

Form 27

[Rules 6.3 and

10.52(1)]

COURT FILE NUMBER 2501 06120

COURT COURT OF KING'S BENCH OF ALBERTA

JUDICIAL CENTRE Calgary

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
SUNTERRA FOOD CORPORATION,
TROCHU MEAT PROCESSORS LTD.,
SUNTERRA QUALITY FOOD MARKETS
INC., SUNTERRA FARMS LTD.,
SUNWOLD FARMS LIMITED,
SUNTERRA BEEF
LTD., LARIAGRA FARMS LTD.,
SUNTERRA FARM ENTERPRISES LTD.,
SUNTERRA ENTERPRISES INC

PLAINTIFF(S)/ NATIONAL BANK OF CANADA

DEFENDANT(S)/ SUNTERRA FOOD CORPORATION,
TROCHU MEAT PROCESSORS LTD.,
SUNTERRA QUALITY FOOD MARKETS
INC., SUNTERRA FARMS LTD.,
SUNWOLD FARMS LIMITED, SUNTERRA
BEEF LTD., LARIAGRA FARMS LTD.,
SUNTERRA FARM ENTERPRISES INC.,
SUNTERRA ENTERPRISES INC., RAY
PRICE, DEBBIE UFFELMAN and CRAIG
THOMPSON

**DOCUMENT APPLICATION BY DEFENDANT TO
COMPELL PRODUCTION OF WITNESS
(RULE 5.17(1)(A); RULE 6.2; RULE 6.8)**

C100520

Clerk's Stamp



\$100.00

JS

Oct. 15, 2025

J. Lema

ADDRESS FOR
SERVICE AND
CONTACT
INFORMATION OF
PARTY FILING THIS
DOCUMENT

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File No. 1375-00001

This application is made against you. You are a respondent. You have the right to state your side of this matter before the Court.

To do so, you must be in Court when the application is heard as shown below:

October 15, 2025

Time: 10:00 a.m.

Where: Edmonton Law Courts (Virtual Courtroom via WebEx – see Schedule “A” hereto)

Before Whom: The Honourable Justice Lema

Go to the end of this document to see what else you can do and when you must do it.

Remedy claimed or sought:

1. Sunterra Canada applies for an order, substantially in the form attached as Schedule “A”: hereto, which if granted would:
 - (a) Declare that Laurent Ferreira, Chief Executive Officer , and Alexandre Leblanc, Vice President Special Loans (the “**Named Witnesses**”) have detailed knowledge of:
 - a. Internal decision-making policies relating to fraud and specifically, such allegations as they related to current clients
 - b. The ability of the NBC Officers to opine on approvals and policies with respect to NBC's regulatory obligations;
 - c. Internal policies concerning the use and approval of cheques;

- d. The internal reporting structure within NBC;
 - e. Policies and rules respecting the interactions between NBC and other banks;
 - f. Policies and rules relating to clearing house rules; and
 - g. Oversight of NBC regarding issues raised between NBC and Sunterra in these proceedings.
2. That the **Named Witnesses** are compellable to be questioned as witnesses by Sunterra in connection with Sunterra v NBC Claim pursuant to Schedule “A” of the Consent Order granted by the Honourable Justice Lema herein on July 24, 2025, filed September 12, 2025, and pursuant Rules 5.17, 5.18, and 6.8, which are expressly incorporated into that Consent Order;
 3. Order the attendance of the **Named Witnesses** to be questioned under Rule 6.8 pursuant to the declaration sought above.
 4. Direct that NBC deliver such written instructions and waivers reasonably required by the Named Witnesses, within five (5) days of the date of the Order, and to cooperate in scheduling Named Witnesses’ questioning on or before a date to be determined by the Court and provide such other directions regarding the timetable in Schedule “A” to the Consent Order.
 5. Order any other such relief this court deems to be appropriate

Grounds for making this application:

2. The **Named Witnesses** are corporate officers of NBC and therefore by virtue of their positions have, within Sunterra’s view, interactions, roles, and responsibilities which would provide them with additional relevant and material knowledge related to Sunterra’s claim. Specifically, the **Named Witnesses** would have, or appear to have, first hand knowledge of:
 - a. Internal decision-making policies relating to fraud and specifically, such allegations as they related to current clients

- b. The ability of the NBC Officers to opine on approvals and policies with respect to NBC regulatory obligations;
 - c. Internal policies concerning the use and approval of cheques;
 - d. The internal reporting structure within NBC;
 - e. Policies and rules respecting the interactions between NBC and other banks;
 - f. Policies and rules relating to clearing house rules; and
 - g. Oversight of NBC regarding issues raised between NBC and Sunterra in these proceedings.
3. As a consequence of their positions within NBC, the **Named Witnesses** would have additional firsthand knowledge above that which was provided by NBC previous affiants.
 4. Pursuant to the Consent Order, Sunterra is granted express permission to identify and have produced for questioning any two additional employees from within NBC in addition to those affiants already produced in this claim.
 5. The Consent Order expressly provides that “The Defendants in the Action shall file and serve their defences to the Statement of Claim filed in the Action and any (...) by September 5 2025, and [Sunterra] shall advise NBC of the names of any two additional individuals who are current or former NBC employees, officers or directors within the scope of Rules 5.17 and 5.18 associated with NBC.”
 6. Rules 5.17 of the Alberta Rules of Court provides that_:

A party is entitled to ask the following persons questions under oath about relevant and material records and relevant and material information:

 - if the party adverse in interest is a corporation,
 - one or more officers or former officers of the corporation who have or appear to have relevant and material information that was acquired because they are or were officers of the corporation
 7. The consent order further expressly provides that those individuals to be questioned would be “those identified by the Sunterra Parties as falling within the scope of Rules 5.17 and 5.18”.
 8. The Named witnesses are officers of NBC.

9. Sunterra has further determined and identified that the Named Witnesses have or appear to have relevant and material information in relation to this claim
10. NBC refused to produce the Named Witnesses on the basis that the Names Witnesses would not have relevant or material information despite not being the party expressly granted authority to make such a determination in the consent order.
11. The terms of the proposed order are compliant with Rule 6.8, which governs questioning of witnesses
12. The relief requested is proportionate and necessary to ensure both a fair and efficient trial and Sunterra's full realization of the scope of its claim.

Material or evidence to be relied on:

13. The Affidavits of Arthur Price, sworn September 18 2025 and October 8, 2025;
14. The Consent order of Justice Lema, filed on September 11, 2025
15. Such Further materials that material as counsel for NBC may advise and this Honourable Court may permit

Applicable rules:

16. *Alberta Rules of Court*, Alta Reg. 124/2010, rr. 5.1, 5.2, 5.17(1)(a)(ii), 6.8.
17. Such further and other rules as counsel for Sunterra may advise and this Honourable Court may permit.

Applicable Acts and regulations:

18. Companies' Creditors Arrangement Act, RSC 1985, c. C-36, sections 11, 19, and 20.
19. Such further and other acts and regulations as counsel for NBC may advise and this Honourable Court may permit

Any irregularity complained of or objection relied on:

20. There are no irregularities complained of or objection relied on.

How the application is proposed to be heard or considered:

21. Sunterra proposes that the application be heard in person or via Webex with one, some, or all parties present.

WARNING

If you do not come to Court either in person or by your lawyer, the Court may give the applicant(s) what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the applicant(s) a reasonable time before the application is to be heard or considered.

**SCHEDULE “A”
WEBEX DETAILS**

Virtual Courtroom 10 has been assigned for the above noted matter:

Virtual Courtroom Link:

<https://albertacourts.webex.com/meet/virtual.courtroom10>

Instructions for Connecting to the Meeting

1. Click on the link above or open up Chrome or Firefox and cut and paste it into your browser address bar.
2. If you do not have the Cisco Webex application already installed on your device, the site will have a button to install it. Follow installation instructions. Enter your full name and email address when prompted
3. Click on the **Open Cisco Webex Meeting**.
4. You will see a preview screen. Click on **Join Meeting**.

Key considerations for those attending:

1. Please connect to the courtroom **15 minutes prior** to the start of the hearing.
2. Please ensure that your microphone is muted and remains muted for the duration of the proceeding, unless you are speaking. Ensure that you state your name each time you speak.
3. If bandwidth becomes an issue, some participants may be asked to turn off their video and participate by audio only.
4. **Note: Recording or rebroadcasting of the video is prohibited.**
5. **Note: It is highly recommended you use headphones with a microphone or a headset when using Webex. This prevents feedback.**

For more information relating to Webex protocols and procedures, please visit:

<https://www.albertacourts.ca/qb/court-operations-schedules/webex-remote-hearings-protocol>

You can also join the meeting via the “Cisco Webex Meetings” App on your smartphone/tablet or other smart device. You can download this via the App marketplace and join via the link provided above.

Schedule "B"

COURT FILE NUMBER	2501 0621
COURT	COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE	Calgary

Clerk's Stamp

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PLAINTIFF(S)/	NATIONAL BANK OF CANADA
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DOCUMENT	ORDER TO COMPELL PRODUCTION OF WITNESS
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ADDRESS FOR
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CONTACT
INFORMATION OF
PARTY FILING THIS
DOCUMENT

Blue Rock Law LLP
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david.mann@bluerocklaw.com
File No. 1375-00001

IT IS HEREBY ORDERED AND DECLARED THAT:

1. The time for service of the Application, Arthur Price's Affidavit , and all related materials, is hereby abridged, the Application is properly returnable today, service of the Application, Arthur Price's Affidavit, and all related materials on the service list established in these proceedings (the "**Service List**"), in the manner described in the Service Affidavit, is good and sufficient, and no other persons, other than those listed on the Service List, are entitled to service of the Applications, Arthur Price's Affidavit, or the supporting materials.
2. Laurent Ferriera and Alexandre Leblanc, in their roles as Chief Executive Officer and Vice President Special Loans, respectively, (collectively, the "**Named Witnesses**") have detailed knowledge of:
 - a. Internal decision-making policies relating to fraud and specifically, such allegations as they related to current clients
 - b. The ability of the Named Witnesses to opine on approvals and policies with respect to NBC's regulatory obligations;
 - c. Internal policies concerning the use and approval of cheques;
 - d. The internal reporting structure within NBC
 - e. Policies and rules respecting the interactions between NBC and other banks;
 - f. Policies and rules relating to clearing house rules; and
 - g. Oversight of NBC regarding issues raised between NBC and Sunterra in these proceedings.

And are declared to be witnesses that may be compelled to be questioned by Sunterra under the Consent Order and Rule 5.17(1)(e) of the *Alberta Rules of Court*.

3. NBC shall co-operate to schedule the questioning of the Named Witnesses between October 20 and October 21, 2025, in compliance with the Consent Order
4. The parties shall coordinate to ensure compliance with Schedule "A" to the Consent Order (including, without limitation, the requirement that all questioning shall be completed by October 24, 2025) and the filing of briefs by November 10 and 24, 2025.
5. Service of this Order on the persons listed on the Service List created in the within proceedings, by email, facsimile, registered mail, courier, or personal delivery, shall constitute good and sufficient service of this Order, and no persons other than the persons listed on the service list are entitled to be served with a copy of this Order. Service is deemed to be effected the next business day following the transmission or delivery of such documents.

Justice of the Court of King's Bench of Alberta