

COURT FILE NUMBER Q.B. 1639 of 2015

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN IN  
BANKRUPTCY AND INSOLVENCY

JUDICIAL CENTRE SASKATOON

APPLICANT GOLDEN OPPORTUNITIES FUND INC.

RESPONDENTS PHENOMENOME DISCOVERIES INC. and PHENOMENOME  
LABORATORY SERVICES INC.

FILED IN THE OFFICE OF THE  
LOCAL REGISTRAR, THE 1372  
DAY OF July 2016  
DEPUTY LOCAL REGISTRAR

IN THE MATTER OF THE RECEIVERSHIP OF PHENOMENOME DISCOVERIES INC. AND  
PHENOMENOME LABORATORY SERVICES INC.

### NOTICE OF APPLICATION

#### **NOTICE TO ALL RESPONDENTS – ALL PERSONS NAMED ON THE SERVICE LIST FOR THESE PROCEEDINGS ATTACHED AT SCHEDULE "A" HERETO (THE "SERVICE LIST")**

This application is made against you. You are a respondent. You have the right to state your side of this matter before the Court.

To do so, you must be in Court when the application is heard as shown below

Where: Court House, 520 Spadina Crescent  
East, Saskatoon, Saskatchewan S7K  
3G7  
Date: Monday, July 18, 2016  
Time: 1:30 p.m.

#### **Remedy claimed or sought:**

1. An order sealing the confidential supplement (the "**Confidential Supplement**") and the appendices thereto, to the second report of the receiver, FTI Consulting Canada Inc. (the "**Receiver**"), filed July 13, 2016 (the "**Second Report**"), on the Court file, in accordance with Practice Directive No. 3.
2. Such further and other relief as counsel may request and this Honourable Court may allow.

#### **Grounds for making this application:**

3. The Receiver has filed an application returnable July 18, 2016 pursuant to section 29 of the receivership order granted by the Honourable Mr. Justice B.J. Scherman on February 25, 2016, seeking advice and direction.
4. The order sealing the Confidential Supplement and the appendix thereto is appropriate given the sensitive information contained therein, and the potential negative impact such information may have on the assets to form part of the receivership.

**Material or evidence to be relied on:**

5. The Applicant intends to rely upon the following materials:
- (a) this Notice of Application;
  - (b) the Second Report;
  - (c) the Confidential Supplement;
  - (d) pleadings and proceedings herein
  - (e) such further and other materials as counsel may advise and this Honourable Court may permit.

**Applicable Acts and Regulations:**

6. The Applicant will rely upon and refer to the following during the making of its Application:
- (a) *The Queen's Bench Act*, 1998, SS 1998, c Q-1.01; and
  - (b) *the Bankruptcy & Insolvency Act*, RSC 1985, c B-3, as amended.

DATED at Calgary Alberta, this 13th day of July, 2016.

**KMP LAW NORTH**

Per: 

Ryan Pederson

Agent for the solicitors for the Receiver

**NOTICE**

If you do not come to Court either in person or by your lawyer, the Court may give the applicant what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to rely on an affidavit or other evidence when the application is heard or considered, you must reply by giving reasonable notice of the material to the applicant.

## CONTACT INFORMATION AND ADDRESS FOR SERVICE

Name of firm: Blake, Cassels & Graydon LLP  
Lawyer in charge of file: Ryan Zahara  
Address of firm: 3500, 855 – 2<sup>nd</sup> Street SW, Calgary, Alberta T2P 4J8  
Telephone number: 403-260-9628  
Facsimile number: 403-260-9700  
E-mail address: [ryan.zahara@blakes.com](mailto:ryan.zahara@blakes.com)  
File number: 729294/11

COURT FILE NUMBER **1639 of 2015**  
COURT OF QUEEN'S BENCH FOR SASKATCHEWAN  
JUDICIAL CENTRE OF **SASKATOON**  
APPLICANT **GOLDEN OPPORTUNITIES FUND INC.**  
  
RESPONDENT **PHENOMENOME DISCOVERIES INC. and  
PHENOMENOME LABORATORY SERVICES INC.**

FILED IN THE OFFICE OF THE  
LOCAL REGISTRAR, THE 13th  
DAY OF July 2016  
DEPUTY LOCAL REGISTRAR

**SEALING ORDER**

Before the Honourable Mr. Justice Meschishnick on the 13<sup>th</sup> day of July, 2016.

Upon Application by Ryan Pederson, Agent for solicitors the court appointed receiver, FTI Consulting Canada Inc. (the "**Receiver**"), and upon having read the Notice of Application, and proof of compliance with Practice Directive 3.

It is ordered that:

1. The Confidential Supplement to the Second Report dated July 13 2016 and the appendices thereto (the "**Confidential Supplement**") shall be kept sealed and confidential and shall not form part of the public record, but rather shall be placed, kept separate and apart from all other contents of the Court file, in a sealed envelope which sets out the title of these proceedings and a statement that the contents are subject to a sealing order and shall only be opened upon further order of the Court.
2. Application to unseal the Confidential Supplement may be made at any time upon fourteen days' written notice to counsel for the Receiver, FTI Consulting Canada Inc.

ISSUED at the City of Saskatoon, in the Province of Saskatchewan, this 13<sup>th</sup> day of July, 2016.

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(Deputy) Local Registrar

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