

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT
ACT*, R.S.C. 1985, c.C-36 AS AMENDED

AND IN THE MATTER OF A PROPOSED PLAN OF COMPROMISE
OR ARRANGEMENT WITH RESPECT TO **FRASER PAPERS INC.**,
FPS CANADA INC., FRASER PAPERS HOLDINGS INC., FRASER
TIMBER LTD., FRASER PAPERS LIMITED and FRASER N.H. LLC

Applicants

MOTION RECORD
(Returnable Friday, October 9, 2009)

October 1, 2009

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TO: THIS HONOURABLE COURT

MOTION RECORD INDEX

TAB	DOCUMENT
1.	Notice of Motion dated October 1, 2009.
2.	Draft Order.

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

IN THE MATTER OF THE *COMPANIES' CREDITORS
ARRANGEMENT ACT*, R.S.C. 1985, c.C-36 AS AMENDED

AND IN THE MATTER OF A PROPOSED PLAN OF
COMPROMISE OR ARRANGEMENT WITH RESPECT TO
FRASER PAPERS INC., FPS CANADA INC., FRASER
PAPERS HOLDINGS INC., FRASER TIMBER LTD., FRASER
PAPERS LIMITED and FRASER N.H. LLC

Applicants

NOTICE OF MOTION

The Applicants will make a motion, on consent, before Madam Justice Pepall of the Ontario Superior Court of Justice (Commercial List) in chambers on Friday, October 9, 2009 at 9:30 in the morning or as soon thereafter as this motion can be heard at 330 University Avenue, in the City of Toronto, Ontario.

PROPOSED METHOD OF HEARING: The motion is to be heard orally.

THE MOTION IS FOR:

1. an Order extending to and including October 23, 2009, or such later date as this Court may order, the stay of proceedings granted by Order of the Honourable Mr. Justice Morawetz dated June 18, 2009, as amended (the "Initial Order").

THE GROUNDS FOR THE MOTION ARE:

1. On June 18, 2009, the Applicants filed for and obtained protection from their creditors under the *Companies' Creditors Arrangement Act*, R.S.C. 1985, C. C-36 as amended (the "CCAA"), pursuant to the Initial Order;
2. The Stay Period (as defined in the Initial Order) expires on October 16, 2009. Due to scheduling issues, a full motion for a stay extension cannot be heard until the week of October 20, 2009. The Applicants require a seven-day extension of the Stay Period in order to permit a stay extension motion to be heard by The Honourable Madam Justice Pepall, who is seized of this matter, on October 22, 2009;
3. The seven-day extension of the Stay Period is not opposed by any party on the Service List;
4. Section 11(4) of the CCAA;
5. Rules 2.03, 3 and 37 of the *Rules of Civil Procedure*, R.R.O. 1994, Reg. 194, as amended; and
6. such further and other grounds as counsel may advise and this Honourable Court may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of this Motion:

1. no evidence will be filed in support of this motion. The extension is not opposed by any party on the Service List.

October 1, 2009

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AND TO: THE ATTACHED SERVICE LIST

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IN THE MATTER OF THE COMPANIES' CREDITORS ARRANGEMENT ACT, R.S.C. 1985, c.C-36 AS AMENDED

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Court File No.: CV-09-8241-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

Proceedings commenced at Toronto

NOTICE OF MOTION
(Seven-Day Stay Extension)

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**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

THE HONOURABLE) **FRIDAY, THE 9th DAY**
)
MADAM JUSTICE PEPALL) **OF OCTOBER, 2009**

IN THE MATTER OF THE *COMPANIES' CREDITORS
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Applicants

**ORDER
(Seven-Day Stay Extension)**

THIS MOTION made by the Applicants for the relief sought in the Notice of Motion herein dated October 1, 2009, was heard this day at 330 University Avenue, in the City of Toronto, Ontario.

ON READING the Notice of Motion, on hearing the submissions of counsel for the Applicants, and upon being advised that the requested relief is on consent of PricewaterhouseCoopers Inc., the Monitor herein, and is not opposed by any party on the Service List herein, no counsel appearing other than counsel for the Applicants:

1. **THIS COURT ORDERS** that the Stay Period as described in Order of this Honourable Court dated June 18, 2009, as amended (the "Initial Order") be, and is hereby extended to and including October 23, 2009.
-

IN THE MATTER OF THE COMPANIES' CREDITORS ARRANGEMENT ACT, R.S.C. 1985, c.C-36 AS AMENDED

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Court File No.: CV-09-8241-00CL

**ONTARIO
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ORDER

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ONTARIO
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