

2022 01G 0994
IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
GENERAL DIVISION

IN THE MATTER OF the receivership of
the Excluded AR of Canada Fluorspar
(NL) Inc. ("**CFNI**") pursuant to section 105
of the *Judicature Act*, RSNL 1990, c J-4,
as amended and Rule 25.01 of the *Rules
of Supreme Court, 1986*

INTERIM DISTRIBUTION ORDER

THIS MOTION made by Deloitte Restructuring Inc., in its capacity as receiver (the "**Receiver**"), without security, of any and all Receivables and/or Financed Receivables, as such terms are defined pursuant to a Trade Invoice Recourse Financing Facility Agreement between HSBC Bank Canada ("**HSBC**") and Canada Fluorspar (NL) Inc. dated May 25, 2018, as amended, together with all rights and remedies arising thereunder, insurance policies and proceeds resulting therefrom, and proceeds generally (the "**Excluded AR**") for an order,

- (a) abridging the time for service of the Notice of Motion dated September 16, 2022 (the "**Notice of Motion**") and the First Report of the Receiver dated September 16, 2022 (the "**First Report**") so that this Motion is properly returnable on October 12, 2022 and dispensing with further service thereof;
- (b) authorizing and directing an interim distribution to HSBC in the amount of \$5,200,000.00 (the "**Interim Distribution**");
- (c) approving a sealing order for the Confidential Supplement dated September 16, 2022 (the "**Confidential Supplement**");



- (d) approving the First Report, Confidential Supplement, and the activities of the Receiver as set out therein;
- (e) approving the fees and disbursements of the Receiver, and its legal counsel, Dentons Canada LLP ("**Dentons**"), as set out in the First Report, the fee Affidavit of James Foran sworn September 21, 2022 (the "**Foran Affidavit**"), and the fee Affidavit of Robert Kennedy sworn September 21, 2022 (the "**Kennedy Affidavit**", and collectively with the Foran Affidavit, the "**Fee Affidavits**"); and
- (f) such further and other grounds as counsel may advise and this Supreme Court of Newfoundland and Labrador General Division (the "**Court**") may permit.

was heard this day, October 12, 2022.

ON READING the Notice of Motion, First Report, and the Confidential Supplement and on hearing the submissions of counsel for the Receiver, and any such other counsel as were present, no one appearing for any other person on the service list, although properly served as appears from the Affidavit of Geoffrey Davis-Abraham, sworn October 11, 2022, as filed:

SERVICE

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and First Report is abridged and validated such that this Motion is properly returnable today, and further service of the Notice of Motion and First Report is hereby dispensed with.



DISTRIBUTION

2. **THIS COURT ORDERS** that the Receiver is authorized and directed to make the Interim Distribution, as described in the First Report.

SEALING ORDER

3. **THIS COURT ORDERS** that the Confidential Supplement shall be sealed and kept confidential and not form part of the public record, but shall be placed separate and apart from all other contents of the Court file, in a sealed envelope attached to a notice that sets out the title to these proceedings and a statement that the contents are subject to a sealing order **PROVIDED THAT** the said sealing order shall remain in force and effective (i) up to and until either the discharge of the Receiver or the date six (6) months from the date of this Order, whichever occurs earlier, (ii) subject to the right of an interested party to apply to the Court for an Order to remove the sealing order and (iii) subject to such further other Order of the Court.

RECEIVER'S ACTIVITIES

4. **THIS COURT ORDERS** that the First Report, the Confidential Supplement, and the activities described therein, are hereby approved.

5. **THIS COURT ORDERS** that the fees and disbursements of the Receiver and Dentons, as set out in the First Report and the Fee Affidavits, are hereby approved.

DATED at St. John's, in the Province of Newfoundland and Labrador, this 12th day of October, 2022.



COURT OFFICER


Filed Oct. 12/2022 

