

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

**IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*,
RSC 1985, C C-36, AS AMENDED**

**AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT
OF SHAW-ALMEX INDUSTRIES LIMITED
AND SHAW ALMEX FUSION, LLC**

**AIDE MÉMOIRE
(Brief of Law)
(Case Conference Scheduled for June 19, 2025)**

June 19, 2025

STIKEMAN ELLIOTT LLP
Barristers & Solicitors
5300 Commerce Court West
199 Bay Street
Toronto, Canada M5L 1B9

Maria Konyukhova LSO#: 52880V
Email: mkonyukhova@stikeman.com
Tel: +1 416 869 5230

Nicholas Avis LSO#: 76781Q
Email: navis@stikeman.com
Tel: 416-869-5563

Lawyers for the Monitor

A. INTRODUCTION

1. FTI Consulting Canada Inc. (“**FTI**”), in its capacity as monitor (the “**Monitor**”) of Shaw-Almex Industries Limited (“**SAIL**”) and Shaw Almex Fusion, LLC (“**Fusion**” and together with SAIL, the “**Applicants**”) has requested a case conference to schedule two motions, one of which seeks an order that, amongst other things, declares that Mr. Timothy Shaw is in breach of the Property Preservation Order granted on May 30, 2025, by this Court.
2. This aide mémoire should be read in conjunction with the aide mémoire filed by the Monitor on June 18, 2025.

B. SCHEDULING A MOTION RE: CONTEMPT OF COURT

3. This Court has previously scheduled contempt of court motions on an expedited basis when the purported contempt of court occurred in an insolvency proceeding.
4. Justice Black recently found a group of respondents in contempt of court in the receivership of Canadian Motor Freight Ltd et al.¹ In that proceeding, the contempt motion happened on an expedited basis:
 - (a) On December 2, 2024, Justice Black issued two orders: an examination and document production order, and an asset recovery order. No responding materials were filed.²
 - (b) On December 6, 2024, the receiver presented evidence on an *ex parte* basis that the respondents were ignoring and refusing to comply with the court orders. Justice Black ordered a case conference.³
 - (c) On December 9, 2024, at a case conference, Justice Black ordered a contempt hearing. The contempt hearing was scheduled on the following timetable:

¹ *Re Canadian Motor Freight Ltd. et al.*, (December 13, 2024) Ont SCJ [Commercial List], Court File No. CV-24-00728550-00CL ([Endorsement](#)).

² *Re Canadian Motor Freight Ltd. et al.*, (December 2, 2024) Ont SCJ [Commercial List], Court File No. CV-24-00728550-00CL ([Endorsement](#)).

³ *Re Canadian Motor Freight Ltd. et al.*, (December 6, 2024) Ont SCJ [Commercial List], Court File No. CV-24-00728550-00CL ([Endorsement](#)).

- (i) The hearing was scheduled in person on December 13, 2024;
- (ii) The receiver was to deliver its materials, including its factum, by the end of the day December 10, 2024; and
- (iii) The responding parties were to deliver their materials, including their factums, by December 12, 2024, at 10:00 a.m.⁴
- (d) On December 13, 2024, Justice Black heard the contempt motion and found the respondents in contempt of court.⁵
- (e) On January 13, 2025, Justice Black held a sentencing hearing.⁶

5. With respect to the December 2, 2024, motion where the receiver sought two orders, including one that authorized the receiver to examine the respondents and ordered the respondents to produce certain documents, Justice Black was advised that the respondents had produced some of the required information the day of the hearing, and they were prepared to provide the balance of the outstanding information. Counsel for some of the respondents also requested that the examinations contemplated by the order be delayed until early January. In response, Justice Black wrote the following:

[...] I am not prepared to delay those examinations. Frankly I am concerned that the respondents have been actively and intentionally stonewalling the Receiver's request for information and cooperation, and I see no reasonable basis to delay mandating full cooperation any further.

To be clear, I expect that full cooperation, and this court will take a dim view of any further attempts to delay or obfuscate on the part of any respondent.

[...] Unfortunately, various individuals and entities that are subject to the Orders have refused to comply with the terms of this court's Receivership Orders and, instead of recognizing

⁴ *Re Canadian Motor Freight Ltd. et al.*, (December 9, 2024) Ont SCJ [Commercial List], Court File No. CV-24-00728550-00CL ([Endorsement](#)).

⁵ *Re Canadian Motor Freight Ltd. et al.*, (December 13, 2024) Ont SCJ [Commercial List], Court File No. CV-24-00728550-00CL ([Endorsement](#)).

⁶ *Re Canadian Motor Freight Ltd. et al.*, (January 13, 2025) Ont SCJ [Commercial List], Court File No. CV-24-00728550-00CL ([Endorsement](#)).

and cooperating with the right of the Receiver to take possession and control over all of the Debtors' property, assets, and undertakings (the "Property"), have instead engaged in behaviour that has obstructed the Receiver from carrying out its duties.⁷

6. Justice Black did not authorize the respondents to examine the receiver as part of the contempt motion.

C. PROPOSED TIMETABLE FOR THE CONTEMPT OF COURT MOTION

Event	Date (2025)
Motion Record of the Monitor	Thursday, June 26
Responding Record of Tim Shaw	Friday, July 4
Reply Record of the Monitor	Tuesday, July 8
Examination of Tim Shaw	Week of July 7
Written interrogatories of the Monitor	Week of Jul 7
Factum of the Monitor	Friday, July 11
Factum of Tim Shaw	Tuesday, July 15
Hearing (half day)	Wednesday, July 16

June 19, 2025


Nicholas Avis

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Maria Konyukhova LSO#: 52880V
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Tel: +1 416 869 5230

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Email: navis@stikeman.com
Tel: 416-869-5563

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⁷ *Re Canadian Motor Freight Ltd. et al.*, (December 2, 2024) Ont SCJ [Commercial List], Court File No. CV-24-00728550-00CL ([Endorsement](#)) at paras. 4-7.

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C-36, AS AMENDED AND IN THE MATTER OF A PLAN OF COMPROMISE OR
ARRANGEMENT OF SHAW-ALMEX INDUSTRIES LIMITED AND SHAW ALMEX
FUSION, LLC

Court File No. CV-25-00743136-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
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Proceeding commenced at Toronto

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