

Court File No. CV-23-00703754-00CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

B E T W E E N:

MACQUARIE EQUIPMENT FINANCE LIMITED

Applicant

and

VALIDUS POWER CORP., IROQUOIS FALLS POWER CORP., BAY  
POWER CORP., KAP POWER CORP., VALIDUS HOSTING INC.,  
KINGSTON COGEN LIMITED PARTNERSHIP AND KINGSTON COGEN  
GP INC.

Respondents

IN THE MATTER OF AN APPLICATION UNDER SECTION 243(1) OF THE *BANKRUPTCY AND  
INSOLVENCY ACT*, R.S.C. 1985, c. B-3, AS AMENDED; AND SECTION 101 OF THE *COURTS  
OF JUSTICE ACT*, R.S.O. 1990, c. C.43, AS AMENDED

**NOTICE OF APPEARANCE**

The Respondents intend to respond to this application.

August 1, 2023

**MINDEN GROSS LLP**  
Barristers and Solicitors  
2200 - 145 King Street West  
Toronto, ON M5H 4G2

**Catherine Francis** (LSO# 26900N)  
cfrancis@mindengross.com  
Tel: 416-369-4137

Lawyers for the Respondents

TO: **TORYS LLP**  
79 Wellington St. W., 30th Floor  
Box 270, TD South Tower  
Toronto, ON M5K 1N2

**Scott A. Bomhof** (LSO#: 37006F)  
Tel: 416.865.7370  
sbomhof@torys.com

**Jeremy Opolsky** (LSO#: 60813N)  
Tel: 416.865.8117  
jopolsky@torys.com

**Mike Noel** (LSO#: 80130F)  
Tel: 416.865.7378  
mnoel@torys.com

**Alina Butt** (LSO#: 84168W)  
Tel: 416.865.7973  
abutt@torys.com

Lawyers for the Applicant,  
Macquarie Equipment Finance Limited, the Applicant

AND TO: **SERVICE LIST**

**SERVICE LIST**  
(as of July 31, 2023)

<p><b>Torys LLP</b> 79 Wellington St. W., 30th Floor Box 270, TD South Tower Toronto, ON M5K 1N2</p> <p><b>Counsel for the Applicant</b></p>	<p><b>Scott A. Bomhof</b> Tel: 416.865.7370 Email: <a href="mailto:sbomhof@torys.com">sbomhof@torys.com</a></p> <p><b>Jeremy Opolsky</b> Tel: 416.865.8117 Email: <a href="mailto:jopolsky@torys.com">jopolsky@torys.com</a></p> <p><b>Mike Noel</b> Tel: 416.865.7378 Email: <a href="mailto:mnoel@torys.com">mnoel@torys.com</a></p> <p><b>Alina Butt</b> Tel: 416.865.7973 Email: <a href="mailto:abutt@torys.com">abutt@torys.com</a></p>
<p><b>KSV Restructuring Inc.</b> 220 Bay Street, Suite 1300 Toronto Ontario M5J 2W3</p> <p><b>Proposed Receiver</b></p>	<p><b>Bobby Kofman</b> Tel: 416.932.6228 Email: <a href="mailto:bkofman@ksvadvisory.com">bkofman@ksvadvisory.com</a></p> <p><b>David Sieradzki</b> Email: <a href="mailto:dsieradzki@ksvadvisory.com">dsieradzki@ksvadvisory.com</a></p> <p><b>Jordan Wong</b> Email: <a href="mailto:Jwong@ksvadvisory.com">Jwong@ksvadvisory.com</a></p>
<p><b>Norton Rose Fulbright Canada LLP</b> 222 Bay Street, Suite 3000, P.O. Box 53 Toronto, ON M5K 1E7</p> <p><b>Counsel for the Proposed Receiver</b></p>	<p><b>Jennifer Stam</b> Tel: 416.202.6707 Email: <a href="mailto:Jennifer.stam@nortonrosefulbright.com">Jennifer.stam@nortonrosefulbright.com</a></p> <p><b>Katie Parent</b> Tel: 416.216.4838 Email: <a href="mailto:katie.parent@nortonrosefulbright.com">katie.parent@nortonrosefulbright.com</a></p>
<p><b>Minden Gross LLP</b> Barristers &amp; Solicitors 145 King Street West, Suite 2200 Toronto, ON M5H 4G2 Fax: 416.864.9223</p> <p><b>Counsel to the Respondents</b></p>	<p><b>A. Irvin Schein</b> Tel: 416.369.4136 Email: <a href="mailto:ischein@mindengross.com">ischein@mindengross.com</a></p> <p><b>Tamara Markovic</b> Tel: 416.369.4150 Email: <a href="mailto:tmarkovic@mindengross.com">tmarkovic@mindengross.com</a></p> <p><b>Ryan Gelbart</b> Tel: 416.369.4172 Email: <a href="mailto:rgelbart@mindengross.com">rgelbart@mindengross.com</a></p>

<p><b>Validus Power Corp., Iroquois Falls Power Corp., Bay Power Corp, Kap Power Corp., Validus Hosting Inc., Kingston Cogen Limited Partnership, and Kingston Cogen GP Inc.</b> 2300-100 Wellington Street West Toronto, ON M5J 2R2</p> <p><b>Respondents</b></p>	<p><b>Todd Shortt, Chief Executive Officer</b> Email: <a href="mailto:todd.shortt@validuspower.com">todd.shortt@validuspower.com</a></p> <p><b>Shelley Goertz, Chief Financial Officer</b> Email: <a href="mailto:shelley.goertz@validuspower.com">shelley.goertz@validuspower.com</a></p> <p><b>Ryan Chua, General Counsel</b> Email: <a href="mailto:ryan.chua@validuspower.com">ryan.chua@validuspower.com</a></p>
<p><b>Bennett Jones LLP</b> 1 First Canadian Place, Suite 3400 Toronto, Ontario M5X 1A4</p> <p><b>Counsel to Hut 8 Mining Corp.</b></p>	<p><b>Sean Zweig</b> Email: <a href="mailto:ZweigS@bennettjones.com">ZweigS@bennettjones.com</a></p> <p><b>Jesse Mighton</b> Email: <a href="mailto:MightonJ@bennettjones.com">MightonJ@bennettjones.com</a></p> <p><b>Aiden Nelms</b> Email: <a href="mailto:NelmsA@bennettjones.com">NelmsA@bennettjones.com</a></p>
<p><b>Canada Revenue Agency</b> 1 Front Street West Toronto, Ontario M5J 2X6</p> <p><b>Federal Taxation Authority</b></p>	<p><b>Pat Confalone</b> Tel: 416.954.6514 Email: <a href="mailto:pat.confalone@cra-arc.gc.ca">pat.confalone@cra-arc.gc.ca</a></p> <p><b>General Enquiries</b> Email: <a href="mailto:AGC-PGC.Toronto-Tax-Fiscal@justice.gc.ca">AGC-PGC.Toronto-Tax-Fiscal@justice.gc.ca</a></p>
<p><b>Attorney General of Canada, Department of Justice</b> Ontario Regional Officer, Tax Law Section 120 Adelaide Street West, Suite 400 Toronto, Ontario M5H 1T1</p> <p><b>Attorney General of Canada on behalf of Her Majesty the Queen in Right of Canada as represented by the Minister of National Revenue</b></p>	<p><b>Diane Winters</b> Tel: 416.973.3172 Email: <a href="mailto:diane.winters@justice.gc.ca">diane.winters@justice.gc.ca</a></p> <p><b>Edward Park</b> Tel: 647.292.9368 Email: <a href="mailto:edward.park@justice.gc.ca">edward.park@justice.gc.ca</a></p>
<p><b>His Majesty in Right of Ontario Represented by The Minister Of Finance – Insolvency Unit</b> Ontario Ministry of Finance – Legal Services Branch 11-777 Bay Street Toronto, Ontario M5G 2C8</p>	<p><b>Leslie Crawford</b> Email: <a href="mailto:leslie.crawford@ontario.ca">leslie.crawford@ontario.ca</a></p> <p><b>General Enquiries</b> Email: <a href="mailto:insolvency.unit@ontario.ca">insolvency.unit@ontario.ca</a></p>
<p><b>The Toronto-Dominion Bank</b> 98 Wilson Street West Ancaster, ON L9G 1N3</p> <p><b>Ontario PPSA Creditor</b></p>	-

<p><b>Mercedes-Benz Financial &amp; Mercedes-Benz Financial Services Canada Corporation</b>  2680 Matheson Blvd. E. Ste. 500  Mississauga, ON L4W 0A5</p> <p><b>Ontario PPSA Creditor</b></p>	-
<p><b>McMillan LLP</b>  Brookfield Place  181 Bay St. Suite 4400  Toronto, ON M5J 2T3</p> <p><b>Counsel to Canadian Imperial Bank of Commerce</b></p>	<p><b>Brett Harrison</b>  Email: <a href="mailto:brett.harrison@mcmillan.ca">brett.harrison@mcmillan.ca</a></p> <p><b>Samantha Gordon</b>  Email: <a href="mailto:samantha.gordon@mcmillan.ca">samantha.gordon@mcmillan.ca</a></p>
<p><b>Hart Law</b>  4100 Victoria Ave., Ste. 108  Vineland, ON L0R2C0</p> <p><b>Counsel for The International Union of Operating Engineers Local 865</b></p>	<p><b>Carolyn Hart</b>  Email: <a href="mailto:carolyn@hartlaw.ca">carolyn@hartlaw.ca</a></p>

**Email Service List**

[sbomhof@torys.com](mailto:sbomhof@torys.com); [jopolsky@torys.com](mailto:jopolsky@torys.com); [mnoel@torys.com](mailto:mnoel@torys.com); [abutt@torys.com](mailto:abutt@torys.com);  
[bkofman@ksvadvisory.com](mailto:bkofman@ksvadvisory.com); [dsieradzki@ksvadvisory.com](mailto:dsieradzki@ksvadvisory.com); [Jwong@ksvadvisory.com](mailto:Jwong@ksvadvisory.com);  
[Jennifer.stam@nortonrosefulbright.com](mailto:Jennifer.stam@nortonrosefulbright.com); [katie.parent@nortonrosefulbright.com](mailto:katie.parent@nortonrosefulbright.com);  
[ischein@mindengross.com](mailto:ischein@mindengross.com); [tmarkovic@mindengross.com](mailto:tmarkovic@mindengross.com); [rgelbart@mindengross.com](mailto:rgelbart@mindengross.com);  
[todd.shortt@validuspower.com](mailto:todd.shortt@validuspower.com); [shelley.goertz@validuspower.com](mailto:shelley.goertz@validuspower.com); [ryan.chua@validuspower.com](mailto:ryan.chua@validuspower.com);  
[ZweigS@bennettjones.com](mailto:ZweigS@bennettjones.com); [MightonJ@bennettjones.com](mailto: MightonJ@bennettjones.com); [NelmsA@bennettjones.com](mailto:NelmsA@bennettjones.com);  
[pat.confalone@cra-arc.gc.ca](mailto:pat.confalone@cra-arc.gc.ca); [AGC-PGC.Toronto-Tax-Fiscal@justice.gc.ca](mailto:AGC-PGC.Toronto-Tax-Fiscal@justice.gc.ca);  
[diane.winters@justice.gc.ca](mailto:diane.winters@justice.gc.ca); [edward.park@justice.gc.ca](mailto:edward.park@justice.gc.ca); [leslie.crawford@ontario.ca](mailto:leslie.crawford@ontario.ca);  
[insolvency.unit@ontario.ca](mailto:insolvency.unit@ontario.ca); [brett.harrison@mcmillan.ca](mailto:brett.harrison@mcmillan.ca); [samantha.gordon@mcmillan.ca](mailto:samantha.gordon@mcmillan.ca);  
[carolyn@hartlaw.ca](mailto:carolyn@hartlaw.ca)

B E T W E E N

MACQUARIE EQUIPMENT FINANCE LIMITED  
Applicant

-and-

VALIDUS POWER CORP., et al.  
Respondents  
Court File No. CV-23-00703754-00CL

---

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Toronto

---

**NOTICE OF APPEARANCE**

---

**MINDEN GROSS LLP**  
Barristers and Solicitors  
2200 - 145 King Street West  
Toronto, ON M5H 4G2

**Catherine Francis** (LSO# 26900N)  
cfrancis@mindengross.com  
Tel: 416-369-4137

Lawyers for the Respondents