

Superior Court  
(Commercial Division)

Canada  
Province of Québec  
District of Montréal  
No: 500-11-058763-208

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**In the matter of the *Companies' Creditors Arrangement Act* of:**

**Groupe Dynamite Inc.  
GRG USA Holdings Inc.  
GRG USA LLC**

Debtors

-and-

**Deloitte Restructuring Inc.**

Proposed Monitor

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**Application to Approve a Claims Process  
(*Companies' Creditors Arrangement Act*, ss 11, 19 and 36)**

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**To the Honourable Peter Kalichman, Judge of the Superior Court, sitting in the Commercial Division for the District of Montréal, the Debtors respectfully submit:**

**I. Introduction**

1. By the present application (this "**Application**"), the Debtors<sup>1</sup> seek this Court's approval of a claims process (the "**Claims Process**") to determine and adjudicate claims against the Debtors as well as against their current and former directors and officers (the "**Directors and Officers**"), the whole in accordance with the terms of the draft Claims Procedure Order (the "**Draft Claims Procedure Order**"), communicated herewith as **Exhibit A-1**.

**II. Background**

2. On September 8, 2020, the Debtors served an Application for an Initial Order and an Amended and Restated Initial Order (the "**Initial Application**"), as appears from the Court record.

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<sup>1</sup> Capitalized terms used herein and not otherwise defined shall have the meanings assigned to them in the Application for an Initial Order and Amended and Restated Initial Order, unless the context shall otherwise require.

3. The Initial Application provides a detailed description of the activities of the Debtors, their key stakeholders, the circumstances surrounding the filing of the Initial Application as well as the Restructuring contemplated pursuant to the Initial Order.
4. On September 8, 2020, this Court granted the Initial Application and rendered an Initial Order, commencing proceedings in respect of the Debtors under the CCAA (the “**CCAA Proceedings**”).
5. On September 18, 2020, the Court rendered an amended and restated initial order, *inter alia*, confirming the provisions of the Initial Order and extending the Stay Period to October 19, 2020.
6. On October 15, 2020, the Court extended the Stay Period to December 11, 2020.
7. On December 10, 2020, the Court extended the Stay Period to February 26, 2021.
8. On February 25, 2021, the Court extended the Stay Period to April 19, 2021. This last extension was sought to review of the Debtors’ lease portfolio, enter into lease amending agreements and progress towards the elaboration of a plan of compromise or arrangement.
9. In collaboration with the Monitor, the Debtors have also develop the Claims Process to assess the Debtors’ actual and contingent liabilities.

### **III. The Claims Process should be approved**

10. In order to proceed as soon as possible with the review and determination of the number and quantum of claims against the Debtors and the Directors and Officers, the Applicants seek the approval of the Claims Process set out in the Draft Claims Procedure Order.
11. Pursuant to the Draft Claims Procedure Order<sup>2</sup>:
  - (a) The Monitor shall cause to be published information on the Claims Process and send the Creditors’ Instructions to all known Creditors of the Debtors, which shall include the notices, forms and other documents substantially in the form of those annexed as schedules to the Draft Claims Procedure Order;
  - (b) A Claims Bar Date of June 7, 2021 shall be established for claimants to file a proof of claim with the Monitor in respect of any Claim for which the Claims Process applies, except Restructuring Claims;
  - (c) Claims shall include all claims against the Directors and Officers;
  - (d) The Monitor and the Debtors will review and determine all Claims and, where applicable, the Monitor will issue a Notice of Revision or Disallowance to the holder of the subject Claim, who will have the opportunity to notify an Appeal Application within twenty (20) calendar days;

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<sup>2</sup> All capitalized terms having the meanings ascribed to them in the Draft Claims Procedure Order, unless the context shall otherwise require.

12. It is respectfully submitted that the proposed Claims Process is fair and reasonable and that its approval is appropriate in the circumstances to allow the Debtors to better assess the number, nature and quantum of claims against them and against the Directors and Officers, all with a view to properly informing the next steps in the restructuring process.
13. In light of the foregoing, the Debtors respectfully submit, with the support of the Monitor, that the relief sought pursuant to this Application should be granted.
14. Given the need to advance the restructuring process as quickly as possible, it is respectfully submitted that this Court order the provisional execution of the orders sought pursuant hereto, notwithstanding any appeal.

**FOR THESE REASONS, MAY IT PLEASE THE COURT TO:**

**GRANT** the present *Application to Approve a Claims Process*;

**RENDER** an order substantially in the form of the Draft Claims Procedure Order, Exhibit A-1;

**THE WHOLE** without legal costs, save in case of contestation.

Montreal, April 12, 2021



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**McCarthy Tétrault LLP**

Lawyers for the Debtors

M<sup>re</sup> Alain N. Tardif

M<sup>re</sup> Gabriel Faure

M<sup>re</sup> Frédérique Drainville

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**Affidavit**


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I, the undersigned, Guy Vallières, authorized representative of the Debtors, domiciled for the purpose hereof at 5592 Ferrier Street, Mount-Royal, Québec, Canada, solemnly affirm that all the facts alleged in the present *Application to Approve a Claims Process* are true.

AND I HAVE SIGNED,

  
\_\_\_\_\_  
Guy Vallières

SOLEMNLY AFFIRMED TO BEFORE ME AT  
MONTREAL, this 12<sup>th</sup> day of April, 2021

 #222,780

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COMMISSIONER OF OATHS  
FOR THE PROVINCE OF QUÉBEC

Superior Court  
(Commercial Division)

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**Notice of Presentation**

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**TO: Service List**

**1. PRESENTATION OF THE PROCEEDING**

**TAKE NOTICE** that the present *Application to Approve a Claims Process* will be presented for adjudication before the Superior Court of Québec, sitting in the commercial division for the district of Montréal, located at 1 Notre Dame Street East, Montréal, QC, H2Y 1B6, **during the virtual roll** on April 19<sup>th</sup>, 2021 at 9:00 am and in room 17.09 or soon thereafter as counsel may be heard.

**2. HOW TO JOIN THE VIRTUAL PRACTICE ROLL CALL**

The coordinates for joining the room 17.09 virtual roll call are the following:

- a) **With Microsoft Teams Tool:** by clicking on the link available on the website [www.tribunaux.qc.ca](http://www.tribunaux.qc.ca);

You need at that time to inscribe your name and click on "Joining now". In order to facilitate the progress and the identification of the participants, we are inviting you to inscribe your name by this manner:

The lawyers: Mtre First name, Last Name (name of the represented party)

The syndics: First name, Last Name (syndic's name)

The superintendent: First name, Last name (superintendent's name)

The parties non-represented by lawyers: First name, Last name (precise: Plaintiff, Defendant, Petitioner, Respondent, Creditor, Opponent or other)

For people who are assisting to a public hearing: the mention may be limited to entering: (public)

b) **By telephone:**

Canada, Québec (paid number): + 1 581-319-2194

Canada (toll-free number): (833) 450-1741

Conference ID: 991 211 186#

c) **By videoconference:** [teams@teams.justice.gouv.qc.ca](mailto:teams@teams.justice.gouv.qc.ca)

Conference VTC ID: 1185631255

d) **In person:** If and only if you do not have access to one of these technological means above-identified. You can then go to room 17.09 of the Courthouse of Montreal, located at:

1 Notre-Dame Street East.

### 3. DEFAULT OF PARTICIPATING TO THE VIRTUAL ROLL CALL

**TAKE NOTICE** that if you wish to contest the proceeding you need to advise by written the instigator of the proceeding at the indicated coordinates in this Notice of Presentation at least 48 hours before the presentation date and participate to the virtual roll call. Failing that, a judgment could be rendered during the presentation of the proceeding, without any further notice or delay.

### 4. OBLIGATIONS

#### 4.1 The Collaboration

**TAKE NOTICE** that you have the obligation to cooperate with the other party, in particular by informing each other, at all relevant times, of all facts and elements susceptible of promote a loyal debate and making sure you preserve the relevant evidence (*Civil Code of Procedure*, Art. 20).

#### 4.2 Preventing and Resolving Disputes Method

**TAKE NOTICE** that you must, before going to the Tribunal, considerate the recourse of all preventing and resolving disputes methods which are, among others, negotiation, mediation or arbitration, for which the parties appeal a third-party assistance (*Civil Code of Procedure*, Art. 2).

**DO GOVERN YOURSELVES ACCORDINGLY.**

Montreal, April 12, 2021

*McCarthy Tétrault*

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Lawyers for the Debtors

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**List of Exhibits**

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<b>EXHIBITS</b>	<b>DESCRIPTION</b>
Exhibit A-1	Draft Claims Procedure Order

Montreal, April 12, 2021



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**McCarthy Tétrault LLP**  
Lawyers for the Debtors



SUPERIOR COURT  
(COMMERCIAL DIVISION)

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CANADA  
PROVINCE OF QUÉBEC  
DISTRICT OF MONTRÉAL  
N° : 500-11

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