

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

**B E T W E E N:**

KSV RESTRUCTURING INC. in its capacity as court-appointed receiver  
and manager of PRODUCTIVITY MEDIA INC. and PRODUCTIVITY  
MEDIA INCOME FUND | LP, and not in its personal capacity

Plaintiff

- and -

MNP LLP

Defendant

**CASE CONFERENCE BRIEF OF THE NON-PARTY,  
ANDREW CHANG-SANG**

**(Case Conference – January 15, 2026)**

January 12, 2026

**Torys LLP**

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Andrew Chang-Sang

## **Background**

1. This is the case conference memorandum of Andrew Chang-Sang (**“Mr. Chang-Sang”**).
2. Mr. Chang-Sang is an individual residing in Spain. He is a shareholder and former officer and director of Productivity Media Inc.
3. Mr. Chang-Sang is not a party to this action (the **“MNP/Apex Action”**). It has been suggested that one or more of the defendants/proposed defendants to this action may commence third-party claims against him and potentially others. As of the date of this memorandum, no such claims have been commenced.
4. Mr. Chang-Sang is a defendant in a separate action commenced by KSV Restructuring Inc. as receiver and manager of Productivity Media Inc. (**“KSV”**). KSV commenced that action by Statement of Claim on February 7, 2025. Mr. Chang-Sang delivered a Statement of Defence on September 15, 2026. No further steps have been taken in that action and there have been no communications whatsoever from KSV to Mr. Chang-Sang since August 28, 2025, including in relation to this case conference.

## **Position on Relief Sought**

5. No timetable can or should be imposed on Mr. Chang-Sang in the MNP/Apex Action requiring him to take particular steps by particular dates. He is not a party to the action. If that changes, he will be entitled to consider his response and defence to any proceedings against him and determine how to respond (which may well involve steps going beyond what the timetable proposed by KSV envisions), and to a reasonable amount of time to take those steps (which is impossible to assess before any claim has even been commenced).
6. In reviewing KSV’s case conference brief, Mr. Chang-Sang was surprised to learn that KSV also seeks relief in the separate action it has commenced against Mr. Chang-Sang. No such order should be made:

- a. This case conference was scheduled in the MNP/Apex Action without notice from KSV that it would seek relief against Mr. Chang-Sang (there having been no communications whatsoever from KSV to Mr. Chang-Sang since August 28, 2025). If KSV seeks orders in its action against Mr. Chang-Sang, it must do so in the proper forum and, in any event, on notice to Mr. Chang-Sang.
- b. Mr. Chang-Sang anticipates that counsel can agree to a timetable in the action in which he is a defendant, subject to questions about coordination with the MNP/Apex Action. However, the timetable sought by KSV is unworkable given counsel's commitments in the first part of 2026. This could previously have been avoided or managed but, as noted, Mr. Chang-Sang received no communications whatsoever from KSV since August 28, 2025 and, in particular, no requests to schedule steps in that action.
- c. All parties (and non-parties) appear to agree that if third-party claims are commenced in the MNP/Apex Action that there should be some degree of coordination between the various actions commenced by KSV. No useful purpose would be served by setting a timetable in the action against Mr. Chang-Sang now when it may ultimately be inconsistent with the MNP/Apex Action.

7. In all the circumstances, the expansive timetable sought by KSV is, at best, premature. The Court should direct MNP and Apex to plead (including issuing any third-party claims) and the parties to thereafter agree on next steps and timing thereof. If necessary, a further case conference can be scheduled to address any discrete issues on which the Court's direction is required.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED** this 12<sup>th</sup> day of January, 2026.



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Chris Hunter

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v. MNP LLP  
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Proceeding commenced at TORONTO

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