

Form 6-4
(Rule 6-4)

FILED IN THE OFFICE OF THE
LOCAL REGISTRAR, THE 22
DAY OF Aug 2016
DEPUTY LOCAL REGISTRAR

COURT FILE NUMBER 1639 of 2015

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE OF SASKATOON

APPLICANT GOLDEN OPPORTUNITIES FUND INC.

RESPONDENTS PHENOMENOME DISCOVERIES INC. and
PHENOMENOME LABORATORY SERVICES INC.

APPLICATION WITHOUT NOTICE

This application is being made without notice.

Provision authorizing the application to be made without notice:

1. Section 6 of General Application Practice Directive #3 ("GA-PD #3") provides that, on prior application, with or without notice, by a person seeking the discretionary order, a Judge may restrict access to and or ban publication of the information that is the subject of the application until the application is heard.

Remedy claimed or sought:

2. An Order, attached as Schedule "A" to this Application and filed with this Application, sealing the Confidential Supplement to the Third Report of the Receiver dated August 22, 2016 (the "Confidential Supplement"), and the appendices thereto, on the Court file in accordance with Practice Directive No. 3.
3. Such further and other relief as counsel may request and this Honourable Court may allow.

Grounds for making this application:

4. FTI Consulting Canada Inc. (the "Receiver" or the "Applicant"), in its role as court appointed receiver of the property of Phenomenome Discoveries Inc. and Phenomenome Laboratory Services Inc. (collectively, the "Company"), is filing a Notice of Application returnable August 30, 2016 seeking, among other things, sale approval and a vesting order pursuant to sections 6(l) and (m) of the receivership order granted by the Honourable Mr. Justice B.J. Scherman on February 25, 2016.
5. The Receiver has negotiated a sale transaction (the "Transaction") in accordance with the sales procedures approved by the Order of the Honourable Mr. Justice B. J. Scherman dated

April 26, 2016.

6. The Transaction is being effected through a Purchase and Sale Agreement (the "**Sale Agreement**") dated August 22, 2016 between the Receiver as vendor, for and on behalf of the Company and not in its personal or corporate capacity, and Med-Life Discoveries LP, by its general partner Med-Life Discoveries GP Inc. (and together with its permitted assigns under the Sale Agreement, the "**Purchaser**"), a copy of which is appended as Appendix A to the Confidential Supplement.
7. The Confidential Supplement, and its appendices, contains confidential and commercially sensitive information about the Company, its assets and the Purchaser.
8. The order sealing the Confidential Supplement and the appendices thereto is appropriate given the commercially sensitive information contained therein, and the potential negative impact such information may have on the receivership proceedings, the Company and the Purchaser.

Respecting opposite parties:

9. The parties on the Service List attached as Schedule "**B**" to this Application are aware that an application for sale approval has been pending.
10. All parties on the Service List will be served with a copy of this Application upon its filing.

Applicable Rules:

11. The Applicant will rely upon and refer to the following during the making of the Application:
 - (a) *The Queen's Bench Rules*, as amended; and
 - (b) such further and other Rules as counsel may advise and this Honourable Court may permit.

Applicable Acts and Regulations:

12. The Applicant will rely upon and refer to the following during the making of the Application:
 - (a) *The Queen's Bench Act*, 1998, SS 1998, c Q-1.01; and
 - (b) such further and other Acts and Regulations as counsel may advise and this Honourable Court may permit.

Applicable cases relied on:

13. None.

DATED at Saskatoon, Saskatchewan this 22nd day of August, 2016.

KMP LAW NORTH

Per: 

Ryan Pederson

Agent to Counsel for the Receiver

CONTACT INFORMATION AND ADDRESS FOR SERVICE

Name of firm:	Blake, Cassels & Graydon LLP
Lawyer in charge of file:	Ryan Zahara
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E-mail address:	ryan.zahara@blakes.com
File number:	729294/11

Schedule "A"

Form of Sealing Order

(see attached)

COURT FILE NUMBER **1639 of 2015**

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE **SASKATOON**

APPLICANT **GOLDEN OPPORTUNITIES FUND INC.**

RESPONDENT **PHENOMENOME DISCOVERIES INC. and
PHENOMENOME LABORATORY SERVICES INC.**

SEALING ORDER

Before the Honourable Justice _____ on the ____ day of August, 2016.

UPON THE APPLICATION of Ryan Pederson, agent for the counsel to the court-appointed receiver, FTI Consulting Canada Inc. (the "**Receiver**"), **AND UPON** having read the Application without Notice dated August 22, 2016, the Notice of Application dated August 22, 2016, this Order, and the proof of compliance with Practice Directive 3.

The Court orders that:

1. The Confidential Supplement to the Third Report dated August 22, 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 ____ day of August, 2016.

(Deputy) Local Registrar

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 – 2nd Street SW, Calgary, Alberta T2P 4J8
Telephone number: 403-260-9628
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E-mail address: ryan.zahara@blakes.com
File number: 79294/11

Schedule "B"

Service List

(see attached)

IN THE COURT OF QUEEN'S BENCH OF SASKATCHEWAN
 JUDICIAL CENTRE OF SASKATOON

BETWEEN:

GOLDEN OPPORTUNITIES FUND INC.

Plaintiff
 (Applicant)

- and -

PHENOMENOME DISCOVERIES INC. and PHENOMENOME LABORATORY SERVICES INC.

Defendant
 (Respondent)

SERVICE LIST

(Updated as of July 6, 2016)

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Schedule "C"

Proof of Compliance with GA-PD #3

(see attached)

NYBERG, CHRIS

From: Blaus, Dawn <dblaus@sasklawcourts.ca>
Sent: Tuesday, August 16, 2016 2:28 PM
To: glen.metivier@gov.sk.ca
Cc: NYBERG, CHRIS
Subject: FW: Media ban application - August 16, 2016

The following notice of application for a discretionary publication ban was received this afternoon via the Courts of Saskatchewan website, and has been distributed to all subscribed media.

Please place a copy of this email on the court file to ensure the judge is aware of the notice provided.

Thank you!

Dawn Blaus
Courts Communications Officer
Courts of Saskatchewan

Victoria Avenue Court House Direct: 306.787.9602
2425 Victoria Avenue Email: dblaus@sasklawcourts.ca
Regina SK S4P 4W6 www.sasklawcourts.ca

From: Dawn Blaus, Courts Communications Officer [<mailto:dblaus@sasklawcourts.ca>]
Sent: Tuesday, August 16, 2016 2:26 PM
To: Blaus, Dawn
Subject: Media ban application - August 16, 2016

This email contains graphics, so if you don't see them, view it in your browser



COURTS *of*
SASKATCHEWAN



Media Ban Notification

1639 of 2015, Court of Queen's Bench, Saskatoon

Dear Dawn Blaus,

File No: 1639 of 2015

Saskatchewan

Between: GOLDEN OPPORTUNITIES FUND INC.

And: PHENOMENOME DISCOVERIES INC. and PHENOMENOME LABORATORY SERVICES INC.

Take Notice that an Application for a Publication Ban will be made by the:

Applicant: Other: Receiver

Applicant's Name: FTI Consulting Canada Inc.

To the Judge Presiding at the: Court of Queen's Bench for Saskatchewan

In: Saskatoon

On the date of: August 30, 2016

At the hour of: 10:00 o'clock in the: am

We are applying in accordance with Practice Directive No. 3

Dated at: Calgary

This date: August 16, 2016

Applicant's e-mail address: *chris.nyberg@blakes.com*

Street Address: Suite 3500, 855 2 Street SW

City: Calgary

Province: Alberta

Postal Code: T2P 4J8

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