



SUPERIOR COURT OF JUSTICE

ENDORSEMENT

COURT FILE NO.: CV-25-00743136-00CL DATE: June 19 2025

NO. ON LIST: 3

TITLE OF PROCEEDING:
SHAW-ALMEX INDUSTRIES LIMITED et al

BEFORE: **Justice J. Dietrich**

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party

| Name of Person Appearing | Name of Party | Contact Info |
|--------------------------|---------------------------|--|
| Brendan Bissell | Lawyer for the Applicants | bbissell@reconllp.com |
| Simran Joshi | Lawyer for the Applicants | sjoshi@reconllp.com |
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For Defendant, Respondent, Responding Party:

| Name of Person Appearing | Name of Party | Contact Info |
|--------------------------|----------------------------------|--|
| Maria Konyukhova | Lawyer for FTI Consulting Canada | mkonyukhova@stikeman.com |
| Nick Avis | Lawyer for FTI Consulting Canada | navis@stikeman.com |
| Jason Wadden | Lawyer for Tim Shaw | jwadden@tyrllp.com |
| Chad Kopach | Lawyer for BDC | Ckopatch@blaney.com |
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For Other, Self-Represented:

| Name of Person Appearing | Name of Party | Contact Info |
|--------------------------|---------------|--------------|
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ENDORSEMENT OF JUSTICE J. Dietrich :

[1] FTI Consulting Canada Inc. in its capacity as monitor of Shaw-Almex Industries Limited (“**SAIL**”) and Shaw Almex Fusion, LLC (“**Fusion**” and together with SAIL, the “**Applicants**”) seeks to schedule two motions.

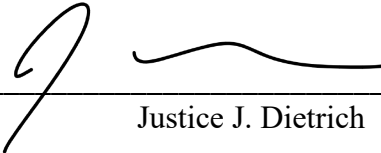
[2] The first is a motion (the “**TUV Motion**”) seeking an order, amongst other things, declaring that the transfer of shares of Shaw Almex Spain Real Holdings, S.L. from SAIL to Shaw Almex Global Holdings Limited pursuant to a share sale and purchase agreement dated December 31, 2021 was a transfer at undervalue for the purposes of section 96 of the Bankruptcy and Insolvency Act, R.S.C. 1985, c. B-3 (the “**BIA**”), as incorporated into the CCAA by section 36.1 thereof, and void as against the Monitor or in the alternative is not enforceable under Spanish Law. The TUV Motion is scheduled be heard **for a full day on October 17, 2025**. If a further case conference is needed to address any scheduling issues that arise, one may be booked through the Commercial List Office.

[3] The second is a motion, seeking an order, amongst other things, declaring that Mr. Timothy Shaw is in breach of the Property Preservation Order made by me in these proceedings on May 30, 2025 (the “**Contempt Motion**”). There is urgency to this motion as the Monitor alleges that Mr. Shaw’s actions will interfere with the closing of a sale transaction. Currently, the SISP, which was approved on May 30, 2025, is in process and it is expected that a motion to approve a sale transaction will be scheduled in the coming weeks.

[4] With respect to the Contempt Motion, counsel to Mr. Shaw takes the position that given the nature of the relief requested, Mr. Shaw should have the right to cross-examine the Monitor on the evidence filed in support of the motion rather than the typical process of being constrained to written interrogatories. Mr. Shaw wishes to bring a motion for such a determination as part of that schedule for the hearing of the Contempt Motion. Recognizing the urgency to this motion, the following schedule is set:

| Event | Date (2025) |
|--|---|
| Motion Record of the Monitor re Contempt Motion | Tuesday, June 24 |
| Motion Record and Factum of Tim Shaw on the issue of cross-examination of the Monitor | Friday, June 27 |
| Responding Record and Factum of the Monitor on the issue of cross-examination of the Monitor | Thursday, July 4 |
| Responding Record of Tim Shaw re Contempt Motion | Friday, July 5 |
| Reply Record of the Monitor re Contempt Motion | Tuesday, July 8 |
| <u>Hearing on the issue of cross-examination of the Monitor (2 hours)</u> | <u>Tuesday, July 8 at 10:00 a.m.</u> |
| Examination of Tim Shaw | Week of July 7 |
| Written interrogatories or examination of the Monitor | Week of July 7 or July 14 |
| Factum of the Monitor on Contempt Motion | Tuesday, July 15 |
| Factum of Tim Shaw on Contempt Motion | Thursday, July 17 |
| <u>Hearing (1/2 day) of Contempt Motion</u> | <u>Monday, July 21 at 10:00 a.m.</u> |

[5] As well, the time reserved for this matter on **June 27, 2025 is to be reduced to 1 hour.** Counsel should contact the Commercial List Office to confirm that time is reduced accordingly.



Justice J. Dietrich

Date: June 19, 2025