

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

B E T W E E N:

**IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C.
1985, c. C-36, AS AMENDED**

**AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF
BZAM LTD., BZAM HOLDINGS INC., BZAM MANAGEMENT INC., BZAM
CANNABIS CORP., FOLIUM LIFE SCIENCE INC., 102172093 SASKATCHEWAN
LTD., THE GREEN ORGANIC DUTCHMAN LTD., MEDICAN ORGANIC INC., HIGH
ROAD HOLDING CORP. AND FINAL BELL CORP.**

Applicants

**AIDE MEMOIRE OF FINAL BELL HOLDINGS INTERNATIONAL LTD.
(CASE CONFERENCE RETURNABLE APRIL 12, 2024)**

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TO: **THE SERVICE LIST**

1. The purpose of this case conference is to determine whether the Monitor should create a separate evidentiary record from the record created by the parties to the upcoming summary trial. Final Bell respectfully submits that the Monitor should be directed to limit any pre-hearing report on its claim to the evidence adduced by the parties. It should not adduce new evidence.

2. Since the March 19 case conference, the parties exchanged six affidavits to serve as their witnesses' evidence in chief. Earlier this week they conducted out-of-court cross-examinations for two full days. The parties agree that the pre-hearing evidence is sufficiently developed such that only limited in-court evidence is now required.

3. The evidentiary record is now substantially formed. The affidavits (with exhibits) comprise almost 1,500 pages. The cross-examination transcripts comprise approximately 450 pages, plus exhibits. In this context, there is no need for the Monitor to seek out evidence from the witnesses, or from non-witnesses, via out-of-court interviews and requests for documents. The Monitor's report can, and should, be limited to the evidence already in the record.

4. The April 22-23 hearing is not an ordinary CCAA motion. It is a summary trial of a claim to rescind a contract on the basis of alleged fraudulent misrepresentation. The parties made conscious and deliberate decisions concerning from whom they wished to adduce evidence – for example, BZAM elected not to deliver an affidavit from its former CFO. Cross-examinations – which are different from examinations from discovery – were conducted with care and precision.

5. There is no benefit to the Monitor now seeking out other evidence for its report. If the Monitor is permitted to do so, it will taint the record. This Court has a long-standing and fair process for parties to adduce evidence for trial. There is no need to depart from that process here. The Monitor should be directed to limit its report to the evidence in the record.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 12th day of April, 2024.

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Court File No. CV-24-00715773-00CL

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PROCEEDING COMMENCED AT TORONTO

**FINAL BELL'S AIDE MEMORE
(CASE CONFERENCE RETURNABLE
APRIL 12, 2024)**

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