



SUPERIOR COURT OF JUSTICE

COUNSEL/ENDORSEMENT SLIP

COURT FILE NO.: CV-19-00630241-00CL

DATE: **26-SEP-2023**

NO. ON LIST: 7

TITLE OF PROCEEDING: NORTH AMERICAN FUR PRODUCERS INC., et al v.
O'DOHERTY et al.
BEFORE: JUSTICE CONWAY

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party:

Name of Person Appearing	Name of Party	Contact Info
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For Defendant, Respondent, Responding Party:

Name of Person Appearing	Name of Party	Contact Info
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For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info
Ms. Kyla Mahar	Counsel for Court-Appointed Monitor	kmahar@millerthomson.com
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Mr. Aryo Shalviri	counsel for Canadian Imperial Bank of Canada (CBIC)	aryo.shalviri@blakes.com
Jorden Sleeth	Monitor (Deloitte)	

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ENDORSEMENT OF JUSTICE CONWAY:

- [1] **All defined terms used in this Endorsement shall, unless otherwise defined, have the meanings ascribed to them in the Notice of Motion of the Applicants returnable on today's date.**
- [2] The Applicants bring this motion for a stay extension to December 1, 2023, an order compelling delivery of the Middleton brokerage file, approval of the conduct of the Monitor and its counsel in the Thirteenth and Fourteenth Reports, and a sealing order for Confidential Appendix 1 to the Fourteenth Report.
- [3] All of the relief sought is unopposed, including the order for production of the Middleton file. The relief is supported by the Monitor.
- [4] I am satisfied that the relief should be granted. The Applicants are acting in good faith and with due diligence and there is sufficient cash flow for the brief extension period. The production of the Middleton file is required in connection with NAFA's dispute resolution process with its insurer Red Rock. There are no privilege or confidentiality issues because it is NAFA's own file with its broker. I make this order pursuant to the general powers under s. 11 of the CCAA.
- [5] The requested sealing order is consistent with those granted by previous orders of this court in this file. Further, I am satisfied that it applies only to the Cash Flow Forecast, the disclosure of which (according to the Monitor) could negatively affect the litigation efforts being undertaken by the Applicants, if obtained by the counterparties to that litigation. I am satisfied that the sealing order meets the requirements of s. 10(3) of the CCAA and the test in *Sierra Club/Sherman Estates* and that disclosure of this information would pose a risk to the public interest in enabling stakeholders of an insolvent company to maximize the realization of assets. **I direct counsel for the Monitor or the Applicants to file a hard copy of the Confidential Appendix 1 with the Commercial List office in a sealed envelope with a copy of the Order and this Endorsement.**
- [6] Order to go as signed by me and attached to this Endorsement. This order is effective from today's date and is enforceable without the need for entry and filing.

