

COURT FILE NUMBER      **2201 09319**

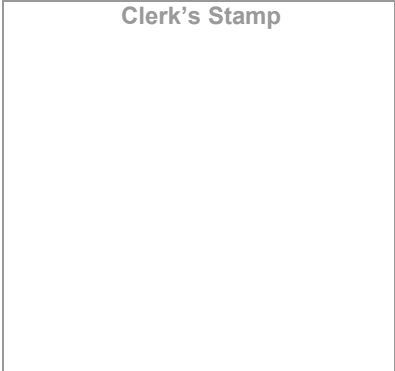
COURT                      Court of Queen's Bench of Alberta

JUDICIAL CENTRE        Calgary

PLAINTIFF                **Arnaki Ltd.**

DEFENDANT                Solvaqua Inc.

DOCUMENT                **Affidavit of Service**



ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT      Chitiz Pathak LLP  
77 King Street West, Suite 700  
TD North Tower, P.O. Box 118  
Toronto, Ontario M5K 1G8

Telephone 416-368-6200  
Facsimile 416-368-0300  
Email: [ebirnboim@cpllp.com](mailto:ebirnboim@cpllp.com) /  
[mcrampton@cpllp.com](mailto:mcrampton@cpllp.com)

**Attention: Elliot Birnboim / Michael Crampton**

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**AFFIDAVIT OF JULIETA A. VERGARA**

**Sworn on August 18, 2022**

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I, Julieta A. Vergara, of Markham, Ontario, **SWEAR THAT:**

1. I have personal knowledge of the following information, except where I state that it is based on information from another person, in which case, I believe that information to be true.
2. I am 18 years of age or older.
3. On August 15, 2022, I served Solvaqua Inc., with a copy of:

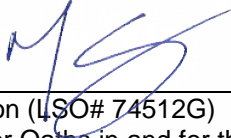
the following documents, which were not yet filed with the Court at the time:

- Statement of Claim,
- Application to Appoint a Receiver,
- Affidavit of Ariel S. Belilo,
- Consent to Act.

4. I served the documents listed in paragraph 3, above, using the following method of service:
- by sending an electronic copy of the documents to Chris Tesarski at ctesarski@solvaqua.com, to Don McLeod at dmcleod@solvaqua.com and to Solvaqua's agent for service, DLA Piper (Canada) LLP, listed on Solvaqua's Alberta corporate registration, at corporateservices.calgary@dlapiper.com. Service was effected on August 15, 2022, as is evidenced by the true copy of the email, which is attached and marked as Exhibit 'A' to this Affidavit.
5. Upon receipt from the court of stamped copies of the documents referred to in paragraph 3, above, on August 17, 2022, I served Solvaqua Inc., with a copy of:
- the following documents, which are filed with the Court:
    - Application to Appoint a Receiver, filed August 15, 2022,
    - Affidavit of Ariel S. Belilo (cover page), filed August 15, 2022,
    - Consent to Act, filed August 15, 2022,
6. I served the documents listed in paragraph 5, above, using the following method of service:
- by sending an electronic copy of the documents to Chris Tesarski at ctesarski@solvaqua.com, to Don McLeod at dmcleod@solvaqua.com and to Solvaqua's agent for service, DLA Piper (Canada) LLP, listed on Solvaqua's Alberta corporate registration at corporateservices.calgary@dlapiper.com. Service was effected on August 17, 2022, as is evidenced by the true copy of the email, which is attached and marked as Exhibit 'B' to this Affidavit.
7. I have the following other information regarding service of the documents:
- (a) Upon service of the email marked as Exhibit 'A', on August 15, 2022, I received an automatic email reply from Chris Tesarski, advising that he was on extended medical leave and that correspondence should be addressed to Don McLeod at the email address listed in paragraphs 4 and 6 above, as evidenced by the true copy of the email, which is attached and marked as Exhibit 'C' to this Affidavit.
  - (b) Despite Mr. McLeod already being included on the email marked as Exhibit 'A', for additional certainty I again forwarded copies of the documents listed in paragraph 3, above, to Mr. McLeod with reference to Mr. Tesarski's out-of-office notification, as evidenced by the true copy of the email, which is attached and marked as Exhibit 'D' to this Affidavit.
  - (c) On August 15, 2022, I received an email reply from Dana Schindelka of DLA Piper (Canada) LLP confirming receipt of the email marked as Exhibit 'A' and advising that DLA Piper (Canada) LLP does not represent Solvaqua Inc. regarding the matters raised in the documents served, as evidenced by the true copy of the email, which is attached and marked as Exhibit 'E' to this Affidavit.

- (d) To effect service of the Statement of Claim filed August 15, 2022, I sent copies by registered mail to Solvaqua Inc. on August 18, 2022 at the addresses listed on Solvaqua Inc.'s Alberta corporate registration: Solvaqua Inc., c/o DLA Piper (Canada) LLP, Attn: Dana Schindelka, 1000-250 2 Street SW, Calgary, Alberta, T2P 0C1; and Solvaqua Inc., Attn: Chris Tesarski, #1800, 444-5th Avenue SW, Calgary, Alberta T2P 2T8. A further Affidavit of Service will be filed upon confirmation of receipt or return of the registered mail.

**SWORN** by Julieta A. Vergara of the City of Markham, in the Province of Ontario, before me at the City of Burlington, in the Province of Ontario, on August 18, 2022 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely

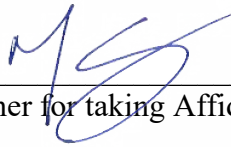


\_\_\_\_\_  
Michael Crampton (LSO# 74512G)  
Commissioner for Oaths in and for the Province of Ontario



\_\_\_\_\_  
Julieta A. Vergara

This is Exhibit "A" referred to in the  
Affidavit of Julieta A. Vergara sworn before  
me, this 18th day of August, 2022

A handwritten signature in blue ink, appearing to read 'M. Crampton', is written over a horizontal line.

A Commissioner for taking Affidavits, etc.

Michael Crampton, LSO #74512G

## Michael Crampton

---

**From:** Juliet Vergara  
**Sent:** Monday, August 15, 2022 3:42 PM  
**To:** info@solvaqua.com; ctesarski@solvaqua.com; dmcleod@solvaqua.com; corporateservices.calgary@dlapiper.com; info@coresource-solutions.com  
**Cc:** Elliot Birnboim; Michael Crampton  
**Subject:** Arnaki Ltd. v Solvaqua Inc. - Application returnable August 19, 2022  
**Attachments:** (20220819)-xxxx-xxxxxx-Filed-2021-08-25-Statement-of-Claim.PDF; (20220819)-xxxx-xxxxxx-Filed-2022-08-15-Application.PDF; (20220819)-xxxx-xxxxxx-Filed-2022-08-15-Affidavit.PDF; (20220819)-xxxx-xxxxxx-Filed-2022-08-15-Consent.pdf

**Importance:** High

Good afternoon,

Please find attached our client's Statement of Claim and Application to Appoint a Receiver, supporting Affidavit and Consent to Act of MNP Ltd. for the application returnable at 11:00 a.m. MT, August 19, 2022. We are providing these materials unfiled and will provide updated cover pages with the court file numbers once those are returned by the Court.

The hearing is being conducted by Webex at the following:

**Virtual Courtroom 60** has been assigned for the above noted matter:

Virtual Courtroom Link:

<https://albertacourts.webex.com/meet/virtual.courtroom60>

Instructions for Connecting to the Meeting

1. Click on the link above or open up Chrome or Firefox and cut and paste it into your browser address bar.
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3. If bandwidth becomes an issue, some participants may be asked to turn off their video and participate by audio only.
4. **Note: Recording or rebroadcasting of the video is prohibited**
5. **Note: It is highly recommended you use headphones with a microphone or a headset when using Webex. This prevents feedback.**

If you are a non-lawyer attending this hearing remotely, **you must** complete the undertaking located here: <https://www.albertacourts.ca/qb/resources/announcements/undertaking-and-agreement-for-non-lawyers>

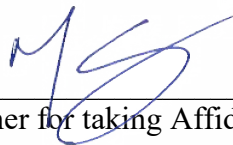
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You can also join the meeting via the "Cisco Webex Meetings" App on your smartphone/tablet or other smart device. You can download this via the App marketplace and join via the link provided above.

Please advise whether you intend to attend so that we may advise the Calgary court.

Regards,  
Juliet Vergara  
Law Clerk

This is Exhibit "B" referred to in the  
Affidavit of Julieta A. Vergara sworn before  
me, this 18th day of August, 2022

A handwritten signature in blue ink, appearing to read 'MC', is written over a horizontal line.

A Commissioner for taking Affidavits, etc.

Michael Crampton, LSO #74512G

## Michael Crampton

---

**From:** Juliet Vergara  
**Sent:** Wednesday, August 17, 2022 9:27 AM  
**To:** info@solvaqua.com; ctesarski@solvaqua.com; dmcleod@solvaqua.com; corporateservices.calgary@dlapiper.com; info@coresource-solutions.com; joliver@cassels.com  
**Cc:** 'Elliot Birnboim'; Michael Crampton  
**Subject:** Arnaki Ltd. v Solvaqua Inc. - Application returnable August 19, 2022  
**Attachments:** (2022-08-19)-2201-09319-Filed-2022-08-15-Statement-of-Claim-COM.pdf; (2022-08-19)-2201-09319-Filed-2022-08-15-Application-COM.pdf; (2022-08-19)-2201-09319-Filed-2022-08-15-Affidavit-of-Elliot-Belilo1-COM.pdf; (2022-08-19)-2201-09319-Filed-2022-08-15-MSCO-Consent-to-Act-COM.pdf

Good morning,

Further to my email below, please find attached stamped copies of the court materials bearing Court File No. 2201-09319.

Regards,

Juliet Vergara  
Law Clerk

---

**From:** Juliet Vergara <[JVergara@cpllp.com](mailto:JVergara@cpllp.com)>  
**Sent:** Monday, August 15, 2022 3:42 PM  
**To:** [info@solvaqua.com](mailto:info@solvaqua.com); [ctesarski@solvaqua.com](mailto:ctesarski@solvaqua.com); [dmcleod@solvaqua.com](mailto:dmcleod@solvaqua.com); [corporateservices.calgary@dlapiper.com](mailto:corporateservices.calgary@dlapiper.com); [info@coresource-solutions.com](mailto:info@coresource-solutions.com)  
**Cc:** Elliot Birnboim <[EBirnboim@cpllp.com](mailto:EBirnboim@cpllp.com)>; Michael Crampton <[MCrampton@cpllp.com](mailto:MCrampton@cpllp.com)>  
**Subject:** Arnaki Ltd. v Solvaqua Inc. - Application returnable August 19, 2022  
**Importance:** High

Good afternoon,

Please find attached our client's Statement of Claim and Application to Appoint a Receiver, supporting Affidavit and Consent to Act of MNP Ltd. for the application returnable at 11:00 a.m. MT, August 19, 2022. We are providing these materials unfiled and will provide updated cover pages with the court file numbers once those are returned by the Court.

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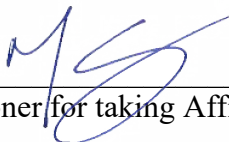
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Please advise whether you intend to attend so that we may advise the Calgary court.

Regards,  
Juliet Vergara  
Law Clerk

This is Exhibit "C" referred to in the  
Affidavit of Julieta A. Vergara sworn before  
me, this 18th day of August, 2022

A handwritten signature in blue ink, appearing to read 'MC', is written over a horizontal line.

A Commissioner for taking Affidavits, etc.

Michael Crampton, LSO #74512G

## Michael Crampton

---

**From:** Chris Tesarski <ctesarski@solvaqua.com>  
**Sent:** Monday, August 15, 2022 3:43 PM  
**To:** Juliet Vergara  
**Subject:** Automatic reply: Arnaki Ltd. v Solvaqua Inc. - Application returnable August 19, 2022

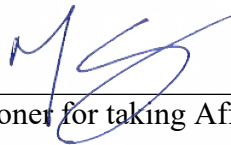
[External Sender]

Hello and thank you for your email. I'm away on an extended medical leave right now and not able to respond to your message at this time. Please address any correspondence to Don McLeod, who I have asked to provide support while I'm away from from solvAQUA. Don can be reached at: [dmcleod@solvaqua.com](mailto:dmcleod@solvaqua.com)

Thanks very much for your understanding.

Chris Tesarski  
CEO,  
solvAQUA

This is Exhibit "D" referred to in the  
Affidavit of Julieta A. Vergara sworn before  
me, this 18th day of August, 2022

A handwritten signature in blue ink, appearing to read 'MS', is written over a horizontal line.

A Commissioner for taking Affidavits, etc.

Michael Crampton, LSO #74512G

## Michael Crampton

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**From:** Juliet Vergara <JVergara@cpllp.com>  
**Sent:** Monday, August 15, 2022 4:06 PM  
**To:** dmcleod@solvaqua.com  
**Cc:** Elliot Birnboim; Michael Crampton  
**Subject:** FW: Arnaki Ltd. v Solvaqua Inc. - Application returnable August 19, 2022  
**Attachments:** (20220819)-xxxx-xxxxxx-Filed-2021-08-25-Statement-of-Claim.PDF; (20220819)-xxxx-xxxxxx-Filed-2022-08-15-Application.PDF; (20220819)-xxxx-xxxxxx-Filed-2022-08-15-Affidavit.PDF; (20220819)-xxxx-xxxxxx-Filed-2022-08-15-Consent.pdf

**Importance:** High

I am forwarding the attached documents pursuant to Mr. Tesarski's out of office notification.

Regards,  
Juliet

---

**From:** Juliet Vergara  
**Sent:** Monday, August 15, 2022 3:42 PM  
**To:** info@solvaqua.com; ctesarski@solvaqua.com; dmcleod@solvaqua.com; corporateservices.calgary@dlapiper.com; info@coresource-solutions.com  
**Cc:** Elliot Birnboim <EBirnboim@cpllp.com>; Michael Crampton <MCrampton@cpllp.com>  
**Subject:** Arnaki Ltd. v Solvaqua Inc. - Application returnable August 19, 2022  
**Importance:** High

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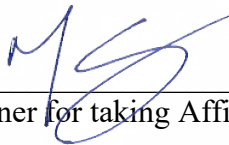
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Please advise whether you intend to attend so that we may advise the Calgary court.

Regards,  
Juliet Vergara  
Law Clerk

This is Exhibit "E" referred to in the  
Affidavit of Julieta A. Vergara sworn before  
me, this 18th day of August, 2022

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A Commissioner for taking Affidavits, etc.

Michael Crampton, LSO #74512G

## Michael Crampton

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**From:** Schindelka, Dana <dana.schindelka@dlapiper.com>  
**Sent:** Monday, August 15, 2022 4:07 PM  
**To:** Juliet Vergara  
**Cc:** Gamracy, Amy; Nisbet, Loralee  
**Subject:** FW: [EXTERNAL] Arnaki Ltd. v Solvaqua Inc. - Application returnable August 19, 2022  
**Attachments:** (20220819)-xxxx-xxxxxx-Filed-2021-08-25-Statement-of-Claim.PDF; (20220819)-xxxx-xxxxxx-Filed-2022-08-15-Application.PDF; (20220819)-xxxx-xxxxxx-Filed-2022-08-15-Affidavit.PDF; (20220819)-xxxx-xxxxxx-Filed-2022-08-15-Consent.pdf

**Importance:** High

[External Sender]

Ms. Vergara:

This confirms that we do not represent Solvaqua Inc. regarding the matters raised by the attachments. I confirm that our corporate department received the email.

### Dana Schindelka

Partner

T +1 403.698.8705

F +1 403.213.4468

E [dana.schindelka@dlapiper.com](mailto:dana.schindelka@dlapiper.com)



DLA Piper (Canada) LLP  
Suite 1000, Livingston Place West  
250 2nd St SW  
Calgary AB T2P 0C1  
Canada  
[www.dlapiper.com](http://www.dlapiper.com)

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**From:** Juliet Vergara <[JVergara@cpllp.com](mailto:JVergara@cpllp.com)>  
**Sent:** Monday, August 15, 2022 1:42 PM  
**To:** [info@solvaqua.com](mailto:info@solvaqua.com); [ctesarski@solvaqua.com](mailto:ctesarski@solvaqua.com); [dmcleod@solvaqua.com](mailto:dmcleod@solvaqua.com); Cal-CorporateServices <[corporateservices.calgary@ca.dlapiper.com](mailto:corporateservices.calgary@ca.dlapiper.com)>; [info@coresource-solutions.com](mailto:info@coresource-solutions.com)  
**Cc:** Elliot Birnboim <[EBirnboim@cpllp.com](mailto:EBirnboim@cpllp.com)>; Michael Crampton <[MCrampton@cpllp.com](mailto:MCrampton@cpllp.com)>  
**Subject:** [EXTERNAL] Arnaki Ltd. v Solvaqua Inc. - Application returnable August 19, 2022  
**Importance:** High

**DLA Piper (Canada) LLP ALERT:** This is an external email. Do not click links or open attachments unless you recognize the sender's email address and know the content is safe.

Good afternoon,

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Regards,  
Juliet Vergara  
Law Clerk



**Juliet Vergara**  
Phone: 416.644.9987  
Fax: 416.368.0300

77 King Street West, TD North Tower  
Suite 700, P.O. Box 118

[jvergara@cpllp.com](mailto:jvergara@cpllp.com)

Toronto ON M5K 1G8  
[cpllp.com](http://cpllp.com)

*If you have received this e-mail in error or are not the named recipient, please immediately notify the sender and delete or destroy all electronic or hard copies of this e-mail. This e-mail is intended only for the receipt and use of the named recipient(s). It may contain information that is privileged, confidential or protected from disclosure under applicable law.*