

Clerk's stamp:

QUESTIONING OF HAVEN EBONI EDWARDS

EDMONTON, ALBERTA

BY MS. E. PAPLAWSKI

SWORN DECEMBER 2, 2022

HELD DECEMBER 19, 2022

VIA REMOTE VIDEO

COURT FILE NUMBER 24-2806171

COURT OF KING'S BENCH OF ALBERTA

IN THE MATTER OF THE
BANKRUPTCY OF ECO-INDUSTRIAL
BUSINESS PARK INC.

JUDICIAL CENTRE EDMONTON

APPLICANT MNP LTD., in its capacity as
the TRUSTEE IN BANKRUPTCY OF
ECO-INDUSTRIAL BUSINESS PARK
INC., and not in its personal
capacity

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RESPONDENT SYMMETRY ASSET MANAGEMENT INC.

DOCUMENT QUESTIONING ON AFFIDAVIT

Taken before Claire Forster, Official Court Reporter,
pursuant to Rules 5.26, 6.20, and 13.46 of the Court of
King's Bench of Alberta.

FOR THE APPLICANT:
E. Paplawski
Osler, Hoskin & Harcourt LLP
2700, 225-6 Avenue SW
Calgary, Alberta
403-260-7000

FOR THE RESPONDENT:
S. Roberts
Roberts O'Kelly Law
403, 10113-104 Street NW
Edmonton, Alberta
780-760-6752

1 OFFICIAL COURT REPORTER:
2 Claire Forster, CSR(A)
3 Dicta Court Reporting Inc.
4 760, 1015-4 Street SW
5 Calgary, Alberta
6 403-531-0590

7

8 (PROCEEDINGS COMMENCED AT 9:57 AM)

9 HAVEN EBONI EDWARDS, Affirmed, Cross-examined by
10 Ms. Paplawski

11 THE COURT REPORTER: Please state and spell your
12 full name for the record.

13 A Haven Eboni Edwards. H-A-V-E-N E-B-O-N-I
14 E-D-W-A-R-D-S.

15 THE COURT REPORTER: Thank you.

16 Q MS. PAPLAWSKI: Good morning, Ms. Edwards.

17 A Good morning.

18 Q So just before we get going here, I will just put on
19 the record that we are conducting this
20 cross-examination by Zoom. So if there's any
21 technological glitches as we go along here, if you
22 can't hear me, you need me to repeat anything, please
23 let me know and we'll do our best to get through this,
24 okay?

25 A Okay.

26 Q So, Ms. Edwards, I confirm that you have been affirmed
27 this morning to tell the truth; correct?

1 A Correct.

2 Q And that affirmation is binding on your conscience?

3 A Correct.

4 Q And you understand that you are here to answer some
5 questions about an affidavit that you swore in Alberta
6 Court of King's Bench of Alberta, Action
7 Number 24-2806171 on December 2nd, 2022; correct?

8 A Yes.

9 Q And do you have a copy of that affidavit in front of
10 you?

11 A I do.

12 Q Perfect.

13 If I can ask you to turn to page 3 of your
14 affidavit, you will see that there's a signature above
15 the typing "Haven Eboni Edwards". I presume that's
16 your signature?

17 A Yes.

18 Q And you reviewed your affidavit prior to swearing it,
19 affirmed that it was accurate?

20 A Yes.

21 Q Thank you.

22 Now, Ms. Edwards, I understand that you are a
23 legal assistant with Roberts O'Kelly Law?

24 A Correct.

25 Q Okay. And so is it correct, then, that you are not a
26 lawyer?

27 A Yes.

1 Q Okay. Let's start with paragraph 6 of your affidavit.
2 So at the lead-in to paragraph 6, you say: (as read)
3 I am informed by Sharon Roberts, counsel
4 for Symmetry in this proceeding, and believe
5 that ...

6 And then following there's seven subparagraphs: (a),
7 (b), (c), (d), (e), (f), and (g).

8 Do you see that?

9 A Yeah.

10 Q And Ms. Roberts advised you of all of the statements
11 made in these subparagraphs; is that correct?

12 A Yes.

13 Q Okay. Let's start with subparagraph (a). In
14 subparagraph (a) you say: (as read)

15 The damages claim was increased to
16 100 million when the pleadings in the Eco v
17 ADT litigation were amended.

18 If you look at Exhibit 6 to your affidavit.

19 A M-hm.

20 Q Is this a copy of the statement of claim filed in what
21 you refer to as "the Eco v ADT litigation"?

22 MS. ROBERTS: The document says what it
23 says, Ms. Paplawski.

24 (OBJECTION)

25 MS. PAPLAWSKI: Well, it's not defined, "Eco v
26 ADT", so I want to make sure we're talking about the
27 same thing.

1 Q MS. PAPLAWSKI: Is this the Eco v ADT
2 litigation?

3 A Yes.

4 Q Okay. Now, you'll see at the top of this statement of
5 claim the Court File Number 1303-16983.

6 Do you see that?

7 A Yeah.

8 Q Okay. So just make a note of that file number as we're
9 going to come back to it today.

10 So if you could go back to paragraph 6 now, and
11 subparagraph (b) you state: (as read)

12 The amendment occurred as a result of a
13 contested application brought by
14 Roderick Payne, then of Hustwick Payne LLP,
15 in 2018 in his capacity as litigation counsel
16 for Eco in the Eco v ADT litigation.

17 Am I correct, Ms. Edwards, that your only information
18 about this statement in subparagraph (b) is what
19 Ms. Roberts told you?

20 A Correct.

21 Q Ms. Roberts wasn't counsel for Symmetry in 2018;
22 correct?

23 A Correct.

24 Q And Ms. Roberts wasn't counsel for Eco in 2018?

25 A Correct.

26 Q Ms. Roberts wasn't involved in this contested
27 application?

1 A Correct, she was not involved.

2 Q And she wasn't involved in the amendments that were
3 made to the statement of claim; correct?

4 A Correct.

5 Q So who, then, advised Ms. Roberts of the reasons for
6 the amendments to the statement of claim as noted in
7 subparagraph (b) here?

8 A It was a call between Ms. Roberts and Mr. Payne.

9 Q Okay.

10 A But I am not aware of the details of that conversation.

11 Q Okay. So Mr. Payne, I understand, was counsel for Eco
12 at the time; correct?

13 A Yes.

14 Q That is my --

15 A And so --

16 Q Oh, sorry. Keep going.

17 A Oh, that's all. That's my understanding.

18 Q And so Mr. Payne advised Ms. Roberts of the reasons for
19 the amendment, and Ms. Roberts then advised you of such
20 reasons?

21 A That's my belief.

22 Q Okay. You weren't privy to that conversation?

23 A Correct. Yeah, I wasn't.

24 Q Okay. Let's look at sub (d).

25 MS. ROBERTS: 'D' as in dog? Sorry.

26 MS. PAPLAWSKI: 'D' as in David.

27 Q MS. PAPLAWSKI: In sub (d) you state:

1 (as read)

2 Mr. Payne informed Ms. Roberts that he was
3 also pursuing settlement negotiations in 2021
4 with counsel for Dentons pursuant to the
5 standstill agreement that Eco and Dentons had
6 entered into, and the quantum of settlement
7 contemplated was within the ballpark of the
8 original damages alleged in the original
9 statement of claim.

10 Do you see that?

11 A Yeah.

12 Q And similar to the above paragraph we just discussed,
13 is it accurate that your only information about the
14 statement in this subparagraph (d) is what Ms. Roberts
15 told you?

16 A Yes.

17 Q And Mr. Payne informed Ms. Roberts of what is stated in
18 6(d); correct?

19 A Correct.

20 Q Now, it's --

21 A Well, that's what I'm aware.

22 Q Pardon?

23 A That's what I'm aware of. That's all I'm aware of.

24 Q That's all you're aware of?

25 A Yeah.

26 Q Perfect.

27 So as stated in 6(d), Ms. Roberts advised you that

1 Mr. Payne advised her that he was pursuing settlement
2 discussions of the claim against Dentons. Now, I just
3 want to make sure we're talking about the same thing.

4 You understand, Ms. Edwards, that there was no
5 statement of claim filed against Dentons?

6 A I'm not too involved with that part of the litigation.

7 Q So you just have no knowledge about what was or was not
8 filed against Dentons?

9 A Yes, I have no knowledge of that.

10 Q Okay. You understand that at the time Mr. Payne was
11 counsel for Eco; is that correct?

12 A That's --

13 Q Is that your understanding?

14 A Yeah.

15 Q Okay. And you'll agree with me that by 2021, the claim
16 against Dentons had been assigned to Symmetry; correct?

17 A I'm not too -- I don't know.

18 Q So you also wouldn't know why, if the claim had been
19 assigned to Symmetry, counsel for Eco was negotiating
20 settlement of it?

21 A Not sure.

22 Q You don't know. You have no information about that?

23 A No.

24 Q Okay. Let's look at sub (f). Sub (f) states:

25 (as read)

26 Mr. Payne informed the receiver manager, MNP
27 Ltd., through its counsel, of the fact that

- 1 settlement discussions had occurred when he
2 delivered his file to counsel for MNP Ltd.
3 When you say "counsel for MNP Ltd.", that's our office;
4 correct, Osler, Hoskin & Harcourt?
- 5 A That's my understanding, but I don't have personal
6 knowledge of what Mr. Payne was doing.
- 7 Q Right. But is it your understanding that when you
8 refer to "counsel for MNP", that that's Osler? Is that
9 your understanding?
- 10 A Yes.
- 11 Q And Ms. Roberts also advised you of the information
12 stated in subparagraph (f)?
- 13 A Yes.
- 14 Q And did Mr. Payne advise Ms. Roberts of the information
15 stated in subparagraph (f)?
- 16 A I'm not privy to the call that they had.
- 17 Q So the information in subparagraph (f), to the best of
18 your knowledge, was communicated by Mr. Payne to
19 Ms. Roberts in a telephone call?
- 20 A The information in subparagraph (f), to my knowledge,
21 was just communicated to me by Ms. Roberts. So
22 anything that occurred before that, I'm not privy to.
- 23 Q So you have no information how Ms. Roberts became
24 privy to the information noted in paragraph --
25 subparagraph (f)?
- 26 A Yes.
- 27 Q Yes, you have no information?

1 A Yes, I have no information to offer.

2 Q Okay. Now, you attach an Exhibit 8 to your affidavit,
3 and this is in paragraph 7, copies of what you call:
4 (as read)

5 Emails exchanged in late November 2022
6 between Sharon Roberts of Roberts O'Kelly
7 Law, counsel for the respondent in this
8 proceeding, and Randal Van de Mosselaer of
9 Osler, Hoskins & Harcourt LLP, counsel for
10 MNP in this proceeding.

11 Do you see that?

12 A Yeah.

13 Q Okay. Let's look at Exhibit 8. And in particular, I
14 want to start on page 34. Let me know when you have
15 that up in front of you. Actually, let's -- we're
16 actually going to start at the very bottom of page 33
17 as that's the start of the email chain I want to start
18 with.

19 A Okay. I'm there.

20 Q Okay. So at the very bottom of page 33 is an email
21 from Sharon Roberts to Randal Van de Mosselaer, copied
22 to a number of people, dated November 23rd, 2022.

23 Do you see that?

24 A Yeah.

25 Q Okay. Let's just turn over a page to page 34, to the
26 substance of that email, or to the body of that email.
27 And you will see it starts: (as read)

1 Forgive me, Mr. Van de Mosselaer.

2 And then in the paragraph directly below that,

3 Ms. Roberts advises Mr. Van de Mosselaer: (as read)

4 I was not requesting further

5 cross-examination via email. It has recently

6 come to my attention that there were

7 negotiations and qualifications of value in

8 the ADT lawsuit in question, of which your

9 client ought to have had some awareness.

10 Curiously, that was not disclosed to the

11 Court in any of your materials.

12 Do you see that?

13 A Yeah.

14 Q Okay. Let's flip forward a page, then, to page 33.

15 And you will see Mr. Van de Mosselaer's response.

16 So from Mr. Van de Mosselaer to Sharon Roberts,

17 date November 24, 2022, and immediately below

18 Ms. Roberts, "Thanks for your email," the paragraph

19 states: (as read)

20 Without addressing several of the points in

21 your email, with which we disagree, I can

22 advise the trustee really has no idea what

23 you are referring to. We are unaware of

24 anything in the nature of negotiations and

25 qualifications of value in the ADT lawsuit in

26 question, as referenced in your email.

27 Nothing was disclosed by the trustee simply

1 because there is no information to disclose.
2 If you can actually tell us what you are
3 referring to, we can then let you know if we
4 have any knowledge about such negotiations
5 and qualifications of value. But at the
6 moment the trustee has no knowledge of
7 anything of the sort.

8 And if you just flip forward one page, there's two more
9 emails I want to review with you. The first is on
10 page 32. Just let me know when you are there.

11 A Yeah, 32.

12 Q Okay. So this is Ms. Roberts' response to
13 Mr. Van de Mosselaer, same day, November 24, 2022. In
14 that very first paragraph, Ms. Roberts replies:
15 (as read)

16 I understood that your office received the
17 entire set of file materials from
18 Hustwick Payne. This would presumably have
19 included communications around settlement and
20 quantification for settlement, as well as
21 copies of all pleadings.

22 Are you prepared to disclose anything
23 about the foregoing?

24 If we just turn to page 31, the very last email chain
25 in this exhibit, this is Mr. Van de Mosselaer's
26 response to Ms. Roberts now the following day.

27 Do you see that? November 25th, 2022?

1 A Yeah.

2 Q And Mr. Van de Mosselaer advises Ms. Roberts:

3 (as read)

4 The receiver did receive approximately
5 18 boxes of paper from Hustwick Payne for
6 numerous ongoing litigation matters on behalf
7 of Eco and Absolute. Only a cursory review
8 of those matters has been conducted to ensure
9 that no urgent steps needed to be taken in
10 any ongoing action. The receiver/trustee has
11 no information to suggest that files related
12 to the claim against ADT/Dentons were
13 included in those 18 boxes, and given the
14 fact that these claims were assigned to
15 Symmetry almost a year before the receiver's
16 appointment (and Symmetry's counsel made
17 clear it intended to pursue these claims) we
18 would not expect that any files related to
19 these claims would have been provided to the
20 receiver/trustee. The receiver/trustee
21 certainly has no information related to any
22 communications around settlement and
23 quantification for settlement, as you have
24 suggested, and we take significant exception
25 to the thinly veiled suggestion that the
26 receiver/trustee failed to disclose
27 information which it ought to have disclosed.

1 So, Ms. Edwards, did you review Exhibit 8 before
2 attaching it to your affidavit?

3 A Yeah.

4 Q And so you understood Mr. Van de Mosselaer's
5 confirmation that Osler had no information regarding
6 any settlement discussions?

7 MS. ROBERTS: Objection.

8 (OBJECTION)

9 MS. PAPLAWSKI: On what basis?

10 MS. ROBERTS: She's not here to give
11 evidence about Mr. Van de Mosselaer's -- what
12 Mr. Van de Mosselaer did or didn't understand.

13 MS. PAPLAWSKI: Well, she reviewed the
14 communication, and my question is simple.

15 Q MS. PAPLAWSKI: You understood what
16 Mr. Van de Mosselaer advised in these paragraphs?

17 MS. ROBERTS: The email says what it says,
18 Ms. Paplawski.

19 (OBJECTION)

20 Q MS. PAPLAWSKI: So let's go to back to
21 paragraph 6(f) again. The start of paragraph 6, the
22 lead-in paragraph, you say: (as read)

23 I am informed by Sharon Roberts, counsel for
24 Symmetry, and believe that ...

25 And in (f) -- subparagraph (f) you say -- so you
26 believe that Mr. Payne informed the receiver-manager,
27 MNP, through its counsel of the fact that settlement

1 discussions had occurred when he delivered his file to
2 counsel for MNP Ltd.

3 And so, Ms. Edwards, you reviewed Exhibit 8. You
4 swore that you believe to be true your statement in
5 paragraph (f). What steps did you take to confirm that
6 belief in paragraph 6(f) of your affidavit was
7 accurate?

8 A I'm sorry. I'm misunderstanding the question.

9 Q Sure. What steps -- you reviewed Exhibit 8?

10 A M-hm.

11 Q Which we just reviewed. You understood what Mr. --
12 when you reviewed Exhibit 8 before you swore your
13 affidavit, yet you swore -- you swore in paragraph 6(f)
14 that you believe that -- and I'm starting in 6(f) here:
15 (as read)

16 ... settlement discussions had occurred when
17 he delivered his file to counsel for MNP Ltd.

18 And I just want to know what steps did you take to
19 confirm your belief that paragraph 6(f) was accurate?

20 MS. ROBERTS: Ms. Paplawski, the witness has
21 already said to you that the source of information for
22 paragraph 6 was myself, and she also informed you that
23 she knew there was a conversation between Mr. Payne and
24 myself.

25 Q MS. PAPLAWSKI: So is it accurate to say,

26 Ms. --

27 MS. ROBERTS: Ms. Paplawski. Ms. Paplawski,

1 you are asking the witness what steps she took
2 independent of the things she already said and limited
3 her involvement so (INDISCERNIBLE - OVERLAPPING
4 SPEAKERS)

5 Q MS. PAPLAWSKI: Is it accurate, Ms. Edwards,
6 that --

7 MS. ROBERTS: Ms. Paplawski, please. I'm
8 objecting to the question. The witness told you the
9 things she's done, and she also told you the source of
10 the belief, which was that I informed her about a
11 conversation between Mr. Payne and myself and what
12 Mr. Payne informed me.

13 (OBJECTION)

14 Q MS. PAPLAWSKI: So is it accurate,
15 Ms. Edwards, that you have no information whether or
16 not the information in 6(f) is accurate other than what
17 Ms. Edwards told you? Other than what Ms. Roberts told
18 you?

19 A Yeah, that's the source for my information.

20 Q Right. So you have no other information about 6(f)
21 other than what Ms. Roberts told you?

22 A That's -- yeah, that's what I put in my affidavit.

23 Q Okay. Perfect.

24 Let's look at sub (g). You say in sub (g):
25 (as read)

26 Ms. Roberts requested copies of invoices on
27 the ADT litigation matters from MNP Ltd.,

1 through its counsel, which request was
2 refused.

3 Do you see that?

4 A Yeah.

5 Q Okay. Let's turn back to Exhibit 8, page 32. Let me
6 know when you are there.

7 A Yeah, I'm here.

8 Q So when Ms. Roberts emailed to Mr. Van de Mosselaer on
9 November 24, 2022, in the third paragraph down, it
10 starts, "Are you prepared".

11 Do you see that?

12 A Yeah.

13 Q Ms. Roberts requests Mr. Van -- makes the following
14 request to Mr. Van de Mosselaer: (as read)

15 Are you prepared to provide copies of
16 invoices for services rendered given our
17 evidence of historic records having been
18 removed and destroyed or withheld by one of
19 Romspen's witnesses, Ms. Duemler, or by
20 Mr. Zarafshani?

21 Do you see that?

22 A Yeah.

23 Q And is this the request that you're referring to in
24 paragraph 8(g) of your affidavit?

25 A I believe it is, yes.

26 Q Okay. Let's turn to a page forward, then, to page 31,
27 Mr. Van de Mosselaer's response to Ms. Roberts, dated

1 November 25th, 2022.

2 A M-hm.

3 Q And at paragraph 2, Mr. Van de Mosselaer advises:

4 (as read)

5 We are unclear what you are asking for when
6 you request "invoices for services rendered".
7 Obviously, on its face such a request raises
8 concerns about privilege, but we are unable
9 to respond to your request because we don't
10 know what you are asking for.

11 Do you see that?

12 A Yeah.

13 Q And do you know, Ms. Edwards, whether Ms. Roberts ever
14 responded to this email clarifying the request?

15 A I have no knowledge of that.

16 Q You will agree with me that if -- it's not attached to
17 your affidavit as Exhibit 8 or otherwise; correct?

18 A Yes.

19 Q Okay. And you will also agree with me, Ms. Edwards,
20 that nowhere in this paragraph 2, or anywhere in this
21 email -- and feel free to review it, if necessary.
22 Nowhere in this paragraph 2, or in this email, did
23 counsel, as you swear in your affidavit, refuse the
24 request?

25 MS. ROBERTS: It says what it says,

26 Ms. Paplawski.

27 MS. PAPLAWSKI: Well, I want to know. Is

1 it --

2 (INDISCERNIBLE - OVERLAPPING SPEAKERS)

3 THE COURT REPORTER: I'm sorry. You are both
4 talking overtop of each other.

5 MS. ROBERTS: The witness didn't author
6 this. I'm objecting.

7 (OBJECTION)

8 MS. ROBERTS: You are not going to have her
9 read when you can read it, Ms. Paplawski, and so can
10 the Court.

11 MS. PAPLAWSKI: Well, I just read it.

12 Q MS. PAPLAWSKI: So let's go back to 6(f) then,
13 Ms. Roberts.

14 MS. ROBERTS: I'm not the witness.

15 Q MS. PAPLAWSKI: Ms. Edwards.

16 Can you point me in Mr. Van de Mosselaer's
17 response where the request was refused?

18 A Sorry. Just a moment. So for everything in
19 paragraph 6 I was informed by Ms. Roberts, and it
20 doesn't include any information that I did not receive
21 in my affidavit.

22 So beyond this, I'm not sure.

23 Q So the email says what it says, and this is the extent
24 of your information. Your affidavit is the extent of
25 your information?

26 A Yes.

27 Q Okay. Let's look at paragraph 8. Paragraph 8 you say:

1 (as read)

2 Ms. Roberts further informed me, and I
3 believe that:

4 (a) in a telephone conversation she had with
5 Mr. Payne in November 2022, Mr. Payne stated
6 that he had asked counsel at Dentons Canada
7 LLP, who had been acting for Eco and the
8 other Alberta businesses subjected to the
9 receivership order, why Dentons had not
10 negotiated a "carve-out" of the ADT
11 litigation so as to exclude it from the
12 receivership, as was done with the other
13 litigation claims in favour of Mr. White or
14 the Dan White Family Trust.

15 And paragraph (b): (as read)

16 The lawyer at Dentons claimed to be unaware
17 of the ADT litigation.

18 So am I accurate, Ms. Edwards, that your information
19 regarding the subparagraphs (a) and (b) was conveyed to
20 you by Ms. Roberts?

21 A Yes.

22 Q And Ms. Roberts' information about subparagraph (a) and
23 (b) was conveyed to her by Mr. Payne?

24 A I can assume so, but I cannot a hundred percent say
25 yes.

26 Q And so Mr. Payne advised -- well, you say in a
27 telephone conversation she had with Mr. Payne in

1 November 2022 --

2 A M-hm.

3 Q -- to be fair.

4 So is it your information that Mr. Payne advised
5 Ms. Roberts of the information in paragraph 8, and
6 Ms. Roberts then advised you of the information in
7 paragraph 8?

8 A Yes.

9 Q So other than what Ms. Roberts told you, you have no
10 independent knowledge about the discussions between
11 Mr. Payne -- or between Ms. Roberts and Mr. Payne?

12 A Correct.

13 Q You also have no independent information about the
14 alleged conversations in paragraphs 8 between Mr. Payne
15 and counsel at Dentons?

16 A Correct.

17 Q And so in subparagraph (b), it states: (as read)

18 The lawyer at Dentons claimed to be unaware
19 of the ADT litigation.

20 You see that?

21 A Yeah.

22 Q Now, I want to go to -- I advised Ms. Roberts today
23 that I may refer you to the affidavit of
24 Victor P. Kroeger sworn August 4, 2022.

25 Do you have a copy of that in front of you?

26 MS. ROBERTS: I have a copy. Tell her where
27 you're going, please. She hasn't read it.

- 1 MS. PAPLAWSKI: Can you please go to
2 Exhibit "U".
- 3 MS. ROBERTS: We're there.
- 4 Q MS. PAPLAWSKI: Do you know what this document
5 is --
- 6 A No. I haven't seen it.
- 7 Q -- Ms. Edwards?
8 You haven't seen it?
- 9 A No.
- 10 Q If you go to paragraph 6(d) of your affidavit. 'D' as
11 in David.
- 12 A M-hm.
- 13 Q You refer to a standstill agreement that Eco and
14 Dentons had entered into?
15 Do you see that?
- 16 A Yeah.
- 17 Q And are you aware whether this is the standstill
18 agreement or not?
- 19 A The one that I'm looking at right here?
- 20 Q Correct. Exhibit "U" to Mr. Kroeger's affidavit?
21 A I haven't looked at this, so not sure.
- 22 Q Okay. So you have no information, then, if you look at
23 paragraph 3 of that standstill agreement?
- 24 A I know nothing about this.
- 25 Q When you look at paragraph 3, you see Court of Queen's
26 Bench of Alberta Action Number 1303-16983?
- 27 A I'm confused about where you're directing me to.

1 Q In paragraph 3 of the standstill agreement.

2 MS. ROBERTS: Sorry. I'm not sure if we're
3 in a different document, but the witness is just
4 confused.

5 Can I just clarify with you, Ms. Paplawski, are
6 you on page 2 of the Davis letter?

7 MS. PAPLAWSKI: I'm on page 1 of the Davis
8 letter.

9 MS. ROBERTS: We don't see a Number 3, just
10 page 1.

11 MS. PAPLAWSKI: The paragraph starts "Eco
12 hereby offers". It's the third paragraph of the
13 letter. It's not numbered.

14 MS. ROBERTS: Yeah. Sorry. We're looking
15 at the numbered paragraphs. Okay, that's why we're
16 lost. Okay.

17 Q MS. PAPLAWSKI: Okay.

18 A Yes.

19 Q 1303-16983?

20 A Yes.

21 Q And can you confirm, Ms. Edwards, that that was the
22 action number of the ADT litigation that we discussed
23 earlier and that I requested you take a note of?

24 A Can I just wait one second before I answer that?

25 Q Of course. Feel free to refer back to the extent you
26 need.

27 MS. ROBERTS: The witness -- it's in her

1 affidavit. The statement of claim I believe was what
2 you referenced --

3 MS. PAPLAWSKI: Yeah.

4 MS. ROBERTS: -- for her; right?

5 MS. PAPLAWSKI: That's right. Exhibit 6.

6 A Yeah. Yes.

7 Q MS. PAPLAWSKI: That's the ADT action?

8 A Yes.

9 Q And if you go to page 3 of 4 of the standstill
10 agreement.

11 A Uh-huh.

12 Q You'll see Mark Heck and Dentons Canada LLP are party
13 to this letter agreement?

14 A Yeah.

15 Q Which references the ADT action; correct?

16 A Yes.

17 Q Okay. Let's go back to paragraph 8(a) of your
18 affidavit. So you refer in paragraph 8(a) to a
19 carve-out from the receivership order.

20 Do you see that?

21 A Yeah.

22 Q And did you review the receivership order before
23 swearing your affidavit?

24 A No.

25 Q So you don't know whether there are or are not
26 carve-outs for litigations within the receivership
27 order?

1 A No.

2 Q Okay. Now, in the last sentence of paragraph 8(a) you
3 state: (as read)

4 ... as was done with other litigation claims
5 in favour of Mr. White or the Dan White
6 Family Trust.

7 Do you see that?

8 A Yeah.

9 Q And you'll agree with me, Ms. Edwards, that the ADT
10 action is not in favour of Mr. White or the Dan White
11 Family Trust; correct? Eco-Industrial Business Park is
12 the only plaintiff in the action?

13 A I don't understand.

14 Q We need to refer back to Exhibit 6, to the extent
15 necessary.

16 MS. ROBERTS: The witness has said she
17 doesn't understand. You can walk her through to have
18 her acknowledge what's on the page, but I don't see
19 what that is, Ms. Paplawski:

20 (as read)

21 "MS. PAPLAWSKI: Well, this is the witness's
22 information and that she swore and she
23 believes to be accurate.

24 MS. ROBERTS: She swore that I informed her
25 and she believed that in a telephone conversation those
26 were Mr. Payne's words.

27 MS. PAPLAWSKI: Well, she swore that you

1 advised her that Mr. Payne advised you of certain of
2 facts, let's --

3 MS. ROBERTS: Correct. Correct.

4 Q MS. PAPLAWSKI: And so when you say,
5 Ms. Edwards, "as was done with other litigation claims
6 in favour of Mr. White or the Dan White Family Trust",
7 you have no -- or do you have any information whether
8 or not the ADT action was in fact in favour of
9 Mr. White or the Dan White Family Trust?

10 A Sorry. Can you repeat the question?

11 Q Sure. Do you have any information that the ADT action
12 was in favour of Mr. White or the Dan White Family
13 Trust?

14 A No. I don't have any information regarding that.

15 Q And can you confirm -- and feel free to look at
16 Exhibit 6 to your affidavit -- that the only plaintiff
17 to the ADT action is Eco-Industrial Business Park Inc.?

18 A That's what I see in Exhibit 6.

19 Q So Mr. White is not listed as a party; correct?

20 A Correct.

21 Q And the Dan White Family Trust is not listed as a
22 party?

23 A Correct.

24 Q Okay. Now, is it your understanding, Ms. Edwards, that
25 the assignment agreements relating to the ADT action in
26 the Dentons claim were executed before the receivership
27 order?

1 A I don't have any knowledge of that.

2 Q And so do you have any information why counsel for Eco
3 would seek to negotiate what you call a "carve-out"
4 from the receivership order if the ADT action in the
5 Dentons claim were already owned by Symmetry? Do you
6 have any information?

7 A No information.

8 Q Okay. I'm going to put an email on the screen. I'll
9 just share my screen. Bear with me for one moment.

10 A Of course. And let me just know -- let me know when
11 you can see an email from Mr. Van de Mosselaer to
12 Ms. Roberts dated October 6, 2022.

13 MS. ROBERTS: Are you able to make it
14 bigger? It's, like, super tiny on our end.

15 MS. PAPLAWSKI: I don't believe so.

16 A It's okay. We have it here.

17 MS. ROBERTS: Is this the one that you sent?

18 A Correct.

19 MS. ROBERTS: Okay. We have a paper copy.
20 Why don't we use that?

21 MS. PAPLAWSKI: Sure.

22 MS. ROBERTS: The screen copy is really
23 difficult to read.

24 Q MS. PAPLAWSKI: And so do you have a copy in
25 front of you, then, Ms. Edwards, of the email from
26 Mr. Van de Mosselaer to Ms. Roberts dated October 6,
27 2022?

1 A Correct.

2 Q And if you look at the ccs, you'll see Haven Eboni
3 Edwards?

4 A Yeah.

5 Q Do you see that?

6 And is that your email, Ms. Edwards,
7 haveneboni@robertsokelly.com?

8 A Yeah, that's my email.

9 Q And so you received this email on or about December 6,
10 2022?

11 A I probably received it, but I probably did not read it.

12 MS. PAPLAWSKI: Okay. I'd like to mark this
13 email as Exhibit 1 --

14 MS. ROBERTS: Sure.

15 MS. PAPLAWSKI: -- to the transcript, please.

16 EXHIBIT 1 - Email from Mr. Van de Mosselaer
17 to Ms. Roberts dated October 6, 2022

18 MS. PAPLAWSKI: Okay. So let me just unshare
19 my screen.

20 Okay. Those are all my questions.

21 MS. ROBERTS: Thank you.

22 MS. PAPLAWSKI: Thank you very much.

23 (WHICH WAS ALL THE EVIDENCE TAKEN AT 10:33 AM)

24

25

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1 CERTIFICATE OF TRANSCRIPT:

2

3 I, Claire Forster, certify that the foregoing
4 pages are a complete and accurate transcript of the
5 Proceedings conducted in accordance with the Alberta
6 Protocol for Remote Questioning, taken down by me in
7 shorthand and transcribed from my shorthand notes to
8 the best of my skill and ability.

9 Dated at the City of Calgary, Province of Alberta,
10 this 19th day of December 2022.

11

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15 Claire Forster, CSR(A)

16 Official Court Reporter

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HAVEN EBONI EDWARDS
DECEMBER 19, 2022

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Ms. Roberts dated October 6, 2022

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