



IN THE SUPREME COURT OF BRITISH COLUMBIA  
IN BANKRUPTCY AND INSOLVENCY

IN THE MATTER OF THE BANKRUPTCY OF  
NETWORK INTELLIGENCE INC.

**NOTICE OF APPLICATION**

**Name of applicant: Deloitte Restructuring Inc. in its capacity as trustee in the bankruptcy of Network Intelligence Inc.**

To: Belinda Yang, Nancy Wong, and Fang Liu

TAKE NOTICE that an application will be made by the applicant to the presiding judge or master at the courthouse at 800 Smithe Street, Vancouver, British Columbia, V6Z 2E1 on April 9, 2019 at 9:45 a.m./p.m. for the order(s) set out in Part 1 below.

**Part 1: ORDERS SOUGHT**

1. An order removing Belinda Yang, Nancy Wong, and Fang Liu as inspectors of Network Intelligence Inc. pursuant to section 116(5) of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3 (the "**BIA**").
2. Such other relief as counsel may advise.

**Part 2: FACTUAL BASIS**

1. On October 31, 2017, Deloitte Restructuring Inc. was appointed receiver-manager (the "**Receiver**") of Network Intelligence Inc. ("**NI**") with, among other things, the power to assign NI into bankruptcy.
2. On November 3, 2017, the Receiver assigned NI into bankruptcy. Deloitte Restructuring Inc. was appointed as the trustee in bankruptcy (the "**Trustee**") of NI.
3. Pursuant to the *BIA* the Trustee called a first meeting of creditors which took place on November 22, 2017. At that meeting the following individuals volunteered and were appointed by the general body of creditor to act as inspectors:
  - (a) Belinda Yang;
  - (b) Nancy Wong;
  - (c) Fang Liu;

- (d) Vivian Wang; and
- (e) Sarah Nelligan.

4. Immediately after the first meeting of creditors the Trustee held the first meeting of inspectors. All inspectors attended.
5. At the first meeting of inspectors the Trustee provided the inspectors with an overview of the inspectors' role and provided each inspector with a copy of the inspector handbook issued by the Office of the Superintendent of Bankruptcy.
6. Vivian Wang resigned as inspector shortly after the end of the first meeting of inspectors.
7. Beginning on August 2, 2018 the Trustee made numerous attempts to contact the inspectors by email and phone in order to schedule a second meeting of creditors. Ms. Nelligan, who is a Vancouver-based lawyer who initially acted for a secured creditor of NI, has been responsive. The other inspectors, Ms. Yang, Ms. Wang, and Ms. Liu have not been responsive. The only time that the Trustee has heard from any of them in regard to their rolls as inspectors is in an August 9, 2018 e-mail from Ms. Yang in which she advised being unavailable for three proposed dates during the week of August 27, 2018.
8. The Trustee also unsuccessfully attempted to contact Ms. Yang, Ms. Wong, and Ms. Liu by telephone on several occasions.
9. On October 9, 2018, the Trustee e-mailed Ms. Yang, Ms. Wang, and Ms. Liu requesting confirmation of their intent to remain as inspectors and indicating that no response would be taken as an intent to resign. No response was received to this e-mail.
10. Ms. Yang, Ms. Wong, and Ms. Liu's failure to participate as inspectors is preventing the Trustee from completing the administration of the estate as the attendance of one inspector at an inspectors meeting does not constitute quorum.

### **Part 3: LEGAL BASIS**

1. *Bankruptcy and Insolvency Act, R.S.C. 1985, c. B-3,*
2. A party can apply to the Court under section 116(5) of the *Bankruptcy and Insolvency Act* to revoke an appointment of an inspector.

*Purdy, Re, 1997 CarswellBC 2623 (BCSC)*

3. Section 116(5) of the *Bankruptcy and Insolvency Act* provides statutory authority for the removal of an inspector at the instance of creditors at a properly called meeting or by the court.

*Trends Holdings Ltd. (Trustee of) v. Tilson, 2006 SKQB 541*

### **Part 4: MATERIAL TO BE RELIED ON**

1. Affidavit of Jeff Keeble #1, sworn on March 28, 2019 and filed herein.

2. Such further and other material as counsel may advise.

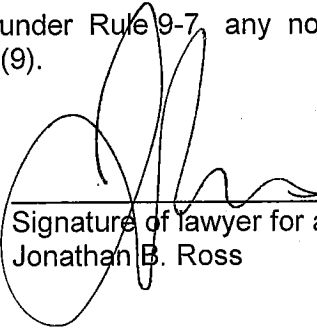
The applicant(s) estimate(s) that the application will take 15 minutes.

- This matter is within the jurisdiction of a master.
- This matter is not within the jurisdiction of a master.

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this notice of application, you must, within 5 business days after service of this notice of application or, if this application is brought under Rule 9-7, within 8 business days after service of this notice of application,

- (a) file an application response in Form 33,
- (b) file the original of every affidavit, and of every other document, that
  - (i) you intend to refer to at the hearing of this application, and
  - (ii) has not already been filed in the proceeding, and
- (c) serve on the applicant 2 copies of the following, and on every other party one copy of the following:
  - (i) a copy of the filed application response;
  - (ii) a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;
  - (iii) if this application is brought under Rule 9-7, any notice that you are required to give under Rule 9-7(9).

Date: March 28, 2019

  
\_\_\_\_\_  
Signature of lawyer for applicant  
Jonathan B. Ross

THIS NOTICE OF APPLICATION was prepared by Jonathan B. Ross, of the firm of Gowling WLG (Canada) LLP, Barristers & Solicitors, whose place of business and address for delivery is 2300 - 550 Burrard Street, Vancouver, B.C. V6C 2B5, Telephone: 604-891-2778; Fax: 604-683-3558.

To be completed by the court only:

Order made

[ ] in the terms requested in paragraphs \_\_\_\_\_ of Part 1 of this notice of application

[ ] with the following variations and additional terms:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_ Signature of  Judge  Master

**APPENDIX**

**THIS APPLICATION INVOLVES THE FOLLOWING:**

- discovery: comply with demand for documents
- discovery: production of additional documents
- other matters concerning document discovery
- extend oral discovery
- other matter concerning oral discovery
- amend pleadings
- add/change parties
- summary judgment
- summary trial
- service
- mediation
- adjournments
- proceedings at trial
- case plan orders: amend
- case plan orders: other
- experts