

C111647



COURT FILE NUMBER 25-3086318 / B301-086318
COURT COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE CALGARY

MATTER IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C. 1985, c. C-36, AS AMENDED

AND IN THE MATTER OF THE COMPROMISE OR ARRANGEMENT OF 420 INVESTMENTS LTD., 420 PREMIUM MARKETS LTD., GREEN ROCK CANNABIS (EC 1) LIMITED and 420 DISPENSARIES LTD.

APPLICANTS 420 INVESTMENTS LTD., 420 PREMIUM MARKETS LTD., GREEN ROCK CANNABIS (EC 1) LIMITED, and 420 DISPENSARIES LTD.

DOCUMENT **APPLICATION**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT
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NOTICE TO THE RESPONDENT(S)

This application is made against you. You are a respondent.
You have the right to state your side of this matter before the Court.
To do so, you must be in Court when the application is heard as shown below:

Date: December 5, 2024
Time: 2:00pm
Where: Edmonton Law Courts – By Webex in Virtual Courtroom 86
Before: The Honourable Justice Harris in Commercial Chambers

Go to the end of this document to see what you can do and when you must do it.

Remedy claimed or sought:

1. All capitalized terms used but not otherwise defined herein shall have the meaning given to them in the First Report of the Monitor, dated November 28, 2024 (the "**First Report**").
2. The Applicant, KSV Restructuring Inc. in its capacity as the "**Monitor**" in the within proceedings, seeks a restricted court access order substantial in the form attached hereto as Schedule "A" (the "**Sealing Order**"):
 - (a) Sealing Confidential Appendix "1" to the First Report;
 - (b) Abridging the time for serving and deeming service of this application and supporting materials good and sufficient; and
 - (c) Granting such further and other relief as may be sought by the Monitor and this Honourable Court may deem appropriate.

Grounds for making this application:

Background

3. The Monitor seeks a Sealing Order over Confidential Appendix "1" to the First Report on the basis that it contains a summary of the bids received by the Phase 1 Bid Deadline of the Court-approved SISP currently being conducted by the Monitor in conjunction with CCAA Applicants.
4. Confidential Appendix "1" contains confidential and commercially sensitive information about the SISP and the bids received as part of that process. If such information is made publicly available prior to the closing of a transaction or transactions following the SISP, the value of such transaction(s) could be detrimentally impacted. In the event that a transaction or transactions do not close, disclosure of the information contained in the bid summary could unduly hinder any future efforts taken by the CCAA Applicants or the Monitor to remarket assets subject to the SISP in these proceedings or in any other insolvency process.

5. Sealing Confidential Appendix "1" is the least restrictive method available to prevent the dissemination of confidential and commercially sensitive information. The salutary effects of the Sealing Order, which are to protect the general commercial interest of maintaining confidentiality and commercially sensitive information, far outweigh the deleterious effects of restricting accessibility of court proceedings. Further, the effects of the Sealing order will be time limited to (i) the closing of a transaction or transactions with respect to substantially all of the Property; or (ii) further order of this Court
6. Such further and other grounds as counsel may advise and this Honourable Court may permit.

Materials or evidence to be used in support of this application:

7. The First Report of the Monitor, dated November 28, 2024.
8. Any other materials and pleadings previously filed in the within proceedings.
9. Such further and other material as counsel may advise and this Honourable Court may permit

Applicable Acts and regulations:

10. *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended;
11. *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, as amended;
12. *Alberta Rules of Court*, AR 124/2010, in particular Part 6, Division 5;and
13. Such further and other Acts and regulations as counsel may advise and this Honourable Court may permit.

Any irregularity complained of or objection relied on:

14. None.

How the application is proposed to be heard or considered:

15. Before the presiding Justice in Commercial Chambers via Webex.

WARNING

You are named as a respondent because you have made or are expected to make an adverse claim in respect of this originating application. If you do not come to Court either in person or by your lawyer, the Court may make an order declaring you and all persons claiming under you to be barred from taking any further proceedings against the applicants and against all persons claiming under the applicants. You will be bound by any order the Court makes, or another order might be given or other proceedings taken which the applicants are entitled to make without any further notice to you. If you want to take part in the application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of this form. If you intend to give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the applicants a reasonable time before the application is to be heard or considered.

UPON the application of KSV Restructuring Inc. in its capacity as the Monitor ("**Monitor**") of 420 Investments Ltd., 420 Premium Markets Ltd., Green Rock Cannabis (EC 1) Limited, and 420 Dispensaries Ltd. (collectively, the "**CCAA Applicants**"); **AND UPON** having read the Application and the first report of the of the Monitor dated November 28, 2024 (the "**First Report**") and the other pleadings and materials previously filed in the within proceedings; and the Affidavit of Service of Anna Marie Santos sworn November ●, 2024; **AND UPON** hearing submissions by counsel for the CCAA Applicants, counsel for the Monitor, and any other counsel or other interested parties present;

IT IS HEREBY ORDERED AND DECLARED THAT:

SERVICE

1. The time for service of the notice of application for this order (the "**Order**") is hereby abridged and deemed good and sufficient and this application is properly returnable today.

RESTRICTED COURT ACCESS

2. Confidential Appendix "1" to the First Report shall be immediately sealed by the Clerk of the Court, kept confidential and shall not form part of the public record, and not be available for public inspection until: (i) the closing of a transaction or transactions with respect to substantially all of the Property; or (ii) further order of this Court.
3. Confidential Appendix "1" to the First Report shall be sealed and filed in an envelope containing the following statement thereon:

THIS ENVELOPE CONTAINS CONFIDENTIAL APPENDIX "1" TO THE FIRST REPORT OF THE MONITOR, DATED NOVEMBER 28, 2024, WHICH SHALL BE SEALED ON THE COURT RECORD AND IS NOT TO BE PLACED ON THE PUBLIC RECORD OR MADE PUBLICLY ACCESSIBLE UNTIL THE CLOSING OF A TRANSACTION OR TRANSACTION WITH RESPECT TO

SUBSTANTIALLY ALL OF THE PROPERTY OR UNTIL FURTHER
ORDER OF THIS COURT.

4. In the event an interested party wishes to unseal the contents of Confidential Appendix "1" to the First Report, such interested party may bring an application to this Court in the within proceedings on no less than 7 days' notice to the Monitor and the CCAA Applicants.
5. Service of this Order shall be deemed good and sufficient by serving the same on:
 - (a) The persons listed on the service list created in these proceedings;
 - (b) Any other person served with notice of the Application for this Order;
 - (c) Any other parties attending or represented at the Application for this order; and
 - (d) Posting a copy of this Order on the Monitor's website at:
<https://www.ksvadvisory.com/experience/case/420>

MISCELLANEOUS

6. Service of this Order may be effected by facsimile, electronic mail, personal delivery or courier. Service is deemed to be effected the next business day following transmission or delivery of this Order.

Justice of the Court of King's Bench of Alberta