

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

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

**AND IN THE MATTER OF A PLAN OF COMPROMISE OR
ARRANGEMENT OF 957855 ALBERTA LTD. (FORMERLY
NEWSWEST INC.) AND ROSEBUD CREEK FINANCIAL
CORP. IN RESPECT OF METRO 360 GENERAL
PARTNERSHIP**

Applicants

FACTUM OF THE APPLICANTS

Motion for Claims Procedure Order and Stay Extension Order
Returnable September 16, 2020

GOODMANS LLP
Barristers & Solicitors
Bay Adelaide Centre
333 Bay Street, Suite 3400
Toronto, Canada M5H 2S7

L. Joseph Latham LSO#: 32326A
jlatham@goodmans.ca

Andrew Harmes LSO#: 73221A
aharmes@goodmans.ca

Tel: (416) 979-2211
Fax: (416) 979-1234

Lawyers for 957855 Alberta Ltd. (formerly
NewsWest Inc.), Rosebud Creek Financial
Corp., and Metro 360 General Partnership

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

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

**AND IN THE MATTER OF A PLAN OF COMPROMISE OR
ARRANGEMENT OF 957855 ALBERTA LTD. (FORMERLY
NEWSWEST INC.) AND ROSEBUD CREEK FINANCIAL
CORP. IN RESPECT OF METRO 360 GENERAL
PARTNERSHIP**

Applicants

FACTUM OF THE APPLICANTS
Motion for Claims Procedure Order and Stay Extension Order
Returnable September 16, 2020

PART I - INTRODUCTION

1. This factum is filed in support of a motion by 957855 Alberta Ltd. (formerly NewsWest Inc.) ("**Alberta HoldCo**") and Rosebud Creek Financial Corp. ("**Rosebud HoldCo**" and, together with Alberta HoldCo, the "**Partners**"), as the partners of Metro 360 General Partnership ("**Metro 360**" and, together with the Partners, the "**CCAA Entities**"), for:

- (a) an Order (the "**Claims Procedure Order**") approving the proposed Claims Process (as defined below); and
- (b) an Order (the "**Stay Extension Order**"), among other things, extending the Stay Period (as defined below) to and including December 11, 2020.

2. The Partners are holding companies that together hold 100% of the interests of Metro 360, which operates a multi-faceted business that, prior to completing the TNG Transaction (as defined below), was focused primarily on the wholesale distribution across Canada of books, magazines and newspapers (the “**Literature Business**”).¹

3. On April 6, 2020, the Partners filed notices of intention to make a proposal under the *Bankruptcy and Insolvency Act* (Canada) to commence proceedings (the “**Proposal Proceedings**”) in order to implement the sale of the Literature Business (the “**TNG Transaction**”) to Great Pacific Enterprises Inc. dba TNG. This Court granted an Approval and Vesting Order on April 7, 2020 approving the TNG Transaction, and the TNG Transaction closed the next day on April 8, 2020.

4. On June 17, 2020, the Partners obtained an Order of this Court (the “**Initial Order**”) which, among other things, (i) took up and continued the Proposal Proceedings under the *Companies’ Creditors Arrangement Act* (Canada) (the “**CCAA**”), (ii) appointed KSV Restructuring Inc. as the Monitor of the CCAA Entities (the “**Monitor**”), and (iii) granted a stay of proceedings under the CCAA (the “**Stay of Proceedings**”) in respect of the Partners and Metro 360 until and including June 26, 2020 (the “**Stay Period**”). On June 26, 2020, the Stay of Proceedings was subsequently extended by an Order of this Court until and including September 18, 2020.

5. The Partners and Metro 360 are seeking approval of the Claims Procedure Order and the Stay Extension Order in connection with their ongoing efforts to advance these proceedings. By

¹ Capitalized terms used but not defined herein have the meanings ascribed to them in the Affidavit of Daniel P. Shapiro sworn September 9, 2020 (the “**Shapiro Affidavit**”).

commencing the Claims Process and identifying the scope of claims against Metro 360 and the Partners, as well as any claims against the Directors and Officers (as defined below), Metro 360 and the Partners will be able to identify the universe of potential claims that will need to be addressed in these proceedings and will be in a better position to engage with their stakeholders with respect to the development of a value-maximizing restructuring plan.

6. The requested extension of the Stay Period to December 11, 2020 pursuant to the proposed Stay Extension Order is necessary to provide the Partners and Metro 360 with the time needed to advance the Claims Process and work towards developing and implementing a restructuring plan that is in the best interests of the Partners, Metro 360, and their various stakeholders.

PART II - THE FACTS

7. The facts underlying this motion are more fully set out in the affidavit of Daniel P. Shapiro, sworn September 9, 2020 (the “**Shapiro Affidavit**”). Further information with respect to the Partners and Metro 360 and the events leading up to the Proposal Proceedings and these CCAA proceedings can be found in the affidavits of Daniel P. Shapiro sworn on April 6, 2020 and June 10, 2020.

Shapiro Affidavit; Motion Record returnable September 9, 2020 (the “**Motion Record**”), Tabs 2, 2A and 2B.

A. THE CLAIMS PROCESS

8. The Partners and Metro 360 are seeking authorization pursuant to the proposed Claims Procedure Order to undertake a process (the “**Claims Process**”) to solicit, identify and determine claims against the Partners and Metro 360, the present and former directors of the Partners (the

“**Directors**”), and the present and former officers of the Partners and Metro 360 (the “**Officers**”). Approval of the Claims Process is being sought at this stage of these CCAA proceedings in order to enable the Partners and Metro 360 to ascertain the scope of potential claims against the Partners and Metro 360, and to assess the potential impact of such claims on restructuring efforts.

Shapiro Affidavit at para. 12; Motion Record, Tab 2.

9. The Claims Process has been developed in consultation with the Monitor and its counsel, and is intended to solicit and quantify Prefiling Claims, Restructuring Period Claims and D&O Claims. The Claims Process does not apply to any Claim secured by any of the Charges (as defined in the Initial Order).

Shapiro Affidavit at paras. 12-13; Motion Record, Tab 2.

(2) Notice of the Claims Process

10. The Claims Procedure Order provides for the CCAA Entities, within ten business days of the granting of the Claims Procedure Order, to send (a) an Employee Claim Package to every Terminated Employee (as defined below), and (b) a Proof of Claim Document Package to every Known Creditor (which includes any Intercompany Claimants). In addition, the Claims Procedure Order also provides for the Monitor to cause notice and important information regarding the Claims Process to be published in *The Globe and Mail* (National Edition) on at least two occasions, and to post notice, a copy of the Claims Procedure Order, a Proof of Claim Document Package and other materials related to the Claims Process on the Monitor’s Website.

Shapiro Affidavit at paras. 16 and 20; Motion Record, Tab 2.

(3) Process for Terminated Employees

11. The Partners and Metro 360 are proposing a streamlined and simplified “negative notice” process to address the claims of employees whose employment was terminated on or after the Filing Date (in each case, a “**Terminated Employee**”).

Shapiro Affidavit at para. 25; Motion Record, Tab 2.

12. The Partners and Metro 360, in consultation with the Monitor and with the assistance of legal counsel, have calculated the various Termination Claims by deeming each Terminated Employee’s notice period to be the greater of the Terminated Employee’s entitlement (i) under applicable employment standards legislation, (ii) any contractual arrangement in effect between any of the CCAA Entities and the Terminated Employee, and (iii) common law severance, calculated based on a Terminated Employee’s position, years of service and age, among other factors. Pursuant to the proposed Claims Procedure Order, within ten business days of the granting of the Claims Procedure Order, the CCAA Entities will provide a Termination Claim Statement to each Terminated Employee that will set out such Terminated Employee’s individual Termination Claim, as well as the Terminated Employee’s personal information as recorded by the CCAA Entities and used in the calculation of the Termination Claim.

Shapiro Affidavit at para. 27; Motion Record, Tab 2.

13. No action is required by a Terminated Employee if they agree with the quantum of their Termination Claim as set out in a Termination Claim Statement.

Shapiro Affidavit at para. 27; Motion Record, Tab 2.

14. If a Terminated Employee disagrees with the determination of their Termination Claim as stated in the Termination Claim Statement and wishes to dispute the amount and/or nature of the Termination Claim, the Terminated Employee is required to deliver a Notice of Dispute to the Monitor on or before 5:00 p.m. (Toronto time) on the day that is the later of (i) October 30, 2020 (the “**Claims Bar Date**”), and (ii) thirty-five (35) days after the date on which the CCAA Entities or the Monitor sends an Employee Claims Package to an employee who becomes a Terminated Employee after the Claims Process has commenced.

Shapiro Affidavit at para. 27; Motion Record, Tab 2.

15. The Partners and Metro 360 have worked diligently, in consultation with the Monitor and with the assistance of legal counsel, to determine the Termination Claims for the Terminated Employees. The intention in providing for a “negative notice” process to govern claims related to the termination of employment is to streamline the process for Terminated Employees in a fair and efficient manner, while using a consistent methodology to determine such claims.

Shapiro Affidavit at para. 28; Motion Record, Tab 2.

(4) Procedure for Filing Proofs of Claim and D&O Proofs of Claim

16. Any person asserting a Prefiling Claim or a D&O Claim relating to the Prefiling Period (other than a Terminated Employee in respect of its Termination Claim as set out in a Termination Claim Statement) must file the applicable proof of claim form with the Monitor by 5:00 p.m. (Toronto time) on the Claims Bar Date of October 30, 2020. Any person asserting a Restructuring Period Claim or a D&O Claim relating to the Restructuring Period must file the applicable proof of claim form with the Monitor by 5:00 p.m. (Toronto time) on the later of (i) the Claims Bar Date, and (ii) the date that is 35 days after the date on which the CCAA

Entities or the Monitor sends a Proof of Claim Document Package with respect to that Restructuring Period Claim or that D&O Claim relating to the Restructuring Period to that person (the “**Restructuring Period Claims Bar Date**”).

Shapiro Affidavit at paras. 21 and 23; Motion Record, Tab 2.

17. Any creditor that does not file a Proof of Claim or a D&O Proof of Claim, as applicable, before the applicable deadline, is forever barred from making or enforcing any such claims against the Partners, Metro 360 or the Directors and Officers, as applicable, and would not be entitled to vote at a meeting of creditors in respect of such claims or participate in any distribution under any restructuring plan filed by the Partners and/or Metro 360.

Shapiro Affidavit at paras. 22 and 24; Motion Record, Tab 2.

(5) Procedure for Determining and Adjudicating Disputes

18. The proposed Claims Procedure Order contemplates that the Monitor, in consultation with the Partners and Metro 360, will review each Notice of Dispute and Proof of Claim submitted in accordance with the Claims Procedure Order and received before the Claims Bar Date or the Restructuring Period Claims Bar Date, as applicable, and shall accept, revise or reject each Claim set out therein for voting and/or distribution purposes.

Shapiro Affidavit at para. 29; Motion Record, Tab 2.

19. With respect to a D&O Claim set out in a D&O Proof of Claim, the Monitor will, in consultation with the Partners and Metro 360, and the applicable Directors and Officers named in respect of such D&O Claim, accept, revise or reject each Claim, provided that the Monitor shall

not accept or revise any portion of a D&O Claim absent consent of the applicable Directors and Officers or further Order of this Court.

Shapiro Affidavit at para. 29; Motion Record, Tab 2.

20. If the Monitor intends to revise or reject a Claim set out in any Notice of Dispute, Proof of Claim or D&O Proof of Claim, the Monitor will notify the creditor in writing by sending a Notice of Revision or Disallowance, and set out the reasons for why the Claim has been revised or disallowed. The Claims Procedure Order does not impose any deadline for the Monitor to provide a Notice of Revision or Disallowance in order to provide the Monitor with greater flexibility and control over when to trigger the dispute resolution process contemplated in the Claims Procedure Order. The CCAA Entities believe that this will maximize the possibility of consensual resolutions for any disputes regarding such Claims.

Shapiro Affidavit at para. 30; Motion Record, Tab 2.

21. Any creditor who intends to dispute a Notice of Revision or Disallowance must send written notice to the Monitor by completing a Notice of Dispute of Revision or Disallowance, which specifies whether it disputes the determination of its Claim for voting and/or distribution purposes, as applicable, and provides the reasons for its dispute. The Notice of Dispute of Revision or Disallowance must be received by the Monitor within 21 days after the date on which the creditor is deemed to receive the Notice of Revision or Disallowance.

Shapiro Affidavit at para. 30; Motion Record, Tab 2.

22. The proposed Claims Procedure Order also contemplates the appointment of a claims officer to adjudicate unresolved claims. The proposed Claims Procedure Order would appoint

The Honourable Frank Newbould, Q.C., as a claims officer and would allow the Partners and Metro 360 or the Monitor to apply to the Court for the appointment of others, if necessary.

Shapiro Affidavit at para. 32; Motion Record, Tab 2.

23. In the event that a dispute raised in a Notice of Dispute of Revision or Disallowance is not settled within a time period or in a manner satisfactory to the Monitor, in consultation with the Partners and Metro 360 (and the applicable Directors and/or Officers in respect of any D&O Claim), the Monitor shall, at its election, refer the dispute raised in the Notice of Dispute of Revision or Disallowance to any Claims Officer for adjudication.

Shapiro Affidavit at para. 33; Motion Record, Tab 2.

(6) Timeline of the Claims Process

24. Based on the dates in the proposed Claims Procedure Order, the following are the key dates in the proposed Claims Process:

Date	Activity
September 16, 2020	Hearing of the motion seeking approval of the proposed Claims Procedure Order.
As soon as practicable following the issuance of the Claims Procedure Order	1) Notice will be published in <i>The Globe and Mail</i> (National Edition) for at least two days; and 2) Notice and materials related to the Claims Process will be posted on the Monitor's Website.
No later than September 30, 2020	1) The Partners and Metro 360 to send a Proof of Claim Document Package to every Known Creditor; and 2) The Partners and Metro 360 to send an Employee Claim Package to every Terminated Employee.
October 30, 2020	Claims Bar Date. Deadline for Proofs of Claim and D&O Proofs of Claim to be filed with the Monitor for Prefiling Claims and D&O Claims relating to the Prefiling Period. Deadline for Notices of Dispute to be filed with the Monitor where a Terminated Employee receives their Termination Claim Statement by September 30, 2020.

B. EXTENSION OF THE STAY PERIOD

25. The Stay Period currently expires on September 18, 2020. The Partners and Metro 360 are seeking an extension of the Stay Period to and including December 11, 2020 pursuant to the proposed Stay Extension Order.

Shapiro Affidavit, para. 50; Applicant's Motion Record, Tab 2.

26. The Partners and Metro 360 continue to act diligently and in good faith in respect of all matters relating to these proceedings. Since the commencement of the Proposal Proceedings and the continuation thereof under the CCAA, the Partners and Metro 360 have been largely focused on stabilizing and growing Metro 360's remaining operating businesses while completing the wind-down of the Literature Business. With the wind-down of the Literature Business being well advanced, the Partners and Metro 360 expect to work towards fully completing the inventory return process, supporting and growing Metro 360's business investments, implementing the Claims Process, and developing a value-maximizing restructuring plan that can be presented to creditors.

Shapiro Affidavit, para. 51; Applicant's Motion Record, Tab 2.

27. The extension of the Stay Period to December 11, 2020 is required in order to provide the Partners and Metro 360 with the time needed to advance the Claims Process and work towards developing and implementing a restructuring solution that is in the best interests of the Partners, Metro 360, and their various stakeholders.

Shapiro Affidavit, para. 52; Applicant's Motion Record, Tab 2.

PART III - ISSUES AND THE LAW

28. This factum addresses the following issues:

- (a) this Court should approve the Claims Process pursuant to the proposed Claims Procedure Order; and
- (b) this Court should grant the requested extension of the Stay Period.

A. APPROVAL OF THE CLAIMS PROCESS

(1) The Court has the Discretion to Approve the Claims Procedure Order

29. While the CCAA does not include express statutory authority for the approval of a claims procedure, the court's general power under section 11 of the CCAA includes the authority to approve a process to solicit claims against a debtor company and its directors and officers. This Court routinely approves claims processes in connection with the CCAA restructuring process.

[CCAA](#), s. 11.

[Toys "R" Us \(Canada\) Ltd.](#), 2018 ONSC 609 at para. 8 [*Toys "R" Us*].

[U.S. Steel Canada Inc., Re.](#), 2017 ONSC 1967 at paras. 5 and 6 [*U.S. Steel*].

[Cline Mining Corporation, Re.](#), 2014 ONSC 6998 at paras. 64-66 and Appendix "A" at para. 22.

30. Such a claims process assists the debtor in determining the universe of claims against it and provides greater certainty in that regard to assist the debtor and stakeholders in making informed choices regarding restructuring options.

[Timminco Limited \(Re\)](#), 2014 ONSC 3393 at para 43.

31. This Court has frequently approved "negative claims procedures" in which some or all creditors, including employees, are notified of their claims as determined based on the books and

records of the debtor company and given an opportunity to dispute such claim through the filing of a notice of dispute.

Toys “R” Us, *supra* at paras. 11-14.

U.S. Steel, *supra* at para. 6.

U.S. Steel Canada Inc., Court File No. CV-14-10695-00CL (Ont. S.C.J. [Commercial List]), Supplementary Claims Process Order, dated March 15, 2017 at paras. 12 and 16.

Payless Shoesource Canada Inc. et al., Court File No. CV-19-00614629-00CL (Ont. S.C.J. [Commercial List]), Order (Claims Procedure Order), dated April 24, 2019.

(2) It is Appropriate for the Court to Approve the Claims Procedure Order

32. Metro 360 and the Partners submit that the proposed Claims Process contains an appropriate and effective process to solicit claims and that it is appropriate for this Court to approve the Claims Procedure Order because, among other things:

- (a) Metro 360 and its advisors have worked closely with the Monitor and its counsel in the development of the Claims Procedure Order, and the Claims Process provides for significant involvement and oversight from the Monitor;
- (b) the Claims Procedure Order prescribes an appropriate process to notify potential creditors of the Claims Procedure Order and provides creditors with sufficient time (approximately six weeks from the date of this hearing and four weeks following the delivery of Proof of Claim Document Packages and the publication of newspaper notices) to prepare and deliver a Proof of Claim, which may be delivered to the Monitor via email;

- (c) the Claims Process is necessary to ascertain the potential universe of claims that may exist against the Partners and Metro 360 and to assess the impact such claims may have with respect to Metro 360's restructuring efforts;
- (d) completion of the Claims Process will enable the Partners and Metro 360 to advance these CCAA proceedings for their benefit and the benefit of their respective stakeholders;
- (e) the Partners and Metro 360 believe that providing Termination Claim Statements to Terminated Employees is an appropriate and efficient process to notify Terminated Employees of their claim and provides Terminated Employees with sufficient time (approximately four weeks following the delivery of Employee Claims Packages) to prepare and deliver a Notice of Dispute, which may be delivered to the Monitor via email; and
- (f) the Monitor is of the view that the granting of the Claims Procedure Order is appropriate in the circumstances and in the best interests of the Partners and Metro 360 and their respective stakeholders.

Shapiro Affidavit, paras. 10, 12, 16-21, 28.

First Report of KSV Restructuring Inc. dated September 9, 2020 (the "**First Report**"), at s. 4.6(1).

B. IT IS APPROPRIATE TO EXTEND THE STAY OF PROCEEDINGS

(1) The Test for an Extension of the Stay Period

33. Section 11.02(2) of the CCAA provides the Court discretion to make an Order extending the stay of proceedings granted in an initial order. Specifically, Section 11.02(2) states:

11.02(2) *Stays, etc. — other than initial application* – A court may, on an application in respect of a debtor company other than an initial application, make an order, on any terms that it may impose,

(a) staying, until otherwise ordered by the court, for any period that the court considers necessary, all proceedings taken or that might be taken in respect of the company under an Act referred to in paragraph (1)(a);

(b) restraining, until otherwise ordered by the court, further proceedings in any action, suit or proceeding against the company; and

(c) prohibiting, until otherwise ordered by the court, the commencement of any action, suit or proceeding against the company.

[CCAA](#), Section 11.02(2).

34. In order to make an order pursuant to Section 11.02(2), the Court must be satisfied that: (i) circumstances exist that make the order appropriate; and (ii) the applicant has acted, and is acting, in good faith and with due diligence.

[CCAA](#), Section 11.02(3).

(2) It is Appropriate to Extend the Stay Period

35. The Partners and Metro 360 submit that an extension of the Stay Period to and including December 11, 2020 is appropriate in the circumstances given, among other things:

(a) the Partners and Metro 360 have acted, and continue to act, in good faith and with due diligence in respect of all matters relating to these proceedings to carry out the terms of the Initial Order and advance these proceedings;

(b) the extension of the Stay Period to December 11, 2020 is necessary to provide the Partners and Metro 360 with the time needed to advance the Claims Process and to work towards developing and implementing a restructuring plan that preserves

the value of Metro 360 and its business investments, and therefore is in the best interests Metro 360 and the Partners, as well as their respective stakeholders;

- (c) the Updated Cash Flow Forecast covering the period until December 11, 2020 indicates that Metro 360 will continue to have access to sufficient funds during the requested extension of the Stay Period to operate its remaining businesses and for the Partners and Metro 360 to continue these proceedings throughout the Stay Period;
- (d) creditors will not suffer any material prejudice if the Stay Period is extended;
- (e) the Monitor is supportive of the request to extend the Stay Period to and including December 11, 2020.

Shapiro Affidavit, at paras. 48, and 51-54; Motion Record, Tab 2.

First Report, at s. 5.0(4) and Appendix "D".

36. Accordingly, the Partners and Metro 360 submit that it is appropriate for this Court to extend the Stay Period to and including December 11, 2020.

PART IV- RELIEF REQUESTED

37. For all of the above-stated reasons, the Partners and Metro 360 respectfully request that this Court grant the relief sought in the proposed Claims Procedure Order and Stay Extension Order.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

September 11, 2020

GOODMANS LLP
Goodmans LLP

SCHEDULE A - LIST OF AUTHORITIES

1. [*Toys “R” Us \(Canada\) Ltd.*](#), 2018 ONSC 609
2. [*U.S. Steel Canada Inc., Re*](#), 2017 ONSC 1967
3. [*Cline Mining Corporation, Re*](#), 2014 ONSC 6998
4. [*Timminco Limited \(Re\)*](#), 2014 ONSC 3393
5. [*U.S. Steel Canada Inc.*](#), Court File No. CV-14-10695-00CL (Ont. S.C.J. [Commercial List]), Supplementary Claims Process Order, dated March 15, 2017
6. [*Payless Shoesource Canada Inc. et al.*](#), Court File No. CV-19-00614629-00CL (Ont. S.C.J. [Commercial List]), Order (Claims Procedure Order), dated April 24, 2019

SCHEDULE B

STATUTORY REFERENCES

COMPANIES' CREDITORS ARRANGEMENT ACT

RSC 1985, c C-36, as amended

s. 11

General power of court – Despite anything in the Bankruptcy and Insolvency Act or the Winding-up and Restructuring Act, if an application is made under this Act in respect of a debtor company, the court, on the application of any person interested in the matter, may, subject to the restrictions set out in this Act, on notice to any other person or without notice as it may see fit, make any order that it considers appropriate in the circumstances.

11.02(2)

Stays, etc. — other than initial application – A court may, on an application in respect of a debtor company other than an initial application, make an order, on any terms that it may impose,

(a) staying, until otherwise ordered by the court, for any period that the court considers necessary, all proceedings taken or that might be taken in respect of the company under an Act referred to in paragraph (1)(a);

(b) restraining, until otherwise ordered by the court, further proceedings in any action, suit or proceeding against the company; and

(c) prohibiting, until otherwise ordered by the court, the commencement of any action, suit or proceeding against the company.

11.02(3)

Burden of proof on application – The court shall not make the order unless

(a) the applicant satisfies the court that circumstances exist that make the order appropriate; and

(b) in the case of an order under subsection (2), the applicant also satisfies the court that the applicant has acted, and is acting, in good faith and with due diligence.

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

Court File No. CV-20-00642783-00CL

**AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF
957855 ALBERTA LTD. (FORMERLY NEWSWEST INC.) AND ROSEBUD CREEK
FINANCIAL CORP. IN RESPECT OF METRO 360 GENERAL PARTNERSHIP**

Applicants

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**
Proceeding commenced at Toronto

**FACTUM OF THE APPLICANTS
(Motion Returnable September 16, 2020)**

GOODMANS LLP
Barristers & Solicitors
333 Bay Street, Suite 3400
Toronto, Canada M5H 2S7

L. Joseph Latham LSO#: 32326A
jlatham@goodmans.ca

Andrew Harmes LSO#: 73221A
aharmes@goodmans.ca

Tel: (416) 979-2211
Fax: (416) 979-1234

Lawyers for 957855 Alberta Ltd. (formerly
NewsWest Inc.), Rosebud Creek Financial Corp.,
and Metro 360 General Partnership