

SUPERIOR COURT
(Commercial Division)

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

N^o.: 500-11-032894-087

DATE: March 26, 2008

PRESENT: Me Pierre Pellerin, registraire

**GMAC COMMERCIAL FINANCE CORPORATION-CANADA / SOCIÉTÉ FINANCIÈRE
COMMERCIALE GMAC-CANADA**

Petitioner

-vs-

CAPCITY CLOTHING INC./VETEMENTS CAPCITY INC.

Respondent

JUDGMENT

[1] **THE COURT** is seized of the Motion for the Appointment of an Interim Receiver and Related Orders (the "Motion");

[2] **SEEING** the allegations contained in the Motion and the Affidavits in support thereof;

[3] **SEEING** the absence of contestation;

[4] **SEEING** the exhibits and evidence herein;

[5] **CONSIDERING** that the Motion is well founded both in fact and in law;

FOR THE FOREGOING REASONS:

[6] **GRANTS** the Motion;

[7] Until the earlier of (i) any Receiver (as defined in the *Bankruptcy and Insolvency Act*, Canada) taking possession on Petitioner's behalf of all or a significant portion of Respondent's Property or (ii) further order of the Court:

- I. **NAMES AND APPOINTS** RSM Richter Inc. (Phil Manel, Administrator) as interim receiver (the "**Interim Receiver**") of all of Respondent's corporeal and incorporeal movable property (the "**Property**") pursuant to Section 47 of the *Bankruptcy and Insolvency Act*, Canada;
- II. **AUTHORIZES AND EMPOWERS** the Interim Receiver to take and maintain possession of all of the Property, to enter Respondent's premises and have full access thereto, to change locks, to take control of any alarm systems, to access and take possession of all assets, books and records, personnel, analysis, computers, data storage media, software, or other information, compilations and documentation related to or completed by Respondent and/or its representatives and to make, retain and remove copies thereof;
- III. **AUTHORIZES AND EMPOWERS** the Interim Receiver to control the Property, including, without limitation, all accounts receivable, inventory and all other assets, as well as all receipts and disbursements;
- IV. **AUTHORIZES AND EMPOWERS** the Interim Receiver to do all things necessary in order to obtain and maintain possession and control of all of Respondent's financial books and records;
- V. **ORDERS** Respondent as well as all of Respondent's present and former directors, officers, employees, representatives, outside bookkeepers or outside accountants to immediately surrender and deliver all of Respondent's financial books and records to the Interim Receiver;
- VI. **ORDERS** Respondent and its representatives to declare to the Interim

Receiver the location of any and all Property;

VII. AUTHORIZES AND EMPOWERS the Interim Receiver to place such insurance coverage as the Interim Receiver may deem necessary or desirable;

VIII. AUTHORIZES AND EMPOWERS the Interim Receiver to engage consultants, appraisers, agents, experts, auditors, accountants, managers, solicitors, and counsel and such other advisors or professionals from time to time and on whatever basis, including on a temporary basis, to assist with the exercise of the powers and duties conferred by the present Judgment;

[8] **DECLARES** that Respondent shall remain the employer of (and that the Interim Receiver shall not, as a result of the present Judgment or anything done in pursuant of the Interim Receiver's duties and powers hereunder be deemed to be the employer of) any employee of Respondent;

[9] **SHORTENS** all applicable delays for presentation of the Motion and allows for service hereof upon Respondent outside of the legally permitted hours;

[10] **ORDERS** provisional execution of the present Judgment notwithstanding appeal.

THE WHOLE WITHOUT COSTS.



Me Pierre Pellerin, registraire

COPIE CONFORME



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