

Form 23.03

2021



Supreme Court of Nova Scotia

Hfx No. 503367

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 properly returnable on April 27, 2021;
2. approving the sale of the Company's assets pursuant to agreements of purchase and sale and vesting title in those assets in the purchasers; and
3. sealing the Confidential Supplement to the Second Report of the Receiver.

#### **Time and place**

The motion is to be heard by a judge on **Tuesday, April 27, 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 hearing in a half-hour or less in chambers. The moving party says that the motion will not require more time.

#### **References**

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

- Receivership Order issued February 11, 2021;
- Order Approving Sales Process issued February 11, 2021;
- *Nova Scotia Civil Procedure Rules 2.03(1)(c), 23 and 85.04*; and

- *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, s. 243 and 247.

### **Evidence**

The evidence in support of the motion is as follows:

- Pre-Filing Report of Receiver dated January 20, 2021;
- First Report of the Receiver dated February 3, 2021;
- Second Report of the Receiver dated April 15, 2021;
- Confidential Supplement to Second Report of Receiver dated April 15, 2021; and
- Affidavit of Marc Dunning, sworn on April 15, 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 April 15, 2021



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**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  
Fax: 902-429-8215  
mdunning@wickwireholm.com

**Schedule "A" – Service List**

<b>Person</b>	<b>Contact</b>	<b>Method of Service</b>
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 <sup>rd</sup> Floor 5251 Duke Street PO Box 1749 Halifax, NS B3J 3A5	kinghor@halifax.ca
Hawthorne Capital Inc.	c/o Maurice Chaisson, QC Stewart McKelvey 1741 Lower Water Street Suite 600 Halifax, NS B3J 0J2	mchaisson@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

<b>Person</b>	<b>Contact</b>	<b>Method of Service</b>
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 <sup>th</sup> 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 Chaisson Stewart McKelvey 1741 Lower Water Street Suite 600 Halifax, NS B3J 0J2	mchaisson@stewartmckelvey.com
VFS Canada Inc.	c/o Jason Cowley Team Leader – Asset Management VFS Canada Inc. 238 Wellington St. E., 3 <sup>rd</sup> Floor Aurora, ON L4G 1J5	Jason.cowley@vfsc.com