

**ONTARIO  
SUPERIOR COURT OF JUSTICE - COMMERCIAL LIST**

THE HONOURABLE ) FRIDAY, THE 11TH  
 )  
MADAM JUSTICE PEPALL ) DAY OF DECEMBER, 2009



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 CONTAINER CANADA INC. AND THE OTHER APPLICANTS LISTED ON SCHEDULE "A"

**ORDER**

**THIS MOTION**, made by the Applicants listed on Schedule "A" hereto for directions regarding the nature of the intercompany claim of Stone Container Finance Company of Canada II ("Finance II") against Smurfit-Stone Container Canada Inc. ("SSC Canada") relating to the loan agreement entered into by Finance II and SSC Canada, dated July 20, 2004 (the "Finance II Intercompany Claim"), including whether the Finance II Intercompany Claim is in the nature of equity and whether the amount of such claim which is a provable "claim" within the meaning of section 12(1) of the *Companies' Creditors Arrangement Act* ("CCAA") is \$0, was heard on December 11, 2009 at 330 University Avenue, Toronto, Ontario.

**ON READING** (a) the notice of motion and motion record of the Applicants, including the affidavit of Melissa Paz sworn December 2, 2009 and the exhibits attached thereto, together with the transcript of the cross examination of Melissa Paz taken December 9, 2009, (b) the responding motion record of Aurelius Capital



**SCHEDULE "A"  
APPLICANTS**

Smurfit-Stone Container Canada Inc.

3083527 Nova Scotia Company

MBI Limited/Limitée

639647 British Columbia Ltd.

B.C. Shipper Supplies Ltd.

Specialty Containers Inc.

605681 N. B. Inc.

Francobec Company

Stone Container Finance Company of Canada II

**SCHEDULE "B"  
PARTNERSHIPS**

Smurfit-MBI

SLP Finance General Partnership

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 CONTAINER  
CANADA INC. AND THE OTHER APPLICANTS LISTED ON SCHEDULE "A"

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

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Toronto

**ORDER**

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