

Court File No.: CV-23-00693758-00CL

ORIGINAL TRADERS ENERGY LTD. ET AL.

**SUPPLEMENT TO THE SECOND REPORT OF KPMG INC.,
IN ITS CAPACITY AS MONITOR**

March 27, 2023

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Court File No.: CV-23-00693758-00CL

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
ORIGINAL TRADERS ENERGY LTD., 2496750 ONTARIO INC., OTE LOGISTICS LP, AND
ORIGINAL TRADERS ENERGY LP
(collectively the "OTE Group")

SUPPLEMENT TO THE SECOND REPORT OF KPMG INC.
In its capacity as Monitor of the OTE Group

March 27, 2023

I. INTRODUCTION

1. This supplementary report (the “**Supplemental Second Report**”) supplements the second report of KPMG Inc. in its capacity as Monitor of OTE Group, dated March 13, 2023 (the “**Second Report**”). The purpose of the Supplemental Second Report is to update and inform the Court on the subsequent events and email correspondence that took place pertaining to the Italian Yacht after the Injunctive Order was made by the Court on March 15, 2023 and to request further assistance from the Court in requiring the Mareva Respondents to respond to the further information requests made of the Mareva Respondents by the Monitor, which in the Monitor's view are necessary in connection with its duties to safeguard the Italian Yacht and investigate this matter further for the benefit of the OTE Group's creditors.
2. This Supplemental Second Report should be read in conjunction with the Second Report as information contained in the Second Report has not been repeated in this Supplemental Second Report to avoid duplication. All capitalized terms not defined herein are as defined in the Second Report.

II. ITALIAN YACHT

3. As outlined in the Second Report, the Injunctive Order was being sought by the OTE Group with the support of the Monitor to ensure that the Italian Yacht and any proceeds from the sale thereof are safeguarded and do not disappear or dissipate pending judicial determination of the entitlements between the OTE Group and the Mareva Respondents. Following the issuance of the Injunctive Order, correspondence ensued between counsel for the Monitor and counsel for one of the Mareva Respondents, Glenn Page in respect of matters relating to the Italian Yacht, as detailed further below.

Email Correspondence

4. Upon receiving the Injunctive Order from the Court on March 15, 2023, the Monitor's counsel served the Injunctive Order upon counsel for the Mareva Respondents (the “**Mareva Respondents Counsel**”) at approximately 5:22 P.M. on the same day and requested that the Mareva Respondents Counsel immediately send the Injunctive Order to their respective clients to confirm that they would comply.
5. The Monitor did not receive a response from the Mareva Respondents Counsel until the following day (March 16, 2023) at approximately 8:33 A.M., at which time Stockwoods LLP, as counsel to certain of the Mareva Respondents, namely Glenn Page and 2658658 Ontario Inc. (“**Stockwoods**”) sent an email stating:

"The vessel is currently in the waters of the Bahamas islands. The captain reported that there are 18 knot winds which are creating 10-16 foot swells. I understand that, in such conditions, it is unsafe to operate the vessel at any speed".

6. The Monitor's counsel responded to that email at approximately 11:20 A.M. on March 16, 2023, requesting additional information as to the specific location of the Italian Yacht, including the name and contact details of the captain in possession and control of the Italian Yacht and requesting that Mr. Page immediately instruct the captain to turn on the AIS and other tracking systems and provide the Monitor with the current coordinates and the required information to enable the Monitor to track the vessel's location. After not receiving a response from the Mareva Respondents Counsel, the Monitor's counsel again followed up with an email at approximately 4:16 P.M. on March 16, 2023 to request an update.

7. Stockwoods replied to the Monitor's counsel at approximately 4:30 P.M. on March 16, 2023, stating:

"Our client has advised that the vessel is currently moored in Honeymoon Harbour, off the island of Gun Cay, Bahamas. Its current coordinates are 25°35'13.26"N – 79°18'12.73"W. Our client has further informed us that the AIS cannot be turned on because it is currently inoperable as a result of a software problem that has been registered as a warranty issue. We do not see, however, the legitimate need for the Monitor to be provided with the name and contact information of the Captain of the vessel. There is nothing in Justice Osborne's Order that requires our client to provide this information to the Monitor or any other party, though it was open to both OTE and the Monitor to seek such relief if they so wished. Justice Osborne's Order requires that the vessel "be returned to the territorial jurisdiction of the Florida courts forthwith." As Mr. Schumann previously indicated, our client has taken steps to comply with the Order by directing that the vessel return to Florida as soon as it is safe for the Captain and crew to do so, which, weather permitting, we understand will occur tomorrow."

8. The Monitor's counsel followed-up with an email to the Mareva Respondents Counsel on March 17, 2023, at approximately 9:13 A.M. requesting confirmation that the Italian Yacht had departed the Bahamas and was on its way back to Florida.

9. Stockwoods responded at approximately 11:09 A.M. on March 17, 2023, stating:

"Our client has directed the Captain of the vessel to return it to Florida as soon as it is safe to do so, as required by Justice Osborne's Order. There is nothing in the Order that requires our client to provide periodic updates to the Monitor or its counsel regarding the location of the vessel, as you appear to be insisting upon; our client is simply required to return the vessel "to the territorial jurisdiction of the Florida courts forthwith," which he is doing. Notwithstanding the above, our client is prepared to disclose that he has been informed by the Captain that the vessel is currently underway back to the territorial waters of Florida, and, weather permitting, is expected to arrive by end of day."

10. Counsel for the Monitor responded with a further email on the evening of March 17, 2023, noting that the Monitor and its counsel disagreed with the Mareva Respondents' position and that the Monitor is acting as a Court officer in seeking to preserve and safeguard the asset and is entitled to the requested information and that the Mareva Respondents refusal to provide the requested information is interfering with the Monitor's duties and ignores the clear intent of the Order. In that email, counsel for the Monitor made the following requests for information from the Mareva Respondents on behalf of the Monitor (the "**Requested Yacht Information**"):

- (i) the current location of the Italian Yacht and the marina in Florida, including the name, address and contact information for the marina where the Italian Yacht was docked or was headed (if it was not already docked);
- (ii) the name and contact information for the Captain of the Italian Yacht, including both the Captain who sailed it from Florida to the Bahamas and the Captain who sailed it back from the Bahamas to Florida, if they were different;
- (iii) the reactivation of any tracking systems on the Italian Yacht and that the Monitor be provided access to those tracking systems. If the AIS unit is not functional due to a software issue as claimed by the Mareva Respondents, further details were requested, including the model and serial number of the AIS system and the warranty claim, to enable the Monitor to investigate the matter further; and
- (iv) a copy of the insurance policy on the Italian Yacht.

Italian Yacht Location

11. On March 23, 2023, at approximately 1:49 P.M. Stockwoods sent an email to the Monitor's counsel with an update from the Mareva Respondents that the Italian Yacht was docked at Stock Island Yacht Club and Marina located at 6000 Peninsular Avenue, Key West Florida. It was further noted that the slip in which the Italian Yacht was docked was temporary and that the Italian Yacht would be moved to a more permanent docking station at 1400 Marina Drive, Hollywood, Florida by March 30, 2023. Counsel to the Monitor responded to that correspondence on March 27, 2023. That email correspondence is attached as **Appendix "A"** to this Supplemental Second Report.
12. To date, the Mareva Respondents have refused or failed and continue to refuse or fail to provide the remaining Requested Yacht Information to the Monitor despite repeated requests as noted in the email correspondence summarized above and attached as **Appendix "B"** to this Supplemental Second Report.
13. The Monitor requires the Requested Yacht Information in connection with its investigation into the payments and transactions made in connection with the Italian Yacht as well as the circumstances surrounding the alleged attempts to hide, sell or move the yacht, including allegedly after the motion for the Mareva Injunction was served. The Monitor believes it has such powers pursuant to the Initial Order dated January 30, 2023, the Amended & Restated Initial Order dated February 9, 2023 and its statutory powers, including without limitation, those contained in sections 95 and 96 of the *Bankruptcy and Insolvency Act* to review alleged fraudulent preferences and transactions at undervalue. However, as the Mareva Respondents dispute the Monitor's entitlement to this information, the Monitor requests that the Court modify the Injunctive Order or make a further Order directing the Mareva Respondents to provide the Requested Yacht Information forthwith, including any other information the Monitor may request as it relates to the Italian Yacht, and confirming or giving the Monitor the authority to examine and request information from the Captain(s) and crew of the Italian Yacht and any other persons who may have information pertinent to the Italian Yacht.

III. MONITOR'S RECOMMENDATIONS

14. For the reasons set out in this Supplemental Second Report, the Monitor is of the view that the relief requested by the OTE Group is both appropriate and reasonable. The Monitor is also of the view that granting the relief requested will provide the OTE Group the best opportunity to prevent the dissipation of and seek recovery on a significant asset for the benefit of the OTE Group's creditors.

15. Based on the foregoing, the Monitor respectfully recommends that this court approve the relief sought above, namely that the Court modify the Injunctive Order or make a further Order directing the Mareva Respondents to provide the Requested Yacht Information forthwith, including any other information the Monitor may request as it relates to the Italian Yacht, and permitting the Monitor to examine and request information from the Captain(s) and crew of the Italian Yacht and any other persons who may have information pertinent to the Italian Yacht. In addition, the Monitor requests that the Mareva Respondents immediately reactivate any operable marine tracking technology on the Italian Yacht and provide the required information to the Monitor to enable the Monitor to track the Italian Yacht's location.

All of which is respectfully submitted this 27 day of March 2023.

KPMG Inc.
In its capacity as Monitor of
Original Traders Energy Group
And not in its personal or corporate capacity

Per:



Paul van Eyk
CPA, CA-IFA, CIRP, LIT, Fellow of INSOL
President



Duncan Lau
CPA, CMA, CIRP
Senior Vice President

APPENDIX “A”

From: [Raj Sahni](#)
To: [Dan Goudge](#); [Fredrick Schumann](#); [Mitch Grossell](#); [Jessica Orkin](#); [Natai Shelsen](#); [Samantha Hans](#); [Steve Graff](#); [Martin Henderson](#); [Tamie Dolny](#)
Cc: [Van Eyk, Paul](#); [Lau, Duncan](#); [Lau, Duncan](#); [Thomas Gray](#)
Subject: RE: In the Matter of the Compromise or Arrangement of Original Traders Energy Ltd. and 2496750 Ontario Inc. (Court File No. CV-23-00693758-00)
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Thanks Dan. The Monitor will require certainty that OTE and the Monitor can monitor the Yacht's location at all times and have access to the Yacht and the Marina and its staff as needed. The Monitor will be serving and filing a report this afternoon to update the Court and inform the Court of the Monitor's information requests, which will include the email below and the prior email exchanges between us following the issuance of the Court's Injunctive Order.



Raj Sahni
*Partner**, Bennett Jones LLP
*Denotes Professional Corporation

3400 One First Canadian Place, P.O. Box 130, Toronto, ON, M5X 1A4
T. [416 777 4804](tel:4167774804) | F. [416 863 1716](tel:4168631716) | M. [416 618 4804](tel:4166184804)
E. sahnir@bennettjones.com
BennettJones.com

From: Dan Goudge <dang@stockwoods.ca>
Sent: Thursday, March 23, 2023 1:49 PM
To: Raj Sahni <SahniR@bennettjones.com>
Cc: Fredrick Schumann <FredrickS@stockwoods.ca>; Mitch Grossell <MGrossell@tgf.ca>; Jessica Orkin <jorkin@goldblattpartners.com>; Natai Shelsen <nshelsen@goldblattpartners.com>; Samantha Hans <shans@airdberlis.com>; Steve Graff <sgraff@airdberlis.com>; Martin Henderson <mhenderson@airdberlis.com>; Tamie Dolny <tdolny@airdberlis.com>
Subject: In the Matter of the Compromise or Arrangement of Original Traders Energy Ltd. and 2496750 Ontario Inc. (Court File No. CV-23-00693758-00)

Hi Raj,

We write to advise that we have been informed by our client that the boat is currently docked at Stock Island Yacht Club and Marina, 6000 Peninsular Avenue, Key West, Florida.

Our client has advised, though, that this is a temporary slip and that the boat needs to be moved to a more permanent docking location by March 30, 2023. Our client proposes that the boat be moved to Loggerhead Marina, 1400 Marina Drive, Hollywood, Florida. We intend to raise the issue before His Honour, Justice Osborne, at the March 28, 2023 case conference, and ask for your consent that the Court permit our client to move the boat from Stock Island Yacht Club and Marina to Loggerhead Marina on or before March 30, 2023.

Best,

Dan

Dan Goudge

Associate



TD North Tower
Suite 4130 - 77 King Street West
Toronto, Ontario, Canada M5K 1H1

Direct: [416-593-2497](tel:416-593-2497)

Mobile: [437-995-3956](tel:437-995-3956)

www.stockwoods.ca dang@stockwoods.ca

Disclaimer: This message is intended only for the persons to whom it is addressed. It should not be read by, or delivered to any other person, as it may contain privileged or confidential information. If you have received this message in error, please notify us immediately by replying to the sender.

APPENDIX “B”

From: [Fredrick Schumann](#)
To: [Raj Sahni](#)
Cc: [Van Eyk, Paul](#); [Lau, Duncan](#); [Gard, Chris](#); [Samantha Hans](#); [Steve Graff](#); [Martin Henderson](#); [Tamie Dolny](#); [nshelsen@goldblattpartners.com](#); [Dan Goudge](#); [Mitch Grossell](#)
Subject: RE: In the Matter of the Compromise or Arrangement of Original Traders Energy Ltd. and 2496750 Ontario Inc. (Court File No. CV-23-00693758-00) [EXTERNAL]
Date: Friday, March 17, 2023 8:35:35 PM
Attachments: [image002.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image733312.png](#)

We'll consider the requests you've made.

Fredrick Schumann



Direct: 416-593-2490

Mobile: 647-962-7823

From: Fredrick Schumann <FredrickS@stockwoods.ca>
Sent: March 17, 2023 8:09 PM
To: Raj Sahni <SahniR@bennettjones.com>
Cc: Paul van Eyk (pvaneyk@kpmg.ca) <pvaneyk@kpmg.ca>; duncanlau@kpmg.ca; cgard@kpmg.ca; Samantha Hans <shans@airdberlis.com>; Steve Graff <sgraff@airdberlis.com>; Martin Henderson <mhenderson@airdberlis.com>; Tamie Dolny <tdolny@airdberlis.com>; nshelsen@goldblattpartners.com; Dan Goudge <dang@stockwoods.ca>; Mitch Grossell <MGrossell@tgf.ca>
Subject: RE: In the Matter of the Compromise or Arrangement of Original Traders Energy Ltd. and 2496750 Ontario Inc. (Court File No. CV-23-00693758-00)

Mr Sahni,

The allegations in your email are unfounded and regrettable. We can advise that the vessel arrived today within the territorial jurisdiction of Florida.

Sincerely,

Fredrick Schumann



Direct: [416-593-2490](tel:416-593-2490)

Mobile: [647-962-7823](tel:647-962-7823)

From: Raj Sahni <SahniR@bennettjones.com>
Sent: March 17, 2023 6:50 PM

To: Dan Goudge <dang@stockwoods.ca>; Fredrick Schumann <FredrickS@stockwoods.ca>; Mitch Grossell <MGrossell@tgf.ca>

Cc: Paul van Eyk (pvaneyk@kpmg.ca) <pvaneyk@kpmg.ca>; duncanlau@kpmg.ca; cgard@kpmg.ca; Samantha Hans <shans@airdberlis.com>; Steve Graff <sgraff@airdberlis.com>; Martin Henderson <mhenderson@airdberlis.com>; Tamie Dolny <tdolny@airdberlis.com>; nshelsen@goldblattpartners.com

Subject: RE: In the Matter of the Compromise or Arrangement of Original Traders Energy Ltd. and 2496750 Ontario Inc. (Court File No. CV-23-00693758-00)

Dan, we disagree with the content and tenor of your email.

The Monitor, as an officer of the Court is well within its rights to request the information it has requested, particularly in these circumstances where Justice Osborne made it clear that he was ordering your client to direct the vessel to be turned around and returned to Florida forthwith and yet the vessel continued its journey to the Bahamas and we were only informed of that fact afterward when we followed-up with you.

If in fact it was unsafe to return the vessel to Florida on Wednesday upon the Judge making his order, the Court, the Applicants and the Monitor should have been informed of that fact as soon as your client was so informed by the vessel's crew, not the next day after the vessel had already been sailed to the Bahamas in contravention of the Injunctive Order.

Moreover, the Injunctive Order issued yesterday is clear that it is binding upon the employees, servants and agents of the Mareva Respondents, which would include the vessel's captain and crew and prevents them from removing or transferring the vessel (see paragraph 3(a) of the Order). The Monitor is acting as a Court officer in seeking to preserve and safeguard the asset and your client's refusal to provide the requested information, including the name and contact information for the captain who is in possession of the vessel, is not at all helpful and is interfering with the Monitor's duties and ignores the clear intent of the Order.

On behalf of the Monitor, we request that:

1. Your client provide the current location of the vessel and the marina in Florida, including the name, address and contact information for the marina where the vessel is docked or is headed (if it has not already docked).
2. Your client provide the Monitor with the name and contact information for the Captain of the vessel, including both the Captain who sailed it from Florida to the Bahamas and the Captain who sailed back from the Bahamas to Florida, if they are different.
3. Any tracking systems on the vessel be reactivated and the Monitor be provided access to those tracking systems. If the AIS unit is not functional due to a software issue as your client claims, please provide the Monitor with further details, including the model and serial number of the AIS system and the warranty claim, to enable the Monitor to investigate that matter further.
4. Your client provide a copy of the insurance policy on the vessel.

Thank you



Raj Sahni
*Partner**, Bennett Jones LLP
*Denotes Professional Corporation

3400 One First Canadian Place, P.O. Box 130, Toronto, ON, M5X 1A4
T. [416 777 4804](tel:4167774804) | F. [416 863 1716](tel:4168631716) | M. [416 618 4804](tel:4166184804)
E. sahnir@bennettjones.com
BennettJones.com

From: Dan Goudge <dang@stockwoods.ca>

Sent: Friday, March 17, 2023 11:09 AM

To: Raj Sahni <Sahnir@bennettjones.com>; Fredrick Schumann <FredrickS@stockwoods.ca>; Mitch Grossell <MGrossell@tgf.ca>

Cc: Paul van Eyk (pvaneyk@kpmg.ca) <pvaneyk@kpmg.ca>; duncanlau@kpmg.ca; cgard@kpmg.ca; Samantha Hans <shans@airdberlis.com>; Steve Graff <sgraff@airdberlis.com>; Martin Henderson <mhenderson@airdberlis.com>; Tamie Dolny <tdolny@airdberlis.com>; nshelsen@goldblattpartners.com

Subject: RE: In the Matter of the Compromise or Arrangement of Original Traders Energy Ltd. and 2496750 Ontario Inc. (Court File No. CV-23-00693758-00)

Raj,

As we advised yesterday, our client has directed the Captain of the vessel to return it to Florida as soon as it is safe to do so, as required by Justice Osborne's Order. There is nothing in the Order that requires our client to provide periodic updates to the Monitor or its counsel regarding the location of the vessel, as you appear to be insisting upon; our client is simply required to return the vessel "to the territorial jurisdiction of the Florida courts forthwith," which he is doing.

Notwithstanding the above, our client is prepared to disclose that he has been informed by the Captain that the vessel is currently underway back to the territorial waters of Florida, and, weather permitting, is expected to arrive by end of day.

Best,

Dan

Dan Goudge

STOCKWOODS
barristers

Direct: [416-593-2497](tel:4165932497)

Mobile: [437-995-3956](tel:4379953956)

From: Raj Sahni <Sahnir@bennettjones.com>

Sent: Friday, March 17, 2023 9:13 AM

To: Dan Goudge <dang@stockwoods.ca>; Fredrick Schumann <FredrickS@stockwoods.ca>; Mitch Grossell <MGrossell@tgf.ca>

Cc: Paul van Eyk (pvaneyk@kpmg.ca) <pvaneyk@kpmg.ca>; duncanlau@kpmg.ca; cgard@kpmg.ca; Samantha Hans <shans@airdberlis.com>; Steve Graff <sgraff@airdberlis.com>; Martin Henderson <mhenderson@airdberlis.com>; Tamie Dolny <tdolny@airdberlis.com>; nshelsen@goldblattpartners.com

Subject: RE: In the Matter of the Compromise or Arrangement of Original Traders Energy Ltd. and 2496750 Ontario Inc. (Court File No. CV-23-00693758-00)

Dan,

Please confirm that the vessel has departed Bahamas and is on its way back to Florida.

Thank you



Raj Sahni
*Partner**, Bennett Jones LLP
*Denotes Professional Corporation

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T. [416 777 4804](tel:4167774804) | F. [416 863 1716](tel:4168631716) | M. [416 618 4804](tel:4166184804)
E. sahnir@bennettjones.com
BennettJones.com

From: Dan Goudge <dang@stockwoods.ca>

Sent: Thursday, March 16, 2023 4:30 PM

To: Raj Sahni <Sahnir@bennettjones.com>; Fredrick Schumann <FredrickS@stockwoods.ca>; Mitch Grossell <MGrossell@tgf.ca>

Cc: Paul van Eyk (pvaneyk@kpmg.ca) <pvaneyk@kpmg.ca>; duncanlau@kpmg.ca; cgard@kpmg.ca; Samantha Hans <shans@airdberlis.com>; Steve Graff <sgraff@airdberlis.com>; Martin Henderson <mhenderson@airdberlis.com>; Tamie Dolny <tdolny@airdberlis.com>; nshelsen@goldblattpartners.com

Subject: RE: In the Matter of the Compromise or Arrangement of Original Traders Energy Ltd. and 2496750 Ontario Inc. (Court File No. CV-23-00693758-00)

Mr. Sahni,

We have passed your request on behalf of the Monitor, as well as the request from Mr. Graff, on to our client. While our client is not required to do so under the terms of Justice Osborne's Order, he is prepared to provide you with the following information:

Our client has advised that the vessel is currently moored in Honeymoon Harbour, off the island of Gun Cay, Bahamas. Its current coordinates are 25°35'13.26"N – 79°18'12.73"W.

Our client has further informed us that the AIS cannot be turned on because it is currently inoperable as a result of a software problem that has been registered as a warranty issue.

We do not see, however, the legitimate need for the Monitor to be provided with the name and contact information of the Captain of the vessel. There is nothing in Justice Osborne's Order that requires our client to provide this information to the Monitor or any other party, though it was open to both OTE and the Monitor to seek such relief if they so wished.

Justice Osborne's Order requires that the vessel "be returned to the territorial jurisdiction of the Florida courts forthwith." As Mr. Schumann previously indicated, our client has taken steps to comply with the Order by directing that the vessel return to Florida as soon as it is safe for the Captain and crew to do so, which, weather permitting, we understand will occur tomorrow.

We trust the above is satisfactory.

Best,

Dan

Dan Goudge

STOCKWOODS
barristers

Direct: [416-593-2497](tel:416-593-2497)

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From: Raj Sahni <SahniR@bennettjones.com>

Sent: Thursday, March 16, 2023 4:16 PM

To: Fredrick Schumann <FredrickS@stockwoods.ca>; Mitch Grossell <MGrossell@tgf.ca>

Cc: Paul van Eyk (pvaneyk@kpmg.ca) <pvaneyk@kpmg.ca>; duncanlau@kpmg.ca; cgard@kpmg.ca; Samantha Hans <shans@airdberlis.com>; Steve Graff <sgraff@airdberlis.com>; Martin Henderson <mhenderson@airdberlis.com>; Tamie Dolny <tdolny@airdberlis.com>; Dan Goudge <dang@stockwoods.ca>; nshelsen@goldblattpartners.com

Subject: RE: In the Matter of the Compromise or Arrangement of Original Traders Energy Ltd. and 2496750 Ontario Inc. (Court File No. CV-23-00693758-00)

Fred/Mitch,

May we please hear back from you on this?

Thanks



Raj Sahni
*Partner**, Bennett Jones LLP
*Denotes Professional Corporation

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T. [416 777 4804](tel:416-777-4804) | F. [416 863 1716](tel:416-863-1716) | M. [416 618 4804](tel:416-618-4804)

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From: Raj Sahni

Sent: Thursday, March 16, 2023 11:20 AM

To: 'Fredrick Schumann' <FredrickS@stockwoods.ca>; Samantha Hans <shans@airdberlis.com>; Steve Graff <sgraff@airdberlis.com>; Martin Henderson <mhenderson@airdberlis.com>; Tamie Dolny <tdolny@airdberlis.com>; Dan Goudge <dang@stockwoods.ca>; nshelsen@goldblattpartners.com; Mitch Grossell <MGrossell@tgf.ca>

Cc: Paul van Eyk (pvaneyk@kpmg.ca) <pvaneyk@kpmg.ca>; duncanlau@kpmg.ca; cgard@kpmg.ca

Subject: RE: In the Matter of the Compromise or Arrangement of Original Traders Energy Ltd. and

2496750 Ontario Inc. (Court File No. CV-23-00693758-00)

Importance: High

Thank you Mr. Schumann.

The Monitor requests that your client provide the name and contact details of the captain of the vessel and that your client immediately instruct the captain to turn on the AIS and other tracking systems and provide the Monitor with the current coordinates and the required information to enable the Monitor to track the vessel's location. Please provide the name and current contact details of the captain who will be sailing the vessel back to Florida – we assume that this is the same captain that is currently operating the vessel, but please confirm.



Raj Sahni

Partner*, Bennett Jones LLP

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E. sahnir@bennettjones.com

BennettJones.com

From: Fredrick Schumann <Fredricks@stockwoods.ca>

Sent: Thursday, March 16, 2023 8:33 AM

To: Raj Sahni <Sahnir@bennettjones.com>; Samantha Hans <shans@airdberlis.com>; Steve Graff <sgraff@airdberlis.com>; Martin Henderson <mhenderson@airdberlis.com>; Tamie Dolny <tdolny@airdberlis.com>; Dan Goudge <dang@stockwoods.ca>; nshelsen@goldblattpartners.com; Mitch Grossell <MGrossell@tgf.ca>

Cc: Paul van Eyk (pvaneyk@kpmg.ca) <pvaneyk@kpmg.ca>; duncanlau@kpmg.ca; cgard@kpmg.ca

Subject: RE: In the Matter of the Compromise or Arrangement of Original Traders Energy Ltd. and 2496750 Ontario Inc. (Court File No. CV-23-00693758-00)

Mr Sahni,

Mr Page has conveyed the court's direction to the vessel's captain, namely that he take the vessel to Florida as soon as possible. The vessel is currently in the waters of the Bahamas islands. The captain reported that there are 18 knot winds which are creating 10-16 foot swells. I understand that, in such conditions, it is unsafe to operate the vessel at any speed. You can verify the wind conditions on an internet resource such as windy.com.

I understand that, according to the weather forecast, the winds are expected to reduce late Thursday night. If this forecast holds, the vessel will be able to depart for Florida on Friday at first light and be in Florida by Friday afternoon.

I will keep you updated if anything changes.

Sincerely,

Fredrick Schumann

Partner



TD North Tower
Suite 4130 - 77 King Street West
Toronto, Ontario, Canada M5K 1H1

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Mobile: [647-962-7823](tel:647-962-7823)

www.stockwoods.ca FredrickS@stockwoods.ca

Disclaimer: This message is intended only for the persons to whom it is addressed. It should not be read by, or delivered to any other person, as it may contain privileged or confidential information. If you have received this message in error, please notify us immediately by replying to the sender.

From: Raj Sahni <SahniR@bennettjones.com>

Sent: March 15, 2023 5:22 PM

To: Samantha Hans <shans@airdberlis.com>; Peter.Osborne@scj-csj.ca; Steve Graff <sgraff@airdberlis.com>; Martin Henderson <mhenderson@airdberlis.com>; Tamie Dolny <tdolny@airdberlis.com>; Fredrick Schumann <FredrickS@stockwoods.ca>; Dan Goudge <dang@stockwoods.ca>; nshelsen@goldblattpartners.com; Mitch Grossell <MGrossell@tgf.ca>

Cc: Paul van Eyk (pvaneyk@kpmg.ca) <pvaneyk@kpmg.ca>; duncanlau@kpmg.ca; cgard@kpmg.ca

Subject: RE: In the Matter of the Compromise or Arrangement of Original Traders Energy Ltd. and 2496750 Ontario Inc. (Court File No. CV-23-00693758-00)

Importance: High

Attached is the signed order issued by Justice Osborne, which he has instructed the Monitor to distribute and which the Judge has noted is effective immediately and without the necessity of issuing and entering.

Counsel for the Respondents, please immediately send the Order to your respective clients and confirm they will comply.

We will also send the Order to the Service List under separate cover.

Thank you.



Raj Sahni
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From: Samantha Hans <shans@airdberlis.com>

Sent: Wednesday, March 15, 2023 4:56 PM

To: Peter.Osborne@scj-csj.ca

Cc: Steve Graff <sgraff@airdberlis.com>; Martin Henderson <mhenderson@airdberlis.com>; Tamie Dolny <tdolny@airdberlis.com>; Raj Sahni <SahniR@bennettjones.com>; Fredrick Schumann <fredricks@stockwoods.ca>; Dan Goudge <dang@stockwoods.ca>; nshelsen@goldblattpartners.com; Mitch Grossell <MGrossell@tgf.ca>

Subject: In the Matter of the Compromise or Arrangement of Original Traders Energy Ltd. and 2496750 Ontario Inc. (Court File No. CV-23-00693758-00)

Good afternoon Your Honour,

Further to today's motion, please find attached:

- i. a clean copy of the revised Injunctive Order as discussed; and
- ii. a blackline to the version provided at Tab 143 on Caselines.

Please note that we have copied counsel to the Monitor and counsel to each of the Mareva Respondents to this email.

Please let us know if you require anything further.

Thank you,
Samantha

Samantha Hans

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