

No. 33665

June 10, 2010

Le 10 juin 2010

Coram: Binnie, Fish and Rothstein JJ.

Coram : Les juges Binnie, Fish et Rothstein

BETWEEN:

ENTRE :

Aurelius Capital Management, LP and
Columbus Hill Capital Management, L.P.
(together, the “Fund Managers”)

Aurelius Capital Management, LP et
Columbus Hill Capital Management, L.P.
(collectivement, les « gestionnaires du
fonds »)

Applicants

Demandersses

- and -

- et -

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, Official
Committee of Unsecured Creditors of
Smurfit-Stone Container Corporation,
Smurfit-MBI, SLP Finance General
Partnership and Deloitte & Touche Inc.

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, Official
Committee of Unsecured Creditors of
Smurfit-Stone Container Corporation,
Smurfit-MBI, SLP Finance General
Partnership et Deloitte & Touche Inc.

Respondents

Intimées

JUDGMENT

The application for leave to appeal from the judgment of the Court of Appeal for Ontario, Numbers M38445 and M38502, dated March 9, 2010, is dismissed with costs to the respondents 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, Official Committee of Unsecured Creditors of Smurfit-Stone Container Corporation, Smurfit-MBI and SLP Finance General Partnership.

JUGEMENT

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéros M38445 et M38502, daté du 9 mars 2010, est rejetée avec dépens en faveur des intimées 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, Official Committee of Unsecured Creditors of Smurfit-Stone Container Corporation, Smurfit-MBI et SLP Finance General Partnership.

J.S.C.C.
J.C.S.C.