

NOV 12 2021

Form 23.03

2021

Hfx No. 503367

Supreme Court of Nova Scotia

Between:

Canadian Imperial Bank of Commerce, a
chartered bank

Plaintiff

- and -

3304051 Nova Scotia Limited, a body corporate

Defendant

NOTICE OF MOTION

TO: The persons listed in Schedule "A"

Motion

Deloitte Restructuring Inc. (the "Receiver"), in its capacity as Receiver of all of the assets, undertakings and properties of the Defendant, 3304051 Nova Scotia Limited (the "Company"), moves for an order:

1. abridging the time for service so that this motion is returnable on November 25, 2021;
2. approving the actions of the Receiver;
3. taxing and approving the accounts and expenses of the Receiver and its legal counsel;
4. authorizing final distribution of funds; and
5. discharging the Receiver.

Time and place

The motion is to be heard by a judge on Thursday, November 25, 2021 at 9:30 a.m. at The Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia (902-424-4900). The moving party has set the motion for a half day in chambers. The moving party says that the motion will not require more time. *1/2 hour or less*

References

The moving party relies on the following legislation, Rules or points of law:

- Receivership Order issued February 11, 2021;
- *Nova Scotia Civil Procedure Rules 2.03(1)(c), 23 and 73.11;*
- *Companies Act*, RSNS 1989, c 81, s. 77(a); and
- *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, s. 243.

Evidence

The evidence in support of the motion is as follows:

- Affidavit of James Foran sworn on November 10, 2021;
- Affidavit of Marc Dunning sworn on November 11, 2021;
- Pre-Filing Report of the Receiver dated January 20, 2021;
- First Report of the Receiver dated February 3, 2021;
- Second Report of the Receiver dated April 15, 2021;
- Third Report of the Receiver dated June 18, 2021; and
- Fourth Report of the Receiver dated November 12, 2021.

Possible order against you

You may file an affidavit and a brief, attend the hearing of the motion, and state your position on whether the proposed order should be made. If you do not attend, the judge may grant an order without further notice to you.

Signature

Signed November 12, 2021



Marc Dunning

Counsel for Deloitte Restructuring Inc., in its capacity as Receiver of the assets of 3304051 Nova Scotia Limited and not in its personal capacity

Wickwire Holm
300-1801 Hollis Street
Halifax, NS B3J 3N4
Tel: 902-429-4111
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mdunning@wickwireholm.com

Schedule "A" – Service List

Person	Contact	Method of Service
3304051 Nova Scotia Limited	None	Delivery to registered office, 1300-1969 Upper Water Street, Halifax, NS B3J 3R7
Canadian Imperial Bank of Commerce	c/o Bruce Clarke, QC Burchells LLP 1801 Hollis Street Suite 1800 Halifax, NS B3J 3N4	bclarke@burchells.ca
Canada Revenue Agency	c/o Mike MacLean	Mike.MacLean@cra-arc.gc.ca
Halifax Regional Municipality	c/o Randolph Kinghorne HRM Legal Services Duke Tower, 3 rd Floor 5251 Duke Street PO Box 1749 Halifax, NS B3J 3A5	kinghor@halifax.ca
Hawthorne Capital Inc.	c/o Maurice Chiasson, QC Stewart McKelvey 1741 Lower Water Street Suite 600 Halifax, NS B3J 0J2	mchiasson@stewartmckelvey.com
Katalyst Wind Inc.	Stan Mason, Chief Executive Officer David Regan, Director	Delivery to registered office, 300 Prince Albert Road, Unit 216, Dartmouth, NS B2Y 4J2 smason@wattswind.com dregan@wattswind.com
MacAdam Construction Inc.	c/o Kelly Greenwood Burchells LLP 1801 Hollis Street Suite 1800 Halifax, NS B3J 3N4	kgreenwood@burchells.ca

Person	Contact	Method of Service
Maritime Pressureworks Limited	c/o Brian Creighton 14 Electric Street PO Box 398 Amherst, NS B4H 3Z5	bcreighton@creightonshatford.ca
Nova Scotia Power Inc.	c/o David Landrigan VP, Commercial 1223 Lower Water Street Halifax, NS B3J 3S8	David.Landrigan@nspower.ca
Office of the Superintendent of Bankruptcy Canada	None	Delivery to office, Maritime Centre, 1505 Barrington Street 16 th Floor, Halifax, NS B3J 3K5
RiverRoad Holdings Inc.	c/o Michael Simms, Recognized Agent 1969 Upper Water Street Suite 1300 McInnes Cooper Tower – Purdy's Wharf Halifax, NS B3J 3R7	Michael.simms@mcinnescooper.com
Thornridge Holdings Limited	c/o Maurice Chiasson, QC Stewart McKelvey 1741 Lower Water Street Suite 600 Halifax, NS B3J 0J2	mchiasson@stewartmckelvey.com
VFS Canada Inc.	c/o Jason Cowley Team Leader – Asset Management VFS Canada Inc. 238 Wellington St. E., 3 rd Floor Aurora, ON L4G 1J5	Jason.cowley@vfsc.com