



ONTARIO SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

COUNSEL/ENDORSEMENT SLIP

COURT FILE NO.: CV-23-00707394-00CL

DATE: May 22 & 24, 2024

NO. ON LIST: 8

TITLE OF PROCEEDING: TACORA RESOURCES INC. v. FIRST INSURANCE FUNDING OF CANADA INC et al

BEFORE: JUSTICE KIMMEL

PARTICIPANT INFORMATION

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ENDORSEMENT OF JUSTICE KIMMEL:

[1] For the brief reasons given orally in court after considering the written and oral submissions of counsel, the following matters have been scheduled:

- a. A half-day in person hearing commencing at 12:00 noon on June 5, 2024 for:
 - i. The Tacora Sale Process Motion and to extend the Stay; and
 - ii. The Cargill Meeting Order (Plan) Motion.

- b. A full-day in person hearing commencing at 10:00 a.m. on June 26, 2024 for:
 - i. The preliminary threshold motion (to be reconstituted and supplemented in a notice of motion to be delivered next week by Tacora to include circumscribed additional points);
 - ii. The Cargill RVO Declaration motion (Global Process Motion Re: Availability of RVO); and
 - iii. The Cargill Disclaimer Motion.

[2] These motions shall proceed on the basis of a timetable to be agreed upon by all participating parties, a copy of which shall be provided to the court by the Monitor by the end of next week, May 31, 2024. The timetable shall be structured such that all material for the

motions will have been served, filed and uploaded into the appropriate hearing by no later than 12:00 p.m. on the day before the hearing.

[3] Factums for the June 5, 2024 motions should be focused. Ideally, each party will address the issues on both motions in a single factum of no more than 25 pages double spaced.

[4] The following directions are provided with respect to the factums for the June 26, 2024 motions:

- a. Each participating party may rely on their existing factums for the preliminary threshold motion and a supplementary factum of no more than five pages double spaced. If appropriate, highlighted versions of the previously filed factums indicating the relevant portions for the preliminary threshold motion may be delivered.
- b. Each participating party may deliver a new factum of up to 35 pages double spaced in respect of the Cargill Global Process (RVO Declaration) Motion and Cargill Disclaimer motion. Cargill may deliver a single reply factum of up to 6 pages double spaced.

[5] In advance of each hearing, the Monitor shall coordinate a hearing agenda with time allocations for each participating counsel and provide that to the court the day before, together with an index of the factums that have been filed for each motion and where they can be located in the CaseLines hearing bundle for the relevant date.

[6] The parties are encouraged to continue to pursue the parallel track of a global or partial resolution of some or all issues on the upcoming motions, and beyond those issues, to try to reach a global resolution.

A handwritten signature in black ink, appearing to read "Kimmel J.", written in a cursive style.

KIMMEL J.