

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

B E T W E E N:

RIOCAN REAL ESTATE INVESTMENT TRUST, RIOCAN HOLDINGS INC.,
RIOCAN HOLDINGS (OAKVILLE PLACE) INC., RIO CAN PROPERTY
SERVICES TRUST, RC HOLDINGS II LP, RC NA GP 2 TRUST and RIOCAN
FINANCIAL SERVICES LIMITED

Applicants

- and -

2455034 ONTARIO LIMITED PARTNERSHIP, 2455034 ONTARIO INC.,
2491815 ONTARIO LIMITED PARTNERSHIP, 2491815 ONTARIO INC.,
2491816 ONTARIO LIMITED PARTNERSHIP, 2491816 ONTARIO INC.,
2681842 ONTARIO LIMITED PARTNERSHIP, 2681845 ONTARIO INC. and
2681842 ONTARIO 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

**CASE CONFERENCE BRIEF OF THE RECEIVER RE SCHEDULING OF COSTS
SUBMISSIONS**

NORTON ROSE FULBRIGHT CANADA LLP
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Toronto ON M5K 1E7

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Lawyers for FTI Canada Consulting Inc., in its
capacity as court-appointed receiver and
manager of the Respondents

TO: **THE SERVICE LIST**

CASE CONFERENCE BRIEF OF THE RECEIVER RE SCHEDULING OF COSTS SUBMISSIONS

1. The parties are unable to agree on costs and thus require a schedule for deliver of costs submissions. Unfortunately, there is no agreement on that schedule either.

2. Oxford initially proposed the following schedule:
 - (a) Oxford's submissions by March 11;
 - (b) Receiver's response by March 18; and
 - (c) Oxford's reply by March 20.

3. Due to March break travel plans on the part of counsel, the Receiver proposed very minor alterations to this schedule:
 - (a) Oxford's submissions by March 13;
 - (b) Receiver's response by March 23; and
 - (c) Oxford's reply by March 25.

4. The Receiver's revision added a mere five days to Oxford's proposed schedule. That should have been the end of the matter. Instead, Oxford refused this suggestion and changed approach to propose a more aggressive schedule than its first proposal:
 - (a) Oxford's submissions by March 6;
 - (b) Receiver's response by March 13; and
 - (c) Oxford's reply by March 17.

5. The Receiver explained to Oxford that the new schedule forced the Receiver to deliver submissions while counsel were variously in discoveries or on vacation. Rather than being cooperative, Oxford responded by saying “We all have many travel days and similar conflicts in our schedule over the coming weeks” and refusing to discuss the matter any further. A copy of the scheduling exchange is attached at **Tab A**.

6. Oxford’s position is needlessly combative and difficult. There is no assertion of prejudice that would result in submissions being complete five days later than Oxford’s original proposal. There is no urgency to this matter. There is no reason why delivery of costs submissions should require counsel to draft submissions while on vacation with their families.

7. Oxford’s overly aggressive attitude is not isolated to this issue. Even when scheduling this attendance, Oxford refused to engage in any effort to find mutually agreeable dates. Upon learning that March 3 was available for this attendance, Oxford delivered a confirmation form and asked Commercial List staff to book the date even after being told that counsel for the Receiver were unavailable due to court and travel commitments. Oxford refused to even inquire about alternate dates until court staff forced the issue. Copies of the relevant exchanges are attached at **Tabs B and C**.

8. Oxford has given no reason why the issue of costs is so urgent that it must trump even the most cursory observation of the “three C’s” of the Commercial List. The Receiver respectfully requests that the Court endorse the schedule for submissions set out in para. 3 above.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 26th day of February, 2026.



Orestes Pasparakis/James Renihan/Evan
Cobb/Nadine Tawdy

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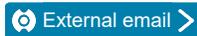
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Lawyers for FTI Canada Consulting Inc., in its
capacity as court-appointed receiver and
manager of the Respondents

From: [D. J. Miller](#)
To: [James Renihan \(he/him\)](#); [Orestes Pasparakis](#); [Evan Cobb \(he/him\)](#); [Nadine Tawdy \(she/her\)](#); [Robert Chadwick](#); [Rosenthal, Julie](#); [Harmes, Andrew](#)
Cc: [Deborah Palter](#); [Andrew Nesbitt](#)
Subject: RE: RioCan HBC Receivership - Case Conference March 4 [NRFC-DMS.FID17380264]
Date: February 26, 2026 12:50:10 PM
Attachments: [shield-advisory.png](#)
[chevron-light.png](#)



James:

We all have many travel days and similar conflicts in our schedule over the coming weeks. We are having to manage that among the counsel at our firm and anticipate that your team (which has even more people involved) is able to do the same.

We don't think it's reasonable that a schedule for submissions on costs extends to almost 10 weeks beyond when Cost Outlines were exchanged by the parties, and more than 6 weeks from when Justice Kimmel's decision was released.

We will advise Justice Kimmel that Oxford's written submissions on costs will be served by March 6, and we will request that responding submissions be served one week later. It's unfortunate that we were not able to resolve the scheduling aspects of cost submissions.

D.J.



D. J. Miller | DJMiller@tgf.ca | Direct Line +1 416 304-0559 | www.tgf.ca

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From: James Renihan (he/him) <james.renihan@nortonrosefulbright.com>

Sent: Thursday, February 26, 2026 12:38 PM

To: D. J. Miller <DJMiller@tgf.ca>; Orestes Pasparakis <orestes.pasparakis@nortonrosefulbright.com>; Evan Cobb (he/him) <evan.cobb@nortonrosefulbright.com>; Nadine Tawdy (she/her) <nadine.tawdy@nortonrosefulbright.com>; Robert Chadwick <rchadwick@goodmans.ca>; Rosenthal, Julie <jrosenthal@goodmans.ca>; Harmes, Andrew <aharmes@goodmans.ca>

Cc: Deborah Palter <DPalter@tgf.ca>; Andrew Nesbitt <anesbitt@tgf.ca>

Subject: RE: RioCan HBC Receivership - Case Conference March 4 [NRFC-DMS.FID17380264]

Hi DJ,

Sorry, this won't work for us. I am in discoveries the week of March 9 and others on our side are travelling. My suggestion yesterday adds a mere 5 days to your proposal. Is there any reason why we cannot just use that?

James

James Renihan
Partner

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james.renihan@nortonrosefulbright.com

NORTON ROSE FULBRIGHT

From: D. J. Miller <DJMiller@tgf.ca>

Sent: Thursday, February 26, 2026 10:53 AM

To: James Renihan (he/him) <james.renihan@nortonrosefulbright.com>; Orestes Pasparakis <orestes.pasparakis@nortonrosefulbright.com>; Evan Cobb (he/him) <evan.cobb@nortonrosefulbright.com>; Nadine Tawdy (she/her) <nadine.tawdy@nortonrosefulbright.com>; Robert Chadwick <rchadwick@goodmans.ca>; Rosenthal, Julie <jrosenthal@goodmans.ca>; Harmes, Andrew <aharmes@goodmans.ca>

Cc: Deborah Palter <DPalter@tgf.ca>; Andrew Nesbitt <anesbitt@tgf.ca>

Subject: RE: RioCan HBC Receivership - Case Conference March 4

Hi James:

We've considered your proposed schedule and instead offer the following:

1. Oxford submissions: March 6 (two days after the case conference)
2. Receiver response: March 13 (one week later)
3. Oxford Reply: March 17 (two business days later)

with the same page limits as originally proposed. Let me know if we can proceed on this basis.

Regards,

D.J.

D. J. Miller | DJMiller@tgf.ca | Direct Line +1 416 304-0559 | www.tgf.ca

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From: James Renihan (he/him) <james.renihan@nortonrosefulbright.com>

Sent: Wednesday, February 25, 2026 4:14 PM

To: D. J. Miller <DJMiller@tgf.ca>; Orestes Pasparakis <orestes.pasparakis@nortonrosefulbright.com>; Evan Cobb (he/him) <evan.cobb@nortonrosefulbright.com>; Nadine Tawdy (she/her) <nadine.tawdy@nortonrosefulbright.com>; Robert Chadwick <rchadwick@goodmans.ca>; Rosenthal, Julie <jrosenthal@goodmans.ca>; Harmes, Andrew <aharmes@goodmans.ca>

Cc: Deborah Palter <DPalter@tgf.ca>; Andrew Nesbitt <anesbitt@tgf.ca>

Subject: RE: RioCan HBC Receivership - Case Conference March 4

Thanks DJ. Due to some March break travel, we'd like to push the dates back slightly.

1. Oxford submissions- March 13
2. Receiver response- March 23
3. Oxford reply, if any- March 25

Please confirm.

Thanks,
James

James Renihan
Partner

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NORTON ROSE FULBRIGHT

From: D. J. Miller <DJMiller@tgf.ca>

Sent: Wednesday, February 25, 2026 2:50 PM

To: Orestes Pasparakis <orestes.pasparakis@nortonrosefulbright.com>; James Renihan (he/him) <james.renihan@nortonrosefulbright.com>; Evan Cobb (he/him) <evan.cobb@nortonrosefulbright.com>; Nadine Tawdy (she/her) <nadine.tawdy@nortonrosefulbright.com>; Robert Chadwick <rchadwick@goodmans.ca>; Rosenthal, Julie <jrosenthal@goodmans.ca>; Harmes, Andrew <aharmes@goodmans.ca>

Cc: Deborah Palter <DPalter@tgf.ca>; Andrew Nesbitt <anesbitt@tgf.ca>

Subject: RioCan HBC Receivership - Case Conference March 4

Counsel:

We propose the following schedule for written cost submissions, subject to Her Honour's direction at the case conference to be held on March 4:

1. Oxford serves its written cost submissions by March 11, 2026 (5 business days after the case conference), to be limited to 5 pages in length;
2. Responding cost submissions of the Receiver served by March 18, 2026 (5 business days after Oxford's cost submissions), to be limited to 5 pages in length;
3. Any Reply submissions are served by Oxford by March 20, 2026 (2 business days after the responding cost submissions are received), limited to 2 pages in length;
4. Upon cost submissions being exchanged by Oxford and the Receiver, counsel for the Receiver provides the written costs submissions to the Commercial List Office with a request that they be delivered to Justice Kimmel.

Please let us know if the above is acceptable.

Thank you,

D.J.

D. J. Miller | DJMiller@tgf.ca | Direct Line +1 416 304-0559 | | Suite 3200, TD West Tower, 100 Wellington Street West, P.O. Box 329, Toronto-Dominion Centre, Toronto, Ontario M5K 1K7 | 416-304-1616 | Fax: 416-304-1313 | www.tgf.ca

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Cc: [Deborah Palter](#); [Orestes Pasparakis](#); [Nadine Tawdy \(she/her\)](#); [Rosenthal, Julie](#); [Robert Chadwick](#); [Harmes, Andrew](#)
Subject: RE: RioCan Real Estate Investment Trust, et al. and 2455034 Ontario Limited Partnership, et al. (Court File No. CV-25-00744295-00CL) [NRFC-DMS.FID17380264]
Date: February 25, 2026 10:26:50 AM
Attachments: [shield-advisory.png](#)
[chevron-light.png](#)

 External email >

Yes, she did. We asked for all available dates in order to confer with counsel, and she provided that one. If neither you or Orestes are available, Evan Cobb can attend and speak to the timetable for written submissions on costs.

D.J.



D. J. Miller | DJMiller@tgf.ca | Direct Line +1 416 304-0559 | www.tgf.ca

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Sent: Wednesday, February 25, 2026 10:21 AM
To: D. J. Miller <DJMiller@tgf.ca>; Andrew Nesbitt <anesbitt@tgf.ca>
Cc: Deborah Palter <DPalter@tgf.ca>; Orestes Pasparakis <orestes.pasparakis@nortonrosefulbright.com>; Nadine Tawdy (she/her) <nadine.tawdy@nortonrosefulbright.com>; Rosenthal, Julie <jrosenthal@goodmans.ca>; Robert Chadwick <rchadwick@goodmans.ca>; Harmes, Andrew <aharmes@goodmans.ca>
Subject: RE: RioCan Real Estate Investment Trust, et al. and 2455034 Ontario Limited Partnership, et al. (Court File No. CV-25-00744295-00CL) [IMAN-CLIENT.FID2011967] [NRFC-DMS.FID17380264]

DJ,

Justice Kimmel has not "advised" that the case conference is on March 3. Alsou has told us that March 3 is "available." I am in court in Brampton that morning and Orestes is out of town. One of us needs to be present. The date does not work. I will advise Alsou.

Regards,
James

James Renihan
Partner

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NORTON ROSE FULBRIGHT

From: D. J. Miller <DJMiller@tgf.ca>
Sent: Wednesday, February 25, 2026 10:19 AM
To: James Renihan (he/him) <james.renihan@nortonrosefulbright.com>; Andrew Nesbitt <anesbitt@tgf.ca>
Cc: Deborah Palter <DPalter@tgf.ca>; Orestes Pasparakis <orestes.pasparakis@nortonrosefulbright.com>; Nadine Tawdy (she/her) <nadine.tawdy@nortonrosefulbright.com>; Rosenthal, Julie <jrosenthal@goodmans.ca>; Robert Chadwick <rchadwick@goodmans.ca>; Harmes, Andrew <aharmes@goodmans.ca>
Subject: Re: RioCan Real Estate Investment Trust, et al. and 2455034 Ontario Limited Partnership, et al. (Court File No. CV-25-00744295-00CL) [IMAN-CLIENT.FID2011967]

We were not given an option on dates. Given the number of counsel at each firm (3 partners at your firm and an associate) that are involved, you will need to coordinate amongst yourselves. Justice Kimmel has advised that the case conference will be on March 3 at 9:30.

DJ

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D. J. Miller | DJMiller@tgf.ca | Direct Line +1 416 304-0559 | www.tgf.ca

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Sent: Wednesday, February 25, 2026 10:08:44 AM
To: D. J. Miller <DJMiller@tgf.ca>; Andrew Nesbitt <anesbitt@tgf.ca>
Cc: Deborah Palter <DPalter@tgf.ca>; Orestes Pasparakis <orestes.pasparakis@nortonrosefulbright.com>; Nadine Tawdy (she/her) <nadine.tawdy@nortonrosefulbright.com>; Rosenthal, Julie <jrosenthal@goodmans.ca>; Robert Chadwick <rchadwick@goodmans.ca>; Harmes, Andrew <aharmes@goodmans.ca>
Subject: RE: RioCan Real Estate Investment Trust, et al. and 2455034 Ontario Limited Partnership, et al. (Court File No. CV-25-00744295-00CL) [IMAN-CLIENT.FID2011967]

DJ, March 3 does not work for us. We should ask for the next date.

Thanks,
James

James Renihan
Partner

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NORTON ROSE FULBRIGHT

From: D. J. Miller <DJMiller@tgf.ca>
Sent: Wednesday, February 25, 2026 10:02 AM
To: JUS-G-MAG-CSD-Toronto-SCJ Commercial List <MAG.CSD.To.SCJCom@ontario.ca>; Andrew Nesbitt <anesbitt@tgf.ca>
Cc: Deborah Palter <DPalter@tgf.ca>; James Renihan (he/him) <james.renihan@nortonrosefulbright.com>; Orestes Pasparakis <orestes.pasparakis@nortonrosefulbright.com>; Nadine Tawdy (she/her) <nadine.tawdy@nortonrosefulbright.com>; Rosenthal, Julie <jrosenthal@goodmans.ca>; Robert Chadwick <rchadwick@goodmans.ca>; Harmes, Andrew <aharmes@goodmans.ca>
Subject: Re: RioCan Real Estate Investment Trust, et al. and 2455034 Ontario Limited Partnership, et al. (Court File No. CV-25-00744295-00CL) [IMAN-CLIENT.FID2011967]

Thank you for confirming.

D.J.

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From: JUS-G-MAG-CSD-Toronto-SCJ Commercial List <MAG.CSD.To.SCJCom@ontario.ca>
Sent: Wednesday, February 25, 2026 9:58:04 AM
To: D. J. Miller <DJMiller@tgf.ca>; Andrew Nesbitt <anesbitt@tgf.ca>
Cc: Deborah Palter <DPalter@tgf.ca>; James Renihan (he/him) <james.renihan@nortonrosefulbright.com>; Orestes Pasparakis <orestes.pasparakis@nortonrosefulbright.com>; Nadine Tawdy (she/her) <nadine.tawdy@nortonrosefulbright.com>; Rosenthal, Julie <jrosenthal@goodmans.ca>; Robert Chadwick <rchadwick@goodmans.ca>; Harmes, Andrew <aharmes@goodmans.ca>
Subject: RE: RioCan Real Estate Investment Trust, et al. and 2455034 Ontario Limited Partnership, et al. (Court File No. CV-25-00744295-00CL) [IMAN-CLIENT.FID2011967]

At 9:30am

From: D. J. Miller <DJMiller@tgf.ca>
Sent: February 25, 2026 9:54 AM
To: JUS-G-MAG-CSD-Toronto-SCJ Commercial List <MAG.CSD.To.SCJCom@ontario.ca>; Andrew Nesbitt <anesbitt@tgf.ca>
Cc: Deborah Palter <DPalter@tgf.ca>; James Renihan (he/him) <james.renihan@nortonrosefulbright.com>; Orestes Pasparakis <orestes.pasparakis@nortonrosefulbright.com>; Nadine Tawdy (she/her) <nadine.tawdy@nortonrosefulbright.com>; Rosenthal, Julie <jrosenthal@goodmans.ca>; Robert Chadwick <rchadwick@goodmans.ca>; Harmes, Andrew <aharmes@goodmans.ca>
Subject: Re: RioCan Real Estate Investment Trust, et al. and 2455034 Ontario Limited Partnership, et al. (Court File No. CV-25-00744295-00CL) [IMAN-CLIENT.FID2011967]

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Thank you, Alsou. A commercial request form will be filed today. Will the case conference be at 9 AM, or some other time that day?

D.J.

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From: JUS-G-MAG-CSD-Toronto-SCJ Commercial List <MAG.CSD.To.SCJCom@ontario.ca>

Sent: Wednesday, February 25, 2026 9:50:28 AM

To: Andrew Nesbitt <anesbitt@tgf.ca>

Cc: D. J. Miller <DJMiller@tgf.ca>; Deborah Palter <DPalter@tgf.ca>; James Renihan (he/him) <james.renihan@nortonrosefulbright.com>;

Orestes Pasparakis <orestes.pasparakis@nortonrosefulbright.com>; Nadine Tawdy (she/her) <nadine.tawdy@nortonrosefulbright.com>;

Rosenthal, Julie <jrosenthal@goodmans.ca>; Robert Chadwick <rchadwick@goodmans.ca>; Harmes, Andrew <aharmes@goodmans.ca>

Subject: RE: RioCan Real Estate Investment Trust, et al. and 2455034 Ontario Limited Partnership, et al. (Court File No. CV-25-00744295-00CL) [IMAN-CLIENT.FID2011967]

Hello!

We have March 3 available .

Thank you

Alsou Anissimova

Superior Court of Justice

Commercial list Trial coordinator

330 University Ave 7th floor

Civil Trial office

Toronto, Ontario

M5G 1R7

Tel: (416) 327-5047

Email: MAG.CSD.To.SCJCOM@ONTARIO.CA

Toronto Commercial List – Commencing May 9, 2022 , Ministry Zoom coordinates will be used, created and uploaded by court staff into CaseLines. Zoom coordinates for hearings will no longer need to be provided by the parties.

Please note that counsel for the moving party is responsible for inviting all required counsel/parties on a file to [CaseLines](#) for upcoming hearings.

Please note when providing the request form for scheduling via e-mail , please copy (cc) request form to all required counsel.

From: Andrew Nesbitt <anesbitt@tgf.ca>

Sent: February 24, 2026 4:05 PM

To: JUS-G-MAG-CSD-Toronto-SCJ Commercial List <MAG.CSD.To.SCJCom@ontario.ca>

Cc: D. J. Miller <DJMiller@tgf.ca>; Deborah Palter <DPalter@tgf.ca>; James Renihan (he/him) <james.renihan@nortonrosefulbright.com>;

Orestes Pasparakis <orestes.pasparakis@nortonrosefulbright.com>; Nadine Tawdy (she/her) <nadine.tawdy@nortonrosefulbright.com>;

Rosenthal, Julie <jrosenthal@goodmans.ca>; Robert Chadwick <rchadwick@goodmans.ca>; Harmes, Andrew <aharmes@goodmans.ca>

Subject: RioCan Real Estate Investment Trust, et al. and 2455034 Ontario Limited Partnership, et al. (Court File No. CV-25-00744295-00CL) [IMAN-CLIENT.FID2011967]

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Hello,

We are counsel to Oxford Properties Group in the above noted proceeding. We write to request Justice Kimmel's availability for a 15-minute case conference to address the issue of costs, pursuant to the Court's direction at paragraph 117 of the endorsement dated February 9, 2026. A copy is attached for ease of reference.

Please provide dates and times of Justice Kimmel's availability, after which the parties will consult with one another to identify an appropriate date and submit the Commercial List request form.

Counsel for all parties has been copied on this correspondence.

Thanks,
Andy

Andrew Nesbitt | Associate | anesbitt@tgf.ca | Direct Line +1 [416-307-2413](tel:416-307-2413) | | Suite 3200, TD West Tower, 100 Wellington Street West, P.O. Box 329, Toronto-Dominion Centre, Toronto, Ontario M5K 1K7 | 416-304-1616 | Fax: 416-304-1313 | www.tgf.ca

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To: [D. J. Miller](#); [James Renihan \(he/him\)](#); [Andrew Nesbitt](#)
Cc: [Deborah Palter](#); [Orestes Pasparakis](#); [Nadine Tawdy \(she/her\)](#); [Rosenthal, Julie](#); [Robert Chadwick](#); [Harmes, Andrew](#)
Subject: RE: RioCan Real Estate Investment Trust, et al. and 2455034 Ontario Limited Partnership, et al. (Court File No. CV-25-00744295-00CL)
Date: February 25, 2026 12:17:10 PM
Attachments: [shield-advisory.png](#)
[chevron-light.png](#)



Please provide request form for March 4 at 10:00am

From: D. J. Miller <DJMiller@tgf.ca>
Sent: February 25, 2026 12:09 PM
To: James Renihan (he/him) <james.renihan@nortonrosefulbright.com>; JUS-G-MAG-CSD-Toronto-SCJ Commercial List <MAG.CSD.To.SCJCom@ontario.ca>; Andrew Nesbitt <anesbitt@tgf.ca>
Cc: Deborah Palter <DPalter@tgf.ca>; Orestes Pasparakis <orestes.pasparakis@nortonrosefulbright.com>; Nadine Tawdy (she/her) <nadine.tawdy@nortonrosefulbright.com>; Rosenthal, Julie <jrosenthal@goodmans.ca>; Robert Chadwick <rchadwick@goodmans.ca>; Harmes, Andrew <aharmes@goodmans.ca>
Subject: RE: RioCan Real Estate Investment Trust, et al. and 2455034 Ontario Limited Partnership, et al. (Court File No. CV-25-00744295-00CL)

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Counsel for Oxford is also available on either of those two days.

D.J.

D. J. Miller | DJMiller@tgf.ca | Direct Line +1 416 304-0559 | www.tgf.ca

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From: James Renihan (he/him) <james.renihan@nortonrosefulbright.com>
Sent: Wednesday, February 25, 2026 12:07 PM
To: JUS-G-MAG-CSD-Toronto-SCJ Commercial List <MAG.CSD.To.SCJCom@ontario.ca>; Andrew Nesbitt <anesbitt@tgf.ca>; D. J. Miller <DJMiller@tgf.ca>
Cc: Deborah Palter <DPalter@tgf.ca>; Orestes Pasparakis <orestes.pasparakis@nortonrosefulbright.com>; Nadine Tawdy (she/her) <nadine.tawdy@nortonrosefulbright.com>; Rosenthal, Julie <jrosenthal@goodmans.ca>; Robert Chadwick <rchadwick@goodmans.ca>; Harmes, Andrew <aharmes@goodmans.ca>
Subject: RE: RioCan Real Estate Investment Trust, et al. and 2455034 Ontario Limited Partnership, et al. (Court File No. CV-25-00744295-00CL) [IMAN-CLIENT.FID2011967]

Alsou, both the Receiver and RioCan can attend on either of March 4 or 5.

Thanks,
James

James Renihan
Partner

Norton Rose Fulbright Canada LLP / S.E.N.C.R.L., s.r.l.
222 Bay Street, Suite 3000, P.O. Box 53, Toronto ON M5K 1E7 Canada
T: +1 416.216.1944 | F: +1 416.216.3930
james.renihan@nortonrosefulbright.com

NORTON ROSE FULBRIGHT

From: JUS-G-MAG-CSD-Toronto-SCJ Commercial List <MAG.CSD.To.SCJCom@ontario.ca>
Sent: Wednesday, February 25, 2026 11:48 AM
To: James Renihan (he/him) <james.renihan@nortonrosefulbright.com>; Andrew Nesbitt <anesbitt@tgf.ca>; D. J. Miller <DJMiller@tgf.ca>
Cc: Deborah Palter <DPalter@tgf.ca>; Orestes Pasparakis <orestes.pasparakis@nortonrosefulbright.com>; Nadine Tawdy (she/her) <nadine.tawdy@nortonrosefulbright.com>; Rosenthal, Julie <jrosenthal@goodmans.ca>; Robert Chadwick <rchadwick@goodmans.ca>; Harmes, Andrew <aharmes@goodmans.ca>
Subject: RE: RioCan Real Estate Investment Trust, et al. and 2455034 Ontario Limited Partnership, et al. (Court File No. CV-25-00744295-00CL) [IMAN-CLIENT.FID2011967]

Mr. Renihan , please provide your available dates

Thank you

Alsou Anissimova

Superior Court of Justice
Commercial list Trial coordinator
330 University Ave 7th floor
Civil Trial office
Toronto, Ontario
M5G 1R7
Tel: (416) 327-5047

Email: MAG.CSD.To.SCJCOM@ONTARIO.CA

Toronto Commercial List – Commencing May 9, 2022 , Ministry Zoom coordinates will be used, created and uploaded by court staff into CaseLines. Zoom coordinates for hearings will no longer need to be provided by the parties.

Please note that counsel for the moving party is responsible for inviting all required counsel/parties on a file to CaseLines for upcoming hearings.

Please note when providing the request form for scheduling via e-mail , please copy (cc) request form to all required counsel.

From: James Renihan (he/him) <james.renihan@nortonrosefulbright.com>
Sent: February 25, 2026 11:39 AM
To: Andrew Nesbitt <anesbitt@tgf.ca>; JUS-G-MAG-CSD-Toronto-SCJ Commercial List <MAG.CSD.To.SCJCom@ontario.ca>; D. J. Miller <DJMiller@tgf.ca>
Cc: Deborah Palter <DPalter@tgf.ca>; Orestes Pasparakis <orestes.pasparakis@nortonrosefulbright.com>; Nadine Tawdy (she/her) <nadine.tawdy@nortonrosefulbright.com>; Rosenthal, Julie <jrosenthal@goodmans.ca>; Robert Chadwick <rchadwick@goodmans.ca>; Harmes, Andrew <aharmes@goodmans.ca>
Subject: RE: RioCan Real Estate Investment Trust, et al. and 2455034 Ontario Limited Partnership, et al. (Court File No. CV-25-00744295-00CL) [IMAN-CLIENT.FID2011967]

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Alsou, this form states that the date has been arranged with other counsel. As noted, it has not. Please advise her honour that counsel for the Receiver is not available and requests alternate dates.

Regards,
James

James Renihan
Partner

Norton Rose Fulbright Canada LLP / S.E.N.C.R.L., s.r.l.
222 Bay Street, Suite 3000, P.O. Box 53, Toronto ON M5K 1E7 Canada
T: +1 416.216.1944 | F: +1 416.216.3930
james.renihan@nortonrosefulbright.com

NORTON ROSE FULBRIGHT

From: Andrew Nesbitt <anesbitt@tgf.ca>
Sent: Wednesday, February 25, 2026 11:18 AM
To: JUS-G-MAG-CSD-Toronto-SCJ Commercial List <MAG.CSD.To.SCJCom@ontario.ca>; D. J. Miller <DJMiller@tgf.ca>; James Renihan (he/him) <james.renihan@nortonrosefulbright.com>

Cc: Deborah Palter <DPalter@tgf.ca>; Orestes Pasparakis <orestes.pasparakis@nortonrosefulbright.com>; Nadine Tawdy (she/her) <nadine.tawdy@nortonrosefulbright.com>; Rosenthal, Julie <jrosenthal@goodmans.ca>; Robert Chadwick <rchadwick@goodmans.ca>; Harmes, Andrew <aharmes@goodmans.ca>

Subject: RE: RioCan Real Estate Investment Trust, et al. and 2455034 Ontario Limited Partnership, et al. (Court File No. CV-25-00744295-00CL) [IMAN-CLIENT.FID2011967]

As requested, and further to the email exchange below, attached is the Commercial List Request Form for the 9:30 case conference before Justice Kimmel on March 3, 2026.

Thanks,
Andy

Andrew Nesbitt | anesbitt@tgf.ca | Direct Line +1 416-307-2413 | www.tgf.ca

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From: JUS-G-MAG-CSD-Toronto-SCJ Commercial List <MAG.CSD.To.SCJCom@ontario.ca>

Sent: Wednesday, February 25, 2026 10:40 AM

To: D. J. Miller <DJMiller@tgf.ca>; James Renihan (he/him) <james.renihan@nortonrosefulbright.com>; Andrew Nesbitt <anesbitt@tgf.ca>

Cc: Deborah Palter <DPalter@tgf.ca>; Orestes Pasparakis <orestes.pasparakis@nortonrosefulbright.com>; Nadine Tawdy (she/her) <nadine.tawdy@nortonrosefulbright.com>; Rosenthal, Julie <jrosenthal@goodmans.ca>; Robert Chadwick <rchadwick@goodmans.ca>; Harmes, Andrew <aharmes@goodmans.ca>

Subject: RE: RioCan Real Estate Investment Trust, et al. and 2455034 Ontario Limited Partnership, et al. (Court File No. CV-25-00744295-00CL)

Please provide request form

From: D. J. Miller <DJMiller@tgf.ca>

Sent: February 25, 2026 10:31 AM

To: James Renihan (he/him) <james.renihan@nortonrosefulbright.com>; JUS-G-MAG-CSD-Toronto-SCJ Commercial List <MAG.CSD.To.SCJCom@ontario.ca>; Andrew Nesbitt <anesbitt@tgf.ca>

Cc: Deborah Palter <DPalter@tgf.ca>; Orestes Pasparakis <orestes.pasparakis@nortonrosefulbright.com>; Nadine Tawdy (she/her) <nadine.tawdy@nortonrosefulbright.com>; Rosenthal, Julie <jrosenthal@goodmans.ca>; Robert Chadwick <rchadwick@goodmans.ca>; Harmes, Andrew <aharmes@goodmans.ca>

Subject: RE: RioCan Real Estate Investment Trust, et al. and 2455034 Ontario Limited Partnership, et al. (Court File No. CV-25-00744295-00CL)

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Also:

Sorry to involve you in these emails but we have advised counsel to the Receiver that, with 3 partners and an associate at their firm dealing with this matter, one of them can make themselves available for the case conference on the date we were provided (March 3 at 9:30) to speak to a schedule for written cost submissions. Seeking another date further delays the matter unnecessarily. We would ask that you please communicate same to Her Honour.

D.J.

D. J. Miller | DJMiller@tgf.ca | Direct Line +1 416 304-0559 | www.tgf.ca

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From: James Renihan (he/him) <james.renihan@nortonrosefulbright.com>

Sent: Wednesday, February 25, 2026 10:22 AM

To: JUS-G-MAG-CSD-Toronto-SCJ Commercial List <MAG.CSD.To.SCJCom@ontario.ca>; D. J. Miller <DJMiller@tgf.ca>; Andrew Nesbitt <anesbitt@tgf.ca>

Cc: Deborah Palter <DPalter@tgf.ca>; Orestes Pasparakis <orestes.pasparakis@nortonrosefulbright.com>; Nadine Tawdy (she/her) <nadine.tawdy@nortonrosefulbright.com>; Rosenthal, Julie <jrosenthal@goodmans.ca>; Robert Chadwick <rchadwick@goodmans.ca>; Harmes, Andrew <aharmes@goodmans.ca>

Subject: RE: RioCan Real Estate Investment Trust, et al. and 2455034 Ontario Limited Partnership, et al. (Court File No. CV-25-00744295-00CL) [IMAN-CLIENT.FID2011967]

Hi Also,

March 3 does not work for the Receiver. Can you let us know the next available date?

Thank you,
James

James Renihan
Partner

Norton Rose Fulbright Canada LLP / S.E.N.C.R.L., s.r.l.
222 Bay Street, Suite 3000, P.O. Box 53, Toronto ON M5K 1E7 Canada
T: +1 416.216.1944 | F: +1 416.216.3930
james.renihan@nortonrosefulbright.com

NORTON ROSE FULBRIGHT

From: JUS-G-MAG-CSD-Toronto-SCJ Commercial List <MAG.CSD.To.SCJCom@ontario.ca>
Sent: Wednesday, February 25, 2026 9:58 AM
To: D. J. Miller <DJMiller@tgf.ca>; Andrew Nesbitt <anesbitt@tgf.ca>
Cc: Deborah Palter <DPalter@tgf.ca>; James Renihan (he/him) <james.renihan@nortonrosefulbright.com>; Orestes Pasparakis <orestes.pasparakis@nortonrosefulbright.com>; Nadine Tawdy (she/her) <nadine.tawdy@nortonrosefulbright.com>; Rosenthal, Julie <jrosenthal@goodmans.ca>; Robert Chadwick <rchadwick@goodmans.ca>; Harmes, Andrew <aharmes@goodmans.ca>
Subject: RE: RioCan Real Estate Investment Trust, et al. and 2455034 Ontario Limited Partnership, et al. (Court File No. CV-25-00744295-00CL) [IMAN-CLIENT.FID2011967]

At 9:30am

From: D. J. Miller <DJMiller@tgf.ca>
Sent: February 25, 2026 9:54 AM
To: JUS-G-MAG-CSD-Toronto-SCJ Commercial List <MAG.CSD.To.SCJCom@ontario.ca>; Andrew Nesbitt <anesbitt@tgf.ca>
Cc: Deborah Palter <DPalter@tgf.ca>; James Renihan (he/him) <james.renihan@nortonrosefulbright.com>; Orestes Pasparakis <orestes.pasparakis@nortonrosefulbright.com>; Nadine Tawdy (she/her) <nadine.tawdy@nortonrosefulbright.com>; Rosenthal, Julie <jrosenthal@goodmans.ca>; Robert Chadwick <rchadwick@goodmans.ca>; Harmes, Andrew <aharmes@goodmans.ca>
Subject: Re: RioCan Real Estate Investment Trust, et al. and 2455034 Ontario Limited Partnership, et al. (Court File No. CV-25-00744295-00CL) [IMAN-CLIENT.FID2011967]

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Thank you, Also. A commercial request form will be filed today. Will the case conference be at 9 AM, or some other time that day?

D.J.

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D. J. Miller | DJMiller@tgf.ca | Direct Line +1 416 304-0559 | www.tgf.ca
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From: JUS-G-MAG-CSD-Toronto-SCJ Commercial List <MAG.CSD.To.SCJCom@ontario.ca>
Sent: Wednesday, February 25, 2026 9:50:28 AM
To: Andrew Nesbitt <anesbitt@tgf.ca>
Cc: D. J. Miller <DJMiller@tgf.ca>; Deborah Palter <DPalter@tgf.ca>; James Renihan (he/him) <james.renihan@nortonrosefulbright.com>; Orestes Pasparakis <orestes.pasparakis@nortonrosefulbright.com>; Nadine Tawdy (she/her) <nadine.tawdy@nortonrosefulbright.com>; Rosenthal, Julie <jrosenthal@goodmans.ca>; Robert Chadwick <rchadwick@goodmans.ca>; Harmes, Andrew <aharmes@goodmans.ca>
Subject: RE: RioCan Real Estate Investment Trust, et al. and 2455034 Ontario Limited Partnership, et al. (Court File No. CV-25-00744295-00CL) [IMAN-CLIENT.FID2011967]

Hello!
We have March 3 available .

Thank you

Alsou Anissimova

Superior Court of Justice
Commercial list Trial coordinator
330 University Ave 7th floor
Civil Trial office
Toronto, Ontario
M5G 1R7
Tel: (416) 327-5047
Email: MAG.CSD.To.SCJCOM@ONTARIO.CA

Toronto Commercial List – Commencing May 9, 2022 , Ministry Zoom coordinates will be used, created and uploaded by court staff into CaseLines. Zoom coordinates for hearings will no longer need to be provided by the parties.

Please note that counsel for the moving party is responsible for inviting all required counsel/parties on a file to CaseLines for upcoming hearings.

Please note when providing the request form for scheduling via e-mail , please copy (cc) request form to all required counsel.

From: Andrew Nesbitt <anesbitt@tgf.ca>
Sent: February 24, 2026 4:05 PM
To: JUS-G-MAG-CSD-Toronto-SCJ Commercial List <MAG.CSD.To.SCJCom@ontario.ca>
Cc: D. J. Miller <DJMiller@tgf.ca>; Deborah Palter <DPalter@tgf.ca>; James Renihan (he/him) <james.renihan@nortonrosefulbright.com>; Orestes Pasparakis <orestes.pasparakis@nortonrosefulbright.com>; Nadine Tawdy (she/her) <nadine.tawdy@nortonrosefulbright.com>; Rosenthal, Julie <jrosenthal@goodmans.ca>; Robert Chadwick <rchadwick@goodmans.ca>; Harmes, Andrew <aharmes@goodmans.ca>
Subject: RioCan Real Estate Investment Trust, et al. and 2455034 Ontario Limited Partnership, et al. (Court File No. CV-25-00744295-00CL) [IMAN-CLIENT.FID2011967]

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Hello,

We are counsel to Oxford Properties Group in the above noted proceeding. We write to request Justice Kimmel's availability for a 15-minute case conference to address the issue of costs, pursuant to the Court's direction at paragraph 117 of the endorsement dated February 9, 2026. A copy is attached for ease of reference.

Please provide dates and times of Justice Kimmel's availability, after which the parties will consult with one another to identify an appropriate date and submit the Commercial List request form.

Counsel for all parties has been copied on this correspondence.

Thanks,
Andy

Andrew Nesbitt | Associate | anesbitt@tgf.ca | Direct Line +1 416-307-2413 | | Suite 3200, TD West Tower, 100 Wellington Street West, P.O. Box 329, Toronto-Dominion Centre, Toronto, Ontario M5K 1K7 | 416-304-1616 | Fax: 416-304-1313 | www.tgf.ca

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RIOCAN REAL ESTATE INVESTMENT TRUST et al.
Applicants

-and- 2455034 ONTARIO LIMITED PARTNERSHIP et al.
Respondents

Court File No. CV-25-00744295-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

PROCEEDING COMMENCED AT
TORONTO

**CASE CONFERENCE BRIEF OF THE RECEIVER RE
SCHEDULING OF COSTS SUBMISSIONS**

NORTON ROSE FULBRIGHT CANADA LLP
222 Bay Street, Suite 3000
Toronto ON M5K 1E7

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James Renihan LSO#: 57553U
Tel: 416.216.1944
james.renihan@nortonrosefulbright.com

Evan Cobb LSO#: 55787N
Tel: 416.216.1929
evan.cobb@nortonrosefulbright.com

Nadine Tawdy LSO#: 84555A
Tel: 416.216.2439
nadine.tawdy@nortonrosefulbright.com

Lawyers for FTI Canada Consulting Inc., in its capacity as
court-appointed receiver and manager of the Respondents