

**SUPERIOR COURT
COMMERCIAL DIVISION
(In bankruptcy and insolvency)**

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

N° 500-11-025437-050

DATE: May 27, 2005

IN THE PRESENCE OF: THE REGISTRAR CHANTAL FLAMAND

JETSGO CORPORATION

Bankrupt

and

RSM RICHTER INC.

Trustee / Petitioner

AMENDED ORDER

- [1] **WHEREAS** the court has taken knowledge of the motion to extend the time to hold the first meeting of creditors and to dispense with certain requirements respecting notices and other materials, the exhibits thereto, the affidavit of Gilles Robillard sworn on May 26 2005, and the submissions of counsel for RSM Richter Inc.;

FOR THESE REASONS, THE COURT:

- [2] **GRANTS** the present motion.
- [3] **DECLARES** that the delay for presentation of the present motion is hereby waived.
- [4] **DECLARES** that the motion to extend the time to hold the first meeting of creditors and to dispense with certain requirements respecting notices and other materials has been validly served and filed.

- [5] **EXTENDS** to June 23, 2005, the date at which the first meeting of the creditors of Jetsgo is to be held.
- [6] **ORDERS** that the form of the notice of the first meeting of creditors filed as Exhibit P-1 (the "Notice of Creditors") is hereby approved and shall be published by the Trustee in *La Presse*, *Journal de Montreal*, *The Gazette*, the *Toronto Star* and the *National Post* (national edition) on June 1st, 2005 and June 4th, 2005.
- [7] **ORDERS** that, in addition to the publication referred to herein, the Trustee shall send, by regular mail, no later than 5:00 p.m. (Montreal time) on June 3, 2005, a copy of the Notice to Creditors, of the proxy form, of the instruction to the creditors, and of the applicable proof of claim to all creditors holding, according to the list of creditors, a claim in excess of \$5,000 and/or residing outside Canada.
- [8] **ORDERS** that the Trustee shall publish on its website at www.rsmrichter.com, on or before 5:00 p.m. (Montreal time) on June 1, 2005, a copy of the Notice of Creditors, of the list of creditors, of the instructions to the creditors, of the proxy form and of the Passenger Proof of Claim form, the Employee Proof of Claim form, the Pilot Proof of claim (loans) form, and the standard proof of claim form.
- [9] **ORDERS** that in accordance with subsection 187(12) of the *Bankruptcy and Insolvency Act* ("**BIA**"), the Trustee is dispensed from the material and notice requirements contained in section 102 of the *BIA*, and compliance by the Trustee with the terms of this order is deemed compliance with all material and notice requirements of the *BIA*.
- [10] **ORDERS** that, in order for the creditors to prove their claims in the bankruptcy of Jetsgo, they must comply with the applicable procedure described in this order, without the need for strict compliance with section 124 of the *BIA*.
- [11] **ORDERS** that all passengers of flights cancelled as a result of the [...] cessation of operations of Jetsgo, all passengers having a credit issued by Jetsgo and all ex-employees or ex-pilots of Jetsgo who agree with the amount indicated on the list of creditors published on the Trustee's website, be entitled to file their claim electronically with the Trustee.
- [12] **ORDERS** that all passengers of flights cancelled as a result of the [...] cessation of operations of Jetsgo, all passengers having a credit issued by Jetsgo and all ex-employees or ex-pilots of Jetsgo who do not agree with the amount of their claims as indicated on the list of creditors published on the Trustee's website, and all passengers having a coupon issued by Jetsgo, must file an Employee, Passenger, Pilot (loans), or a standard proof of claim form, as the case may be.

- [13] **ORDERS** that the distribution of any dividend to the creditors shall be subject to a further Court Order, which shall take into account, notably, the payments to or credits received by any and all passengers from a credit card clearing agent in satisfaction of their claims.
- [14] **ORDERS** the Trustee to provide Moneris Solutions Corporation with a list of any and all proof of claim filed by any and all passengers and received by the Trustee either electronically or via any other means.
- [15] **ORDERS** that, upon receipt of proper evidence by the Trustee establishing that a claim by a passenger whose flight had been cancelled by Jetsgo has already been paid or credited by a credit card clearing agent, the said credit card clearing agent be subrogated in any and all rights of said passenger.
- [16] **DECLARES** that the order shall be executory notwithstanding appeal.
- [17] **THE WHOLE** without costs [...].



CHANTAL FLAMAND

