

19 Aug 14

D. Bell
R. Sanni } Apple

HEPH brings this motion for, amongst other things, an order authorizing + directing CIBC ^{million \$} to release funds to HEPH for distribution to the Affected Creditors + approval of the Monitor's activities.

H. Meredith-Mait
A. Hetray
B. Walbridge
HEPH
Retires

The motion is unopposed. Having heard submission of counsel I am satisfied that proper notice of the motion has been given to all affected parties. Particularly the union and trustee have been served. The union does not oppose and the trustee have not responded in any way. I am also satisfied that reasonable efforts have been made to locate affected former employees.

I am also satisfied that this Court has jurisdiction to make the order sought based on s. 11 of the C.A.A. as the order ^{sought} is appropriate in the circumstances of this matter.

Lastly, I am satisfied that the purposes for which the trust was established no longer exist and, accordingly, there is a resulting trust.

(2)

In these circumstances it is reasonable to allow for the distribution of the fund held by CIBC Mellon to the OPEB retirees in accordance with the Applicant's Plan of Compromise and Arrangement dated May 24, 2012.

The activities of the Monitor, HCPH and the CEO set out in the 21st Report are also reasonable and are approved by this Court.

Order to go as per draft filed & signed. As noted in the draft order EX A to the Affidavits of Mr. McBride shall be sealed.

McE...