



Court File No.

**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 PLAN OF COMPROMISE OR
ARRANGEMENT OF iS5 COMMUNICATIONS INC.

NOTICE OF APPLICATION

TO THE RESPONDENTS:

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicant, iS5 Communication Inc. The claim made by the applicant appears on the following page.

THIS APPLICATION will come on for a hearing

- ☐ In person
- ☐ By telephone conference
- ☒ By video conference

at the following location

Video conference sign-in details to be determined

on December 1, 2022 at 12:30 p.m. Toronto time, or as soon after that time as the application can be heard.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the Rules of Civil Procedure, serve it on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in this court office, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must, in addition to serving your notice of appearance, serve a copy of the evidence on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in the court office where the application is to be heard as soon as possible, but at least four days before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO OPPOSE THIS APPLICATION BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

November 22, 2022

Date: ~~November 21, 2022~~

Issued by: Rajesh Ramkalawan Digitally signed by Rajesh Ramkalawan
Local Registrar Date: 2022.11.22 09:16:06 -05'00'

Address of Court Office: 330 University Ave, 9th Floor
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TO: **THE SERVICE LIST**

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APPLICATION

1. The applicant, iS5 Communications Inc. (the “**Company**”), makes an application for:
 - (a) an initial order under the *Companies’ Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended (the “**CCAA**”), among other things:
 - (i) continuing under the CCAA the proceeding commenced by the Company by the filing of a notice of intention to make a proposal under Part III of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, as amended, bearing estate and court file number 32-2853708 (the “**NOI Proceeding**”); and
 - (ii) appointing Grant Thornton Limited (“**Grant Thornton**”) as monitor of the Company in these CCAA proceedings (in such capacity, the “**Monitor**”); and
 - (b) such further and other relief as this Honourable Court made deem just.
2. The grounds for this application are:
 - (a) the grounds set out in the affidavit of Clive Dias to be sworn and filed (the “**Dias Affidavit**”), and the fourth report of Grant Thornton in its capacity as the proposal trustee of the Company in the NOI Proceeding to be filed (the “**Fourth Report**”);
 - (b) the provisions of the CCAA, including section 11.6 thereof;
 - (c) such further and other grounds as counsel may advise.

3. The following documentary evidence will be used at the hearing of the application:

- (a) the Dias Affidavit;
- (b) the Fourth Report;
- (c) the consent of Grant Thornton to act as the Monitor; and
- (d) such further and other evidence as counsel may advise and this Honourable Court may permit.

November 21, 2022

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**Proceeding commenced at
Toronto**

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