

25 SEP 2009

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

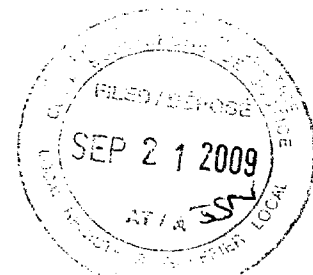
Proceeding commenced at Toronto

MOTION RECORD
(RETURNABLE SEPTEMBER 25, 2009)

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Subpoena, J.

5. sep 25 10 4
Having reviewed the materials I am satisfied that the applicants have acted + are acting in good faith + with due diligence. They continue to enjoy a good reputation within the circumstances outlined above + the order requested appropriate. The order is subject to + without prejudice to the rights + interests of the shareholders + the hearing of the shareholders' motion returnable Oct 7/09.

An issue arose with respect to the interpretation to be given to paragraph 6 of the timetable agreed to by the parties + ordered by me. At this stage, it makes little sense to compel the parties to agree a stay motion on Oct 7/09. Accordingly, if it is necessary to address a stay with respect to Finance II, a timetable for such agreement will be dealt with after the Oct 7 motion has been heard. To that extent, the timetable terms are void.

IN THE MATTER OF THE COMPANIES' CREDITORS ARRANGEMENT ACT, R.S.C. 1985, c. C-36, as amended
AND IN THE MATTER OF THE BANKRUPTCY AND INSOLVENCY ACT, R.S.C. 1985, c. B-3, as amended
AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF SMURFIT-STONE CONTRAINER
CANADA INC. AND THE OTHER APPLICANTS LISTED ON SCHEDULE "A"

25 SEP 2009

Court File No. CV-09-7966-00CL

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TORONTO

MOTION RECORD

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Lawyers for the Communications, Energy
and Paperworkers Union of Canada

SEP 18 2009
JSC

sepr 25/09
Adj'd on consent to Oct 9/09.
15:00 hours before me.
JF Wray, J.