

Court File No. BK-26-03371910-0033
Estate No. 33-3371910

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

THE HONOURABLE	)	THURSDAY, THE 17 TH
	)	
JUSTICE DUNPHY	)	DAY OF SEPTEMBER, 2026

**IN THE MATTER OF THE *BANKRUPTCY AND INSOLVENCY ACT*, R.S.C., 1985, C.
B-3, AS AMENDED**

**IN THE MATTER OF THE NOTICE OF INTENTION TO
MAKE A PROPOSAL OF CYMI CANADA INC. FILED IN
THE CITY OF OTTAWA, IN THE PROVINCE OF
ONTARIO**

ORDER

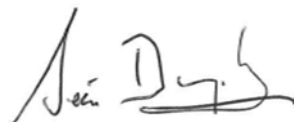
THIS MOTION, made by CYMI Canada Inc. (“**CYMI**”), for an Order directing that CYMI’s Application against Mosaic Transit Constructors General Partnership (“**Mosaic**”) be heard on the Commercial List, and for an Order establishing a timetable to facilitate the expeditious hearing of this Application, was made to a judge presiding over the Commercial List at 330 University Avenue, Toronto.

ON READING the Aide Memoire of CYMI and the materials filed in support of this Motion, and on hearing the submissions of counsel for CYMI;

1. **THIS COURT ORDERS** that the Application by CYMI seeking a determination of the parties' respective rights and obligations with respect to the payment of construction holdback funds by Mosaic shall be heard on the Commercial List and shall therefore be subject to the case management procedures of the Commercial List.

2. **THIS COURT ORDERS** that the following timetable is established for the efficient and expeditious determination of the Application:

- (a) CYMI to file all Application materials no later than September 23, 2026;
- (b) Mosaic to file and serve all responding materials no later than October 13, 2026;
- (c) all cross-examinations are to be completed no later than October 21, 2026 subject to the following rules: (i) Cross-examination limited to ½ day per side unless otherwise ordered; (ii) All questions to be answered under reserve of stated objections if any if necessary; and (iii) In the event a question is not answered and the objection is not upheld the refusing party may not lead evidence concerning the matter refused; and the hearing judge will be invited to draw an adverse inference regarding the answer not given.
- (d) all parties to file and serve their respective factums by November 6, 2028; and
- (e) the Application will be heard on the Commercial List on November 12, 2026 at 10am via videoconference. This hearing will be 2 hours in length.



(Signature of judge, officer or registrar)

