



SUPERIOR COURT OF JUSTICE

COUNSEL SLIP

COURT FILE NO.: CV-24-00715321-00CL

DATE: August 29, 2024

REGISTRAR: A.M Allman

NO. ON LIST: 1

TITLE OF PROCEEDING: Constantine Enterprises Inc. and Mizrahi (128 Hazelton)
Inc., et al.

BEFORE JUSTICE: **Justice Cavanagh**

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party, Crown:

| Name of Person Appearing | Name of Party | Contact Info |
|---|---|--|
| Jennifer Stam /Lauren Archibald Norton Rose Fulbright Canada LLP | KSV Restructuring Inc., in its capacity as Receiver | Jennifer.stam@nortonrosefulbright.com / lauren.archibald@nortonrosefulbright.com |
| Jason Arbuck/Jeremy Bornstein | Constantine Enterprises Inc. | jarbuck@cassels.com / jbornstein@cassels.com |

For Defendant, Respondent, Responding Party, Defence:

| Name of Person Appearing | Name of Party | Contact Info |
|---|--|--|
| Edmond Lamek, DLA Piper | Mizrahi (128 Hazelton) Inc. and Mizrahi 128 Hazelton Retail Inc. | edmond.lamek@dlapiper.com |
| Johnathan Piccin Piccin Bottos Professional Corp | Penegal Trim & Supply Inc | jpiccin@piccinbottos.com |
| Steve Weisz | Mizrahi (128 Hazelton) Inc | sweisz@cozen.com |

For Other, Self-Represented:

| Name of Person Appearing | Name of Party | Contact Info |
|---------------------------------------|-----------------------|--|
| Bobby Kofman Receiver/ Jordan Wong | KSV Restructuring Inc | bkofman@ksvadvisory.com / Jwong@ksvadvisory.com |

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| Jerome Morse | Morse Shannon | jmorse@morseshannon.com |
| Denise Bambrough | Aviva Insurance Company of Canada. | dbambrough@blg.com |

ENDORSEMENT OF JUSTICE CAVANAGH:

The Receiver has served and filed motion materials in respect of a motion scheduled to be heard tomorrow seeking approval of various transactions involving the purchase and sale of certain Property (as defined in the motion materials) of the Debtors.

In addition, in a separate application, the Receiver seeks a hearing date for a motion to seek approval of a Stalking Horse Agreement.

The Mizrahi Parties scheduled this hearing to request an adjournment of the motion scheduled to be heard tomorrow on the basis that they require additional time to investigate and respond to the Receiver's motion. The Mizrahi Parties take the position that the sales in respect of which approval is sought are inappropriate and not at market value.

The Receiver advises that two of the four transactions in respect of which approval is sought are to arm's length parties in respect of which there is a risk that any delay will put the transactions at risk. The Receiver submits that different considerations apply with respect to these transactions.

I have arranged time on September 20, 2024 at 9:00 a.m. to 11:30 a.m. for the approval motion in the other application to be heard. I will hear further submissions tomorrow with respect to the motion for approval of the arm's length transactions. Any matters that are not heard tomorrow will be heard on September 20, 2024.