



ONTARIO SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

COUNSEL/ENDORSEMENT SLIP

COURT FILE NO.: BK-25-03244564-0031

DATE: July 31, 2025

NO. ON LIST: 4

TITLE OF PROCEEDING:

THE PODCAST EXCHANGE INC.
VS.
TDB RESTRUCTURING LIMITED

BEFORE: JUSTICE KIMMEL

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party:

Name of Person Appearing	Name of Party	Contact Info
Jason Wadden, Counsel	The Podcast Exchange Inc. Tyr LLP	jwadden@tyrllp.com

For Defendant, Respondent, Responding Party:

Name of Person Appearing	Name of Party	Contact Info
Jeff Berger, Proposal Trustee	TDB Restructuring	jberger@tdbadvisory.ca
Bryan Tannenbaum, Proposal Trustee		btannenbaum@tdbadvisory.ca

For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info

ENDORSEMENT OF JUSTICE KIMMEL:

- [1] On July 7, 2025 (the "Filing Date"), The Podcast Exchange Inc. ("TPX" or the "Company") filed the Notice of Intention to Make a Proposal ("NOI") under the *Bankruptcy and Insolvency Act*, R.S.C ., 1985, c. B-3 (the "BIA"). TDB Restructuring Limited was appointed as the proposal trustee (the "Proposal Trustee").
- [2] TPX seeks a 45-day extension of time to file a proposal from the current deadline of August 6, 2025 to September 22, 2025 (the "Extension").
- [3] TPX also seeks approval of a Key Employee Retention Plan (the "KERP") entered into before the NOI filing (but that remains subject to court approval), the approval of a \$96,000 KERP Charge and approval of the payment of certain pre- filing commissions to a key employees. Although not addressed in the factum, sealing language was also included in the proposed draft order. Lastly, TPX seeks an order approving the activities and conduct of the Proposal Trustee as set out in its Report dated July 29, 2025 (the "Report").
- [4] Unfortunately, the Report was not uploaded into Case Center for the hearing of this motion. As a result of this and some other irregularities noted by the court in respect of the record for this motion, it is adjourned to August 6, 2025 at 12:00 p.m. Depending on what has been done with the record between today and 2:30 p.m. on August 5, 2025 when TPX shall have completed its service of all material for this motion, including a notice of return of motion for August 6, 2025, there may only be sufficient time on August 6, 2025 to deal with the request for the Extension and further court time may have to be scheduled for the remainder of the relief sought. That will be in the discretion of the presiding judge on August 6, 2025.



KIMMEL J.