;

WHEREFORE, MAY IT PLEASE THIS COURT TO:

GRANT the present *Sixth Petition for the Extension of the Stay Order* (the "**Petition**");

EXTEND the Stay Period and the Stay Termination Date (as defined in the Order rendered on November 18, 2008 by the Honourable William Fraiberg, S.C.J., (the "**Initial Order**")), up to and including August 21, 2009;

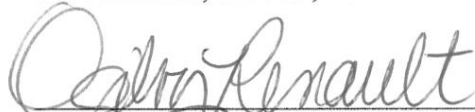
RENEW, in full, subject to any necessary adaptations, the Initial Order until August 21, 2009;

APPROVE the Monitor's activities, as described in the Monitor's Ninth Report (Exhibit P-1 to this Petition);

ORDER the provisional execution of the order to be rendered herein notwithstanding any appeal;

THE WHOLE, without costs, save in case of contestation.

MONTREAL, June 29, 2009



OGILVY RENAULT LLP
Attorneys for RSM Richter Inc.

AFFIDAVIT

I, the undersigned, **Robert Kofman**, Vice-President, exercising my profession, for the present purposes at 200 King Street West, Suite 1100, in the City and District of Toronto, Province of Ontario, M5H 3T4, solemnly declare:


1. I am the Vice-President of RSM Richter Inc., and as such have personal knowledge of the present matter;
2. All facts contained in the *Sixth Petitioner for the Extension of the Stay Order* are true.

AND I HAVE SIGNED:



ROBERT KOFMAN

SOLEMNLY AFFIRMED before me,
In Toronto, on June 29 2009



Notary public

Renee Fern Schwartz, a Commissioner, etc.,
City of Toronto, for RSM Richter Inc.,
Trustee in Bankruptcy and RSM Richter LLP,
Chartered Accountants,
Expires February 7, 2012.

ATTESTATION OF AUTHENTICITY
(Article 82.1 C.C.P.)

The undersigned, Éric C. Lefebvre, lawyer, of the firm Ogilvy Renault, carrying on business at 1 Place Ville Marie, Suite 2500, in the City and District of Montreal, Province of Quebec, under my oath of office, declare:

1. On June 29, 2009 at 9:47 A.M., Montreal time, Ogilvy Renault LLP received by electronic mail the affidavit of Robert Kofman in support of the *Sixth Petition for the Extension of the Stay Order* dated June 29, 2009;
2. The copy of the affidavit attached hereto is a true copy of the affidavit of Robert Kofman received by electronic mail from Mr. Kofman and whose electronic mail address is BKofman@RSMRichter.com;
3. The facts alleged herein are true.

MONTREAL, June 29, 2009



Éric C. Lefebvre
OGILVY RENAULT LLP
Attorneys for RSM Richter Inc.

NOTICE OF PRESENTATION

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AND TO: Mr. Aaron Welch e-mail: Aaron.Welch@gov.bc.ca
**MINISTRY OF ATTORNEY
GENERAL OF BRITISH COLUMBIA**

TAKE NOTICE that the foregoing *Sixth Petition for the Extension of the Stay Order* shall be presented before one of the Honourable Judges of the Superior Court for the District of Montreal, on **June 30, 2009, at 9:15 A.M.**, as soon as counsel may be heard, in the Montreal Courthouse, located at 1 Notre-Dame Street East, in the City of Montreal, Province of Quebec, in room 15.08.

DO GOVERN YOURSELVES ACCORDINGLY.

MONTREAL, June 29, 2009

A handwritten signature in cursive script, reading "Ogilvy Renault". The signature is written in black ink and is positioned above a horizontal line.

OGILVY RENAULT LLP
Attorneys for RSM Richter Inc.

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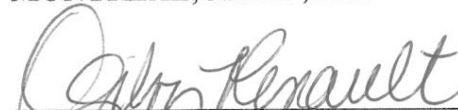
RSM RICHTER INC.

Monitor

LIST OF EXHIBITS

EXHIBIT P-1: Ninth Report of RSM Richter with regard to Komunik Corporation,
Komunik Datamark Inc., Komunik Intramedia Inc.

MONTREAL, June 29, 2009



OGILVY RENAULT LLP

Attorneys for RSM Richter Inc.