

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

THE HONOURABLE MR.

)

THURSDAY, THE 21ST

JUSTICE OSBORNE

)

DAY OF AUGUST, 2025

)

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

B E T W E E N:

ARBAT CAPITAL GROUP LTD

Applicant

and

THE SECOND CUP COFFEE COMPANY INC.

Respondent

ORDER
(Re: Stay Extension)

THIS MOTION, made by the Applicant, pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended (the "**CCAA**"), was heard this day by judicial videoconference via Zoom.

ON READING the Notice of Motion dated August 14, 2025, the Affidavit of Alexey Golubovich sworn August 14, 2025 (the "**Third Golubovich Affidavit**"), the report (the "**Second Report**") of Grant Thornton Limited ("**GTL**"), in its capacity as Court-ordered monitor (in such capacity, the "**Monitor**") of the Second Cup Coffee Company Inc. (the "**Debtor**"), and the Amended and Restated Initial Order dated May 29, 2025 (the "**ARIO**"), as may be further

amended and restated from time to time, and on hearing the submissions of counsel for the Applicant, counsel for the Monitor, and counsel for such other parties listed on the participant information sheet, with no one else appearing for any other party although duly served as appears from the Affidavit of Service of Shallon Garrafa, sworn August 15, 2025, filed,

SERVICE

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and the Motion Record is hereby abridged and validated so that this Motion is properly returnable today and hereby dispenses with further service thereof.

DEFINED TERMS

2. **THIS COURT ORDERS** that capitalized terms used in this Order and not otherwise defined herein have the meaning ascribed to them in the amended and restated initial order dated May 29, 2025 (the “**ARIO**”) or the Third Golubovich Affidavit.

EXTENSION OF STAY PERIOD

3. **THIS COURT ORDERS** that the Stay Period is hereby extended up to and including November 7, 2025.

DIP FINANCING INCREASE

4. **THIS COURT ORDERS** that the first amendment to the DIP Facility Term Sheet (the “**First DIP Amendment**”) attached as Exhibit “F” to the Third Golubovich Affidavit is hereby approved.

5. **THIS COURT ORDERS** that the Debtor is hereby authorized to borrow up to \$1,500,000 from the DIP Lender under the DIP Facility Term Sheet, and the DIP Facility Charge, as defined in paragraph 38 of the ARIO, is hereby increased to the amounts outstanding under the DIP Facility Term Sheet as amended by the First DIP Amendment.

GENERAL

6. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada, the United States, to give effect

to this Order and to assist the Applicant, the Debtor, the Monitor, and their respective agents in carrying out the terms of this Order. All courts, tribunals, regulatory, and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Applicant, the Debtor, and to the Monitor, as an officer of this Court, as may be necessary or desirable to give effect to this Order, to grant representative status to the Monitor in any foreign proceeding, or to assist the Applicant, the Debtor, and the Monitor and their respective agents in carrying out the terms of this Order.

7. **THIS COURT ORDERS** that each of the Applicant and the Monitor be at liberty and is hereby authorized and empowered to apply to any court, tribunal, regulatory or administrative body, wherever located, for the recognition of this Order and for assistance in carrying out the terms of this Order, and that the Monitor is authorized and empowered to act as a representative in respect of the within proceedings for the purpose of having these proceedings recognized in a jurisdiction outside Canada.

8. **THIS COURT ORDERS** that any interested party (including the Applicant, the CRO, and the Monitor) may apply to this Court to vary or amend this Order on not less than seven (7) days notice to any other party or parties likely to be affected by the order sought or upon such other notice, if any, as this Court may order.

9. **THIS COURT ORDERS** that this Order and all of its provisions are effective as of 12:01 a.m. Eastern Standard/Daylight Time on the date of this Order.

ARBAT CAPITAL GROUP LTD.
Applicant

and THE SECOND CUP COFFEE COMPANY
INC.
Respondent

Court File No. CV-25-00743485-00CL

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

Proceeding Commenced at Toronto

**ORDER
(ANCILLARY RELIEF)**

MILLER THOMSON LLP

Scotia Plaza
40 King Street West, Suite 6600
Toronto ON M5H 3S1

Gavin H. Finlayson LSO# 44126D

Email: gfinlayson@millerthomson.com
Tel: 416.595.8619

Larry Ellis LSO# 49313K

Email: lellis@millerthomson.com
Tel: 416.595.8639

Matthew Cressatti LSO# 77944T

Email: mcressatti@millerthomson.com
Tel: 416-597-4311

Lawyers for the Applicant

