

Ambachtsheer, Todd

From: Dietrich, Madam Justice Bernadette (SCJ) <Bernadette.Dietrich@scj-csj.ca>
Sent: Friday, December 18, 2020 3:59 PM
To: Stephen Brown-Okruhlik; Wael Rostom
Cc: Anissimova, Alsou (MAG); Pera, Jonathan (JUD)
Subject: RE: Re Sage Gold Inc - Discharge and Fee Approval Order - CV- 18- 601307-00CL
Attachments: Re Sage Gold Inc. - CV-18-601307-00CL - Counsel slip (motion heard Deecember 18, 2020 at 1030am).docx; 2020-12-18_152119.pdf

A hearing was held in the above-noted matter this morning via Zoom videoconference.

The counsel in attendance were those whose names appear on the attached counsel slip.

Endorsement

The Receiver, Deloitte Restructuring Inc., brings this motion for an order discharging it as Receiver of the assets, undertakings and properties of Sage Gold Inc., and for the approval of its Sixth Report, its fees and its counsel's fees and approving a distribution, among other relief.

All parties on the service list were served. The motion is unopposed. Counsel to the Receiver advises that he contacted counsel for the secured creditor and was advised that counsel for the secured creditor had not been given any instructions on the motion.

According to the Receiver's report, the secured creditor withdrew funding in this proceeding in December 2018. The Receiver and its counsel took on the risk of providing services without secured funding to achieve an orderly transfer of the debtor's mining assets for the benefit of the stakeholders, including workers and certain government ministries. Unfortunately, there will not be sufficient funds in the estate to satisfy the outstanding amounts owing to the Receiver and its counsel or for any distribution to the secured creditor. Neither the Receiver nor its counsel will recover all or their fees for the work done. The fees they charged were at or below their standard billing rates. They will incur a substantial shortfall even if they receive all of the estate's funds.

The Receivership Order provides that the Receiver and counsel shall have a priority charge over the assets in respect of fees and disbursements incurred by the Receiver and its counsel.

Upon completing the distribution of funds, including certain deferred payments and outstanding HST refunds, the Receiver will have substantially completed its mandate and should be discharged.

Discharge Order to do in the form attached hereto and signed by me. The Discharge Order is effective as of today's date and it is not required that it be entered.

Dietrich J.
Superior Court of Justice (Toronto)
December 18, 2020