

District: New Brunswick  
Division: 04  
Court No:  
Estate No: 51-2520039

COURT OF QUEEN'S BENCH  
CLERK / SAINT JOHN

REC'D  
REC'D  
APR 30 2020  
FILED  
DEPOSE

COUR DU BANC DE LA REINE  
GREFFIÈRE / SAINT JOHN

**NEW BRUNSWICK COURT OF QUEEN'S BENCH  
IN BANKRUPTCY AND INSOLVENCY**

THE HONOURABLE )  
JUSTICE DARRELL STEPHENSON )  
)

THURSDAY, THE 30<sup>th</sup> DAY  
OF APRIL, 2020

**IN THE MATTER OF THE PROPOSAL OF  
MICHAEL KENNETH JOHNSON  
(of the City of Richibucto, in the County of Kent, in the Province of New  
Brunswick)**

**ORDER**

**THIS MOTION**, made by The Superintendent of Bankruptcy ("Superintendent"), pursuant to paragraph 5(4)(a), subsections 66.31(1), 187(11) and 187(12) of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c.B-3, as amended ("BIA"), was heard by teleconference on April 30, 2020, at the Court House, 10 Peel Plaza, Saint John, New Brunswick.

**UPON READING** the Notice of Motion herein, the Affidavit of Elisabeth Lang, Superintendent, affirmed on April 27, 2020, the Affidavit of André Bolduc, Licensed Insolvency Trustee ("LIT") with and Executive Board Member of the Canadian Association of Insolvency and Restructuring Professionals, affirmed on April 28, 2020, and the Factum of the Superintendent.

**UPON READING** the Order pronounced by Chief Justice Geoffrey B. Morawetz of the Ontario Superior Court of Justice on April 27, 2020 in Ontario Court File Number: 31-2597721 (in the matter of the proposal of Stephen Francis Podgurski) (the "**Ontario Omnibus Order**") and the accompanying Endorsement.

**THIS COURT ORDERS AND DECLARES** that for the purposes of this Order:

- a. The "Period of the Emergency" shall be defined as the period of March 13, 2020, to June 30, 2020. For greater certainty, the start date and the end date are included in the Period of the Emergency.

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- b. The "Suspension Period" shall be defined as the period from April 27, 2020 to June 30, 2020. For greater certainty, the start date and the end date are included in the Suspension Period.
2. **THIS COURT ORDERS** that this Order shall apply to:
- a. All "Active Commercial Proposals" (Division I proposals), which shall be defined as all the Division I proposals filed with the Office of the Superintendent of Bankruptcy ("OSB") up to the end of the Period of the Emergency;
  - b. All "Active Consumer Proposals" (Division II proposals), which shall be defined as all the Division II proposals filed with the OSB or revived pursuant to the BIA up to the end of the Period of the Emergency, but excluding the Division II proposals that were deemed annulled, annulled or that were fully performed on or before the date of this Order; and
  - c. All "Active Bankruptcy Files", which shall be defined as all bankruptcies filed with the OSB, up to the end of the Period of the Emergency, but excluding the bankruptcies wherein the bankrupt had received his or her discharge on or before the date of this Order.
3. **THIS COURT ORDERS** that the time for service and filing of the Notice of Motion and the Motion Record herein are hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.
4. **THIS COURT ORDERS** that the requirement for a separate Notice of Motion and supporting Affidavits to be filed in the Court file of each of the insolvency files in the Province of New Brunswick affected by this Order is hereby dispensed with.
5. **THIS COURT ORDERS** that the requirement for notice of this Motion to any debtor, inspector or creditor, within the bankruptcy and proposal estates administered in the Province of New Brunswick, be and is hereby waived.
6. **THIS COURT ORDERS** that the Superintendent of Bankruptcy shall publish this Order on the website of the OSB forthwith.
7. **THIS COURT ORDERS** that this order is effective as of Monday, April 27, 2020 concurrently with the Ontario Omnibus Order.

**Matters applicable to Active Commercial Proposals**

8. **THIS COURT ORDERS** that the time for holding the meeting of creditors that is to take place during the Period of the Emergency, as provided by section 51 of the BIA, is to be extended by the time of the Suspension Period.

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**Matters applicable to Active Consumer Proposals**

9. **THIS COURT ORDERS** that the time for holding the meeting of creditors that is to take place during the Period of the Emergency, as provided by section 66.15 of the BIA, is to be extended by the time of the Suspension Period.
10. **THIS COURT ORDERS** that an Active Consumer Proposal shall not be deemed annulled pursuant to section 66.31 of the BIA unless the consumer debtor is in default of:
  - a. In the case when payments under the Active Consumer Proposal are to be made monthly or more frequently, the day on which the consumer debtor is in default for an amount that is equal to or more than the amount of three payments plus an additional amount equivalent to up to three payments for defaults that occurred during the period of March 13, 2020, to December 31, 2020; or
  - b. In the case when payments under the Active Consumer Proposal are to be made less frequently than monthly, the day that is three months after the day on which the consumer debtor is in default in respect of any payment except that for those payments due between March 13, 2020 to December 31, 2020 it shall be the day that is six months after the day on which the consumer debtor is in default.

**Matters applicable to Active Bankruptcy Files:**

11. **THIS COURT ORDERS** that the trustee's obligation to apply to court for a hearing during the Period of the Emergency, as provided by subsection 170.1(3) of the BIA, is to be extended by the time of the Suspension Period.
12. **THIS COURT ORDERS** that the time for the holding of the meeting of creditors that is to take place during the Period of the Emergency, as provided by section 102 of the BIA, is to be extended by the time of the Suspension Period.
13. **THIS COURT ORDERS** that the time for scheduling a mediation that is to take place during the Period of the Emergency, as provided by rule 105(4) and (10) of the BGR, is to be extended by the time of the Suspension Period.
14. **THIS COURT ORDERS** that any interested person may apply to the Court to terminate the relief provided herein in respect of any proceeding, on providing notice of the application to do so on five days notice to the trustee, the OSB, and any other person likely to be affected by the order sought.

*Dated at Saint John, NB this 30<sup>th</sup> day of April, 2020*

  
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*Darrell J. Stephenson  
Justice Court of Queens  
Bench - NB*