



ONTARIO SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

COUNSEL SLIP/ENDORSEMENT

COURT FILE NO.: CV-23-00707394-00CL DATE: April 4, 2024

NO. ON LIST: 1

TITLE OF PROCEEDING: **IN THE MATER OF**
Tacora Resources Inc.

BEFORE JUSTICE: **KIMMEL**

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party, Crown:

Name of Person Appearing	Name of Party	Contact Info
Alan Merskey	For FTI, the Monitor of Tacora	amerskey@cassels.com

For Defendant, Respondent, Responding Party, Defence:

Name of Person Appearing	Name of Party	Contact Info

ENDORSEMENT OF JUSTICE KIMMEL :

1. The court's March 26, 2024 endorsement contemplated that the Monitor would co-ordinate with all counsel regarding a proposal to address confidentiality concerns in respect of certain evidence in the record for the upcoming motions (scheduled to be heard on April 10, 11 and 12, 2024) and an anticipated requested sealing order.
2. The Monitor has advised the court as follows:
 - a. The Monitor has consulted with the parties and undertaken to prepare and deliver the motion for a sealing order, as each participating party has identified certain documents over which it wishes to preserve confidentiality.
 - b. The materials over which confidentiality is sought are generally the exhibits from cross-examinations and the associated transcripts. While it might be feasible to seek sealing over

redacted portions of those documents and transcripts, the parties are concerned that redacting those documents will be difficult in the short time available. As a result, it is proposed that the documents and transcripts be sealed as a whole pending the hearing. The parties could then, post-hearing, engage in an exercise of redacting the individual documents and transcripts in order to additionally tailor the sealing order.

3. The court has accepted this proposal, and has now been provided with a copy of the Monitor's Notice of Motion for the requested sealing order that has been served on the service list.
4. For purposes of the hearing next week, there will be two separate cases for this matter in CaseLines.
 - a. The existing case (under the case name Tacora Resources Inc.) will remain as it is and all public (non-confidential/redacted) materials for the upcoming hearing next week shall be served, filed and uploaded into that bundle in CaseLines in the normal course (and in accordance with the court's previous directions).
 - b. A new restricted access case has been created in CaseLines that is called: **Tacora Resources Inc. *RESTRICTED ACCESS*CONFIDENTIAL MATERIAL***. Any material that is designated as confidential and that is the subject of the sealing order request in the Monitor's Notice of Motion shall be included in this case in its unredacted form (with all redactions remaining subject to the court's decision on the sealing order motion and the court's further direction). This "restricted access case" must also include all material filed for the upcoming motions (e.g. even material that is not subject to a sealing order request) so that hyperlinks will work. The individuals who shall be granted access to this restricted access case (in addition to the judge, judicial law clerk and court staff) are listed on Schedule "A" to this endorsement, based on the list provided by the Monitor as of April 4, 2024.
5. This endorsement is being sent to counsel for the Monitor, who shall be responsible for ensuring that it is circulated to all participating counsel and the service list.



KIMMEL J.