

CITATION: Eureka 93 Inc. et. al. (Re)
COURT FILE NO.: 33-2618511
DATE: 2020/06/30

**COURT OF ONTARIO,
SUPERIOR COURT OF JUSTICE
(IN BANKRUPTCY AND INSOLVENCY)**

IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF
EUREKA 93 INC. OF THE CITY OF OTTAWA IN THE PROVINCE OF ONTARIO

AND IN THE MATTER OF THREE RELATED INTENDED PROPOSALS (LIVEWELL
FOODS CANADA INC., ARTIVA INC., and VITALITY CBD NATURAL HEALTH
PRODUCTS INC.)

BEFORE: Mr. Justice Calum MacLeod

COUNSEL: E. Patrick Shea for the applicant debtors

Eric Golden, for the Proposal Trustee

Andrew Lenz, for the secured creditor, PR

Elliott Birnboim, for Dominion Capital LLC

Steve Brown-Okruhlik for Delsan-A.I.M. Environmental Services Inc.

HEARD: June 30, 2020

CASE CONFERENCE ORDER

[1] The motions to remove counsel have now been resolved and Mr. Birnboim has been retained on behalf of the noteholders. There are apparently three remaining issues as follows:

- a. The debtors wish to proceed with the corporate rearrangement motion pursuant to the *CBCA*. If there is any opposition to this, it appears it would only be from the noteholders.
- b. There is a dispute as to whether the debtors waived any right to seek examination of the representative of the noteholders pursuant to the *BIA*. Mr. Shea denies that there was any waiver but advises that he will simply deal with this question by putting the wish to examine to the creditors at the time of voting on the proposal.

- c. The noteholders may wish to bring a motion for production of information to an appraiser or business valuator.
- [2] The court therefore orders and directs as follows:
- a. The motion for corporate reorganization will be returnable before me by videoconference on July 16th, 2020 at 9:30 a.m.
 - b. The noteholders may bring a motion for production of information to a valuator or appraiser returnable the same day. The material for use on that motion shall be served by July 6th, 2020. If the responding party requires cross-examination or for some other reason is unable to respond to the motion in time, then the motion may be spoken to on July 16th and the hearing may be adjourned.
 - c. All motion material shall be filed electronically by email directed to Ottawa.SCJBankruptcy@ontario.ca



Mr. Justice C. MacLeod

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LLC

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Environmental Services

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Mr. Justice C. MacLeod

Released: June 30, 2020