

Court of Appeal File No.:

COURT OF APPEAL

BETWEEN:

VEGHERB, LLC

APPELLANT
(RESPONDENT)

AND:

CONTECH ENTERPRISES INC. and DELOITTE LLP

RESPONDENTS
(APPLICANTS)

NOTICE OF MOTION

TO: The Appellant

AND TO: Its Solicitors
Shields Harney
602 - 732 Broughton Street
Victoria BC V8W 1E1

TAKE NOTICE THAT AN APPLICATION will be made by the Respondents to the presiding justice at 800 Smithe Street, Vancouver, B.C. V6Z 2E1, at 9:30 a.m., on Wednesday, the 4th day of February, 2015, for the following orders and directions pursuant to sections 10(1), 10(2) and 24 of the *Court of Appeal Act*:

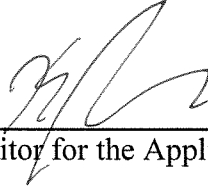
- (a) the time for filing and service of the Respondents' Notice of Motion and supporting materials be abridged so that this application is properly returnable on February 4, 2015;
- (b) Deloitte Restructuring Inc. be added as a Respondent to this proceeding and Deloitte LLP be removed as a Respondent to this proceeding, and the style of cause in this proceeding be amended accordingly;
- (c) the Appellant post security for costs of the within appeal in the amount of \$11,500 by no later than Friday, February 6, 2015, failing which the Respondents will be at liberty to apply that the within appeal be dismissed;

- (d) the time for hearing the appeal brought by the Appellant be abridged, and the appeal be heard on February 18, 2015;
- (e) the requirement that the Appellant file an Appeal Record pursuant to Rule 19 of the *Court of Appeal Rules* be dispensed with;
- (f) the requirement that the Appellant file Appeal Books pursuant to Rule 26 of the *Court of Appeal Rules* be dispensed with;
- (g) the Application Record and the Second Application Record filed in the court below, together with a supplemental Application Record containing:
 - (i) the Order of Madam Justice Griffin pronounced January 26, 2015 in respect of ownership of Intellectual Property;
 - (ii) the Order of Madam Justice Griffin pronounced January 26, 2015 approving Proposal;
 - (iii) the Order of Madam Justice Griffin pronounced January 26, 2015 dismissing the Appellant's application to amend its proof of claim; and
 - (iv) the Oral Reasons for Judgment of Madam Justice Griffin dated January 26, 2015,(collectively, the "**Application Records**") stand as the Appeal Record and the Appeal Books in the within appeal;
- (h) the Respondents file the Application Records by no later than February 10, 2015;
- (i) the Appellant file and serve the its factum and book of authorities by no later than February 10, 2015;
- (j) the Respondent file and serve its factum, book of authorities and a certificate of readiness by no later than February 13, 2015; and
- (k) such further or other orders or directions as the Court shall deem just.

AND TAKE NOTICE THAT in support of the application will be read the affidavits of Mark Grambart and Suzanne Volkow sworn on January 30, 2015. The applicant anticipates that this application will be contested.

FASKEN MARTINEAU DuMOULIN LLP

Per:



Solicitor for the Applicants

Dated: January 30, 2015

This application will take no more than 30 minutes to be heard.

The Solicitors for the Respondents are Fasken Martineau DuMoulin LLP, whose office address and address for delivery is 2900 - 550 Burrard Street, Vancouver B.C. V6C 0A3 Telephone: 604 631 3131. (Reference: Kibben Jackson/ 249389.00035)