

ONTARIO
SUPERIOR COURT OF JUSTICE BANKRUPTCY COURT
SPECIAL APPOINTMENT SCHEDULING FORM

IN THE MATTER OF GALTU B.V. HAVING ITS HEAD OFFICE
IN THE CITY OF AMSTERDAM IN THE NETHERLANDS

DATE MOTION FILED: _____

PLEASE NOTE: THIS FORM MUST BE COMPLETED AND RETURNED TO THE
BANKRUPTCY COURT OFFICE PRIOR TO A SPECIAL APPOINTMENT BEING SCHEDULED.

The purpose of this form is to provide the Registrars in Bankruptcy with information to Assess the readiness of the case for hearing, estimate the probable length of the hearing, and to establish a fixed hearing date.

The Moving Party is expected to attempt to consult with all concerned parties and to seek their assistance with the information to be provided.

Please provide a Brief factual overview and nature of relief sought: Appeal from a disallowance of claim by the Trustee

Party	Name	Telephone	Fax No.	email
Trustee	Sheldon Title, MNP LTD.	416-263-6945	416-323-5240	Sheldon.title@mnp.ca
Lawyer for Trustee	Brendan Bissell (LSO No. 40354V)	416-597-6489		bissell@gsnh.com
Bankrupt				
Lawyer for Bankrupt				
OSB				
Lawyer for OSB				
Other (Specify) Creditor	Ronald Chapman (LSO No. 12820G) Fred Tayar (LSO No. 23909N) Colby Linthwaite (LSO No.49599K)	416-601-1945 416-363-1800 Ext.200 Ext. 300	416-601-9984 416-363-3356	ronaldchapman@lawchambers.com fred@fredtayar.com colby@fredtayar.com

1. Parties' current **best estimate in minutes for complete hearing of matter** 1/2 day
2. **Percentage estimate of resolution by parties prior to hearing** unknown
3. Case type:

Bankrupt's discharge application	[]	
Motion	[]	
Specify relief sought/type of motion:		_____
Taxation of Statement of Receipts and Disbursements	[]	
Taxation of Legal Bill(s)	[]	
Trustee's Discharge Application	[]	
Other: <u>Appeal of Trustee's disallowance claim</u>	[<input checked="" type="checkbox"/>]	
4. Is any party self represented? YES NO
5. Is a translator required? YES NO Language _____
6. Is oral testimony of any nature required? YES NO **[to be determined]**
7. If the long hearing relates to a motion:

Have all motion materials been prepared?	YES	NO	
If not, when will the materials be served?	[to be determined]		
Are cross examinations expected?	YES	NO	
Have all undertakings and/or refusals been answered?	YES	NO	
By what date will examinations be completed?		N/A	_____

Are any interlocutory motions required? **[to be determined; possible re: fresh evidence]**
 If so, have they been booked? YES NO
 Please specify date: _____
 Will factums be required? YES NO
 If so, have they been exchanged? YES NO
 If not, please specify date of anticipated exchange: _____

8. Are any pre-hearing examinations required? YES NO
 If so, please specify the date agreed upon and booked: _____
 Are transcripts available? YES NO
 If not, please specify when transcripts will be available: _____ N/A

9. If Oral Examinations before the Registrar are anticipated please complete the following table:

Witness name	Party calling witness	Length of direct examination	Length of cross examination	Length of re-direct	Total length

I HEREBY CERTIFY THAT ON BEHALF OF THE MOVING PARTY I HAVE ACCURATELY ANSWERED ALL OF THE QUESTIONS AND THAT I HAVE CONSULTED WITH ALL OTHER LAWYERS/PARTIES FOR THE PURPOSE OF COMPLETING THIS FORM.

Date: August 11, 2022

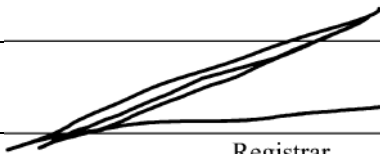
Signature: Colby Linthwaite
 Print Name:

FOR COURT USE ONLY:

ENDORSEMENT:

 See attached endorsement

Date: September 20, 2022


 Registrar

ASSOCIATE JUSTICE ILCHENKO

September 20, 2022

R.B Bissell for Trustee
C. Linthwaite and R. Chapman for Appealing Creditor The Avenue Road Trust

Counsel for the Trustee and the Creditor appealing the Trustee's disallowance will caucus and advise whether there will be any preliminary evidentiary or other issues before the disallowance appeal is heard and set the schedule for exchange of Materials, if needed, at a further 9:30 Appointment before me on my October 25th In writing Motion day.

I would ask that the Bankruptcy Office set up a Zoom Courtroom for me at 9:30 on October 25th.

Counsel have penciled in January 19, February 16 and February 23rd as possible hearing dates for 3/4 of a day, to be set at the October 25th Case Conference, and hopefully a determination before which Registrar.

Counsel do not need to have a timetable established today.



ASSOCIATE JUSTICE ILCHENKO

October 25, 2022

R.B. Bissell for Trustee
C. Linthwaite for Appealing Creditor The Avenue Road Trust

Counsel have agreed to forgo preliminary evidentiary motions and will both be filing fresh evidence.

Hearing date to be on February 16, 2023 for a full day.

Counsel have been working cooperatively and do not require a timetable.

If issues arise between now and the hearing date they may schedule a case conference before me through the Bankruptcy Court Office.



ASSOCIATE JUSTICE ILCHENKO

February 6th, 2023

G24

R.B. Bissell for Trustee

C. Linthwaite and R. Chapman for Appealing Creditor The Avenue Road Trust

As a result of possible evidentiary issues raised by the Trustee regarding the recently discovered further evidence in the dwelling of the late Mr. Seabrook, and the Trustee and the Inspectors of the Estate needing time to determine whether the Appellant will be required to bring a Motion to introduce that Evidence at the hearing, the Special Appointment of the Appeal from the Trustee's Disallowance of the Appellant's Claim scheduled to be heard on Thursday, February 16th, 2023 for a full day is adjourned sine die, pending this determination and, if necessary, the scheduling of an evidentiary motion.

The Parties have agreed to attend at a 9:30 Case Conference before me on February 28th, 2023 on my In-Writing Bankruptcy Discharge day, to advise as to what fork, down what road, this matter will proceed. I would ask the Bankruptcy Court Office to set that Zoom Case Conference up.



ASSOCIATE JUSTICE ILCHENKO

February 27, 2023

February 28 Case Conference adjourned to a Case Conference on March 28, 2023 at 9:30 to allow the parties to continue to consider the above-noted procedural issues.



ASSOCIATE JUSTICE ILCHENKO

March 28, 2023

R.B. Bissell for Trustee
S. Title, LIT for Trustee
C. Linthwaite for Appealing Creditor The Avenue Road Trust
M. Ward, Inspector, observing

Having considered the new documentation, the Trustee has taken the position that the Appealing Creditor requires an Order to introduce the documentation as fresh evidence on the Appeal from Disallowance.

Counsel to exchange materials and bring the motion on my Zoom Motions list for under 1hr that I will schedule for my Zoom Motions day that will occur at the end of May, as I not anticipate that this motion will require more than an hour. The hearing date will be confirmed when the May schedule is released.



ASSOCIATE JUSTICE ILCHENKO

G24

May 30, 2023

R.B. Bissell for Trustee
S. Title, LIT for Trustee
C. Linthwaite for Appealing Creditor The Avenue Road Trust
M. Ward, Inspector, observing

Fresh Evidence Motion adjourned to my Zoom Motions list for August 16, 2023 for 1 hour.

If parties resolve issues of whether the "Exhibit G" Documents in the Moving Parties Affidavit on this Motion have been previously disclosed in the Civil Litigation, to which Mr. Linthwaite is not counsel for the Moving Party, and the Fresh Evidence Motion is not necessary, they may advise me through the Bankruptcy Court Office.



ASSOCIATE JUSTICE ILCHENKO

February 22nd, 2024

At the conclusion of my January 3 Endorsement for the Fresh Evidence Motion I made the following timetabling Orders in paragraph 150(b) for the continuation of the Disallowance Appeal:

- a) An Order admitting as evidence on the hearing of the ART's appeal from the disallowance of its claim in the within bankruptcy the documents attached as Exhibit "G" to the Affidavit of Timothy Seabrook sworn May 5, 2023 is granted;
- b) The Trustee shall serve upon ART a further Report, attaching any further documentation that is responsive to the Exhibit G Documents by March 29, 2024;
- c) Counsel shall determine whether any cross-examinations will be required prior to the hearing of the disallowance, and if no agreement is reached for the conduct of cross-examinations or other scheduling issues, I can be consulted to set a Case-Timetable for cross-examinations and exchange of facta and any other hearing materials;
- d) Counsel are to discuss what their availability is in May and June to argue the Disallowance Appeal, and advise the Bankruptcy Court Office, and I will endeavor to schedule this Appeal as a priority hearing.

I have provided the parties with some guidance with respect to the interpretation of paragraph 150(b) and have set **April 24th at 9:30** as the date for the Case-Conference contemplated in paragraph 150(c), to be consulted to set a further Case-Timetable for the hearing of the Disallowance.



Associate Justice Ilchenko