

Court File No. 09-8363-00CL

ONTARIO**SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE

)
)
)FRIDAY, THE 18TH DAY

OF SEPTEMBER, 2009

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

AND IN THE MATTER OF A PLAN OF COMPROMISE OR
ARRANGEMENT OF BARZEL INDUSTRIES CANADA INC.

Applicant

COMPLIANCE ORDER

THIS MOTION, made by the Applicant for an Order requiring ArcelorMittal Dofasco Inc. ("**Dofasco**") to comply with the terms of the Initial Order of this Court made September 15, 2009 (the "**Initial Order**") and the Recognition Order of this Court made September 15, 2009 (the "**Recognition Order**"), was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the affidavit of Wayne Day sworn September 18, 2009, and on hearing the submissions of counsel for the Applicant, counsel for Dofasco and counsel for the Monitor,

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and the Motion Record is hereby abridged so that this application is properly returnable

today, that service effected on all parties is hereby validated and hereby dispenses with further service thereof.

2. **THIS COURT ORDERS AND DIRECTS** that Dofasco shall comply with the terms of the Initial Order and the Recognition Order, including paragraph 18 of the Initial Order and paragraph 8 of the Recognition Order, which require Dofasco to supply goods, including hot rolled steel coils, to the Applicant pursuant to a replenishment agreement between Barzel Industries Inc. (formerly Novamerican Steel, Inc. and indirect parent of the Applicant) and Dofasco dated November 2008 as amended by an amending agreement dated February 13, 2009 and the relationship between the Applicant and Dofasco.
 3. **THIS COURT ORDERS** that, in addition to the general obligations referred to in paragraph 2 above, Dofasco immediately deliver 3,114 tons of structural tubing coils to the Applicant.
 4. **THIS COURT ORDERS** that any order granted shall be without prejudice to the right of the Applicant to commence contempt proceedings against Dofasco in respect of Dofasco's breach of the Initial Order, the Recognition Order or this Order.
-

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

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF
BARZEL INDUSTRIES CANADA INC.

Court File No: 09-8363-00CL

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

Proceeding commenced at Toronto

COMPLIANCE ORDER

DAVIES WARD PHILLIPS & VINEBERG LLP
1 First Canadian Place
Suite 4400
Toronto, ON M5X 1B1

Robin B. Schwill (LSUC #38452I)
James Bunting (LSUC #48244K)

Tel: 416.863.0900
Fax: 416.863.0871

Lawyers for the Applicant

IN THE MATTER OF THE COMPANIES' CREDITORS ARRANGEMENT ACT,
R.S.C. 1985, c. C-36, AS AMENDED
AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF
BARZEL INDUSTRIES CANADA INC.

Court File No. 09-8363-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

Proceeding commenced at Toronto

MOTION RECORD
OF THE APPLICANT

DAVIES WARD PHILLIPS & VINEBERG LLP
1 First Canadian Place
Suite 4400
Toronto, ON M5X 1B1

Robin B. Schwill (LSUC #384521)
James Bunting (LSUC #48244K)

Tel: 416.863.0900
Fax: 416.863.0871

Lawyers for the Applicant