



ONTARIO SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)

**COUNSEL/ENDORSEMENT SLIP**

COURT FILE NO.: CV-23-00696017-00CL

DATE: DECEMBER 5 2024

NO. ON LIST:1

TITLE OF PROCEEDING: LOYALTYONE, CO. v. BREAD FINANCIAL HOLDINGS, INC.

BEFORE: JUSTICE CONWAY

**PARTICIPANT INFORMATION**

**For Plaintiff, Applicant, Moving Party:**

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**For Defendant, Respondent, Responding Party:**

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**For Other, Self-Represented:**

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**ENDORSEMENT OF JUSTICE CONWAY:**

- [1] Case conference held today to deal with three issues.
- [2] First is the issue of Exhibit “D” to the Hageman Affidavit that LoyaltyOne filed with the court. This inadvertently contained privileged tax and regulatory information, which was not germane to or referred to in the motions before me. Counsel agree that a redacted version of this Exhibit “D” (redacting only the privileged information) should be filed by the court. I agree and direct that the redacted Exhibit “D” be substituted for the one currently in the court record.
- [3] Second is the issue of the continued sealing of Confidential Materials pursuant to my order of April 23, 2024. After hearing from Mr. Bish for BMO, which acquired the Air Miles business through a court-approved CCAA transaction, I see no reason to change my order. All of the reasoning in my endorsement of April 23, 2024 continues to apply with full force.
- [4] Third is the issue of how and when cost submissions for the June 13 and 14 motions should proceed. I direct that the parties deliver written cost submissions of not more than 10 pages, double spaced. I am not scheduling an oral hearing now and will do so only if I consider that I require oral submissions. All cost submissions shall be completed and delivered by the end of February 2025.

A handwritten signature in blue ink, appearing to read "Conway J.", is located at the bottom left of the page. The signature is written in a cursive style with a large, stylized initial 'C'.