

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**THE TORONTO-DOMINION BANK**

Applicant

and

**DRYTECH INTERNATIONAL INC. and 6892639 CANADA INC.**

Respondents

**NOTICE OF MOTION  
[SEALING ORDER – SUPPLEMENTARY REPORT TO THE  
RECEIVER’S FOURTH REPORT TO THE COURT]**

Deloitte Restructuring Inc. (the “Receiver”), in its capacity as the receiver of all of the assets, undertakings and properties of Drytech International Inc. (“Drytech”) and 6892639 Canada Inc. (collectively the “Debtors”), will make a motion to a Judge on Tuesday November 29, 2016 at 2:30 p.m. or as soon after that time as the motion can be heard, at the Court House, 161 Elgin Street, Ottawa, Ontario.

**PROPOSED METHOD OF HEARING:**

The motion is to be heard orally.

**THE MOTION IS FOR:**

- (a) if necessary, an Order abridging the time for, and validating the method of, service of the Notice of Motion and directing that any further service of the Notice of Motion be dispensed with such that this motion is properly returnable on November 29, 2016; and

- (b) an Order sealing the Supplementary Report to the Fourth Report dated November 22, 2016.

**THE GROUNDS FOR THE MOTION ARE:**

- (a) pursuant to an Order dated as of April 11, 2016, the Receiver was appointed as receiver of all of the assets, undertakings and properties of Drytech and 6892639 Canada Inc. (the "Property") pursuant to Section 243(1) of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. C.43;
- (b) since its appointment on April 11, 2016, the Receiver has pursued its mandate to take possession of, and exercise control over, the Property and to sell, convey, transfer, lease or assign the Property, including pursuing the sale of assets of Drytech located in Canada and in the United States of America;
- (c) the Receiver wishes to present the Court with a Supplementary Report to the Fourth Report (the "Supplemental Report") which contains information regarding the Receiver's sale of assets of Drytech located in Canada, including the sale prices obtained for the individual assets and the appraised liquidation value market value of the assets;
- (d) the Receiver also wishes to advise the Court of the calculation of distributions to secured creditors with respect to the Receiver's realization of Drytech's assets to date, to support the Receiver's request to the Court in the Fourth Report to approve the proposed distribution;
- (e) the Supplemental Report contains confidential and valuable commercial information which, if disclosed to the public, could prejudice the Receiver's future sales efforts;
- (f) Rules 1.04, 2.03, 3.02 and 37 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194; and
- (g) such further and other grounds as counsel may advise and this Honourable Court permit.

**THE FOLLOWING DOCUMENTARY EVIDENCE** will be used at the hearing of the motion:

- (a) the Receiver's Fourth Report to the Court dated November 22, 2016;
- (b) the Supplementary Report to the Fourth Report to the Court dated November 22, 2016; and
- (c) such further and other materials as counsel may advise and this Honourable Court may permit.

DATE: November 25, 2016

**GOWLING WLG (CANADA) LLP**  
Barristers and Solicitors  
160 Elgin Street  
Suite 2600,  
Ottawa, Ontario  
K1P 1C3

**Gordon Douglas (LSUC # 363590)**

Telephone: (613) 786-8652  
Facsimile: (613) 788-3635

Solicitors for Deloitte Restructuring Inc., Receiver of  
Drytech International Inc. and 6892639 Canada Inc.

TO: <http://www.insolvencies.deloitte.ca/en-ca/drytech>

**THE TORONTO-DOMINION BANK**

Applicant

and

**DRYTECH INTERNATIONAL INC. et al.**

Respondents

**ONTARIO  
SUPERIOR COURT OF JUSTICE**  
  
PROCEEDING COMMENCED AT  
OTTAWA

**NOTICE OF MOTION**

**GOWLING WLG (CANADA) LLP**

Barristers and Solicitors  
160 Elgin Street  
Suite 2600,  
Ottawa, Ontario  
K1P 1C3

**Gordon Douglas (LSUC#: 363590)**

E-mail: [gordon.douglas@gowlingwlg.com](mailto:gordon.douglas@gowlingwlg.com)

Telephone: 613-233-1781

Facsimile: 613-788-3635

Solicitors for Deloitte Restructuring Inc., Receiver of  
Drytech International Inc. and 6892639 Canada Inc.