

Court File No.: CV-12-9545-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

BETWEEN:

**IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*,
R.S.C. 1985, c.C-36, AS AMENDED**

**AND IN THE MATTER OF A PLAN OF COMPROMISE OR
ARRANGEMENT OF 3113736 CANADA LTD. 4362063 CANADA
LTD., and A-Z SPONGE & FOAM PRODUCTS LTD.**

SUPPLEMENTARY MOTION RECORD

**FRED TAYAR & ASSOCIATES
Professional Corporation
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Lawyers for Domfoam Inc.

TO: THE SERVICE LIST

**ONTARIO
SUPERIOR COURT OF JUSTICE
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B E T W E E N:

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I N D E X

Tab

1 Affidavit of Jacques Vincent sworn November 12, 2018.

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AFFIDAVIT OF JACQUES VINCENT
(Sworn November 12, 2018)

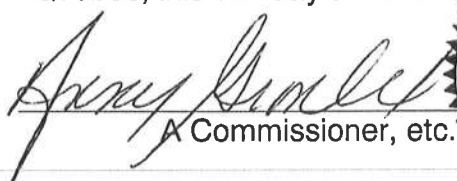
I, JACQUES VINCENT, of the City of Westmount, in the Province of Quebec,
Lawyer, MAKE OATH AND SAY AS FOLLOWS:

1. I make this affidavit in response to the affidavit of Tony Vallecoccia sworn on October 16, 2018.
2. In his affidavit, Tony Vallecoccia ("**Vallecoccia**") references contents of certain affidavits that he swore in this CCAA proceeding, and which he says put forward his allegation that the causes of action and the proceeds that have been recovered from the US Class Action were not sold to or acquired by my client Domfoam Inc. ("**Domfoam**") (formerly known as *8032858 Canada Inc.*).

3. My response is the following:

- a. firstly, it is clear from the agreement of purchase and sale that all of the assets of 4362063 Canada Limited ("**4362063**") were purchased by Domfoam, with the exception of certain named Excluded Assets defined in the Asset Purchase Agreement approved by this court (already attached to my sworn affidavit dated September 13, 2018 as Exhibit "C");
- b. secondly, Vallecoccia deposing that the US Class Action or proceeds thereof were not sold to Domfoam, does not divest Domfoam of those assets which had vested in Domfoam by this court's Approval and Vesting Order dated March 16, 2012;
- c. thirdly, I was on the Service List in this CCAA proceeding until I was removed therefrom in 2015. When I was served with material electronically after completion of the sale to Domfoam, I would scan the relief sought in the notices of motion to ascertain whether any relief was sought against my client. Since no relief was sought, there was no need to read further and I did not do so.

SWORN before me at the City
of Westmount, in the Province of
Quebec, this 12th day of November 2018


A Commissioner, etc.





JACQUES VINCENT

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Proceeding Commenced at Toronto

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Re: 18-2985

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