



June 17, 2024

Sent via Email:

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File No. 0255543.0004

Court of King's Bench of Alberta
Edmonton Law Courts
1A Sir Winston Churchill Square
Edmonton, AB T5J 0R2

Attention: The Honourable Justice N.J. Whiting

Dear Justice Whiting,

**Re: Bank of Montreal v. 2093924 Ontario Inc., Hyeong Sik Kim and Hee Seon Kim
Court of King's Bench Edmonton Action Number: 2303 22127 (the "Action")
Application to be heard on: June 24, 2024 at 3:30 p.m.**

We are counsel to MNP Ltd., Court Appointed Receiver over the property, assets and undertakings of 2093924 Ontario Inc. (the "**Debtor**"). With regard to the above noted application, please find enclosed the following unfiled materials:

1. Redline of Order sought to the Alberta template order; and
2. Confidential Addendum to the First Report of MNP Ltd. in its capacity as Receiver over 2093924 Ontario Inc. dated June 17, 2024 (the "**Confidential Addendum**").

We have submitted the following materials to the Court for filing:

1. Application of MNP Ltd. (the "**Application**") for the following relief:
 - (a) deeming service of notice of this Application and all materials in support to be good and sufficient and abridging the time for service to the time actually given;
 - (b) approving the late service of the Notice and Statement of Receiver, *nunc-pro-tunc*, as noted in paragraph 13 of the First Report of MNP Ltd. in its capacity as Receiver over 2093924 Ontario Inc. dated June 17, 2024 (the "**First Report**");
 - (c) approving the activities of the Receiver and the sales process as described in the First Report;
 - (d) accepting an offer to purchase the property of the Debtor submitted by the Klair Group Industries Inc. (the "**Purchaser**") as described in the First Report and as more particularly set out in the Confidential Addendum;
 - (e) temporarily sealing the Confidential Addendum attached to the First Report in a Restricted Court Access Order;

- (f) declaring that the rights of 1643434 Alberta Ltd. in a patented design used to construct property owned by the Debtor have been exhausted and vesting title to the property in the Purchaser, including the patented design existing in the building, free and clear of 1643434 Alberta Ltd.'s interests as set out in the First Report; or,
- (g) if necessary, authorizing the Receiver to assign a license agreement to the Purchaser, or, in the alternative, authorizing the Receiver to assign the Debtor into bankruptcy and authorizing the trustee in bankruptcy to assign the License Agreement to the Purchaser; and

2. The First Report.

We will upload the Application and First Report to the CCM system once they have been filed as we are unable to upload unfiled copies. In addition, we intend to file a brief of law in support of the Receiver's Application tomorrow and are requesting leave from the Court to do so. We are agreeable to permitting a respondent to file a late brief in the event that more time is required. We note that this will still leave six days to review and consider our brief prior to the Application being heard.

Please note that we have not sent the Confidential Addendum to be filed as we are seeking a Restricted Court Access Order sealing it from the public record. We will send You hard copies of all of the materials referred to in this letter by Friday June 21, 2024, as required. Please let us know if You have any specific requests as to how You would like the hard copies to be delivered (for example in binders or cerlox).

We thank the Court for considering this matter and would be pleased to answer any questions that the Court may have.

Yours truly,

MILLER THOMSON LLP
Per:



Susy Trace
Partner
ST/ss

Encl.

cc. The Service List
MNP Ltd.

