



SUPERIOR COURT OF JUSTICE

**COUNSEL SLIP/ ENDORSEMENT FORM**

COURT FILE NO.: CV-23-709183-00CL DATE: June 21, 2024

NO. ON LIST: 3

TITLE OF PROCEEDING: **IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF  
PEOPLE TRUST COMPANY v. CROWN CREST CAPITAL MANAGEMENT CORP.,  
ET AL**

BEFORE JUSTICE: **JUSTICE W.D. BLACK**

**PARTICIPANT INFORMATION**

**For Plaintiff, Applicant, Moving Party, Crown:**

Name of Person Appearing	Name of Party	Contact Info
Scott Kugler, Counsel for the Applicant	Peoples Trust Company	Scott.Kugler@gowlingwlg.com

**For Defendant, Respondent, Responding Party, Defence:**

Name of Person Appearing	Name of Party	Contact Info
Miranda Spence Samantha Hans Counsel for the Respondent	HWS Consulting Inc.	mspence@airdberlis.com shans@airdberlis.com

**For Other, Self-Represented:**

Name of Person Appearing	Name of Party	Contact Info
Shawn Irving, Counsel to the Monitor	KPMG Inc.	sirving@osler.com
Maria Arabella Robles David Ullmann	Counsel for the Class Action Plaintiffs	mrobles@sotos.ca dullmann@blaney.com

**ENDORSEMENT OF JUSTICE W.D. BLACK:**

- [1] The class action plaintiffs (the “Class”) in this matter, booked this case conference seeking to schedule a half-day motion before Conway J., who is case-managing the CCAA proceedings.
- [2] The motion is for an interim or interlocutory injunction requiring the respondents and the Chief Restructuring Officer (CRO), to immediately cease sending letters (as exemplified by the May 29, 2024 letter to Thain Paterson in the motion materials), or any similar communication(s) to consumers demanding payment under the consumer leases controlled by the respondents, and/or threatening those consumers with lawsuits, while failing to disclose the proposed class actions at issue here (the Simply Group Class Action and the People’s Trust Class Action).
- [3] Counsel advised that they have been told that Conway J. is away and not sitting again until August, and so what the Class seeks is to schedule this motion before her sometime after her return in August, and before the mediation which is scheduled to proceed between August 19 and 21, 2024 (to be conducted by (former) Justice McEwen).
- [4] I have not scheduled that motion to this point, for a couple of reasons.
- [5] First, as counsel know, the commercial list is not generally scheduling long motions during the summer months. While there are potential exceptions if a judge is prepared to accommodate the request, I would not purport to speak for Conway J. in these circumstances, and will instead ask that this endorsement be forwarded to her for her review and consideration.
- [6] Counsel for the Class says that this motion is urgent, and should be heard before the mediation, and so implores that this situation would justify scheduling the motion in August, despite its length. Again, I leave that determination to Conway J.
- [7] The second reason for my hesitation, is that there has been an ongoing discussion, as reflected in the materials and in Conway J.’s endorsement in the matter dated May 16, 2024, as to who, as between a judge of the commercial list (and now Conway J. in particular), and Akbarali J. – who has been case-managing the class proceedings – should hear and address motions, including this one. Indeed, Ms. Spence of counsel for the respondent, HWS Consulting Inc., raised the suggestion that this motion may be better placed in the hands of Akbarali J.
- [8] In that regard, I asked counsel if any attempt had been made to schedule a case conference before Akbarali J. Mr. Ullman’s response was that, in his submission, inasmuch as the relief he seeks will have implications and effect within the CCAA proceedings as well as the class proceedings, it must be heard by Conway J. I pointed out, in response to this submission, that, given that at best Conway J. can hear the matter in August, and given that Her Honour may be unable or may decline to hear the matter at that time or may accept Ms. Spence’s submission that Akbarali J. is better placed to hear the matter, Mr. Ullman would be taking the chance and accepting the risk that Conway J. may not hear the matter in August or at all (in which case there will be no chance of obtaining the relief he seeks before the mediation).
- [9] Mr. Ullman fairly acknowledged and accepted that risk.

[10] As such, as noted above, I ask that this endorsement be forwarded to Conway J, for her information and to consider the request that she hear the half-day motion in August.

[11] Mr. Irving of counsel for the Monitor (KPMG) suggested, and I agree, that he should send a note to Conway J. (necessarily approved by and copied to all counsel), setting out the Monitor’s perspective on the various parties’ positions relative to the Class’s motion and its implications for the CCAA proceedings.



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W.D. BLACK J.

**DATE: JUNE 21, 2024**