

VANCOUVER

NOV 23 2023

COURT OF APPEAL
REGISTRY

Court of Appeal File No. CA49489

COURT OF APPEAL

BETWEEN:

M&M BUSINESS GROUP, L.P., MUFEED HADDAD and MIKE BUDKA

APPELLANT

AND:

NEXTPPOINT FINANCIAL, INC., AND THOSE PARTIES LISTED ON SCHEDULE "A"

RESPONDENTS
(PETITIONERS)

AND:

FTI CONSULTING CANADA INC., FIRST CENTURY BANK, N.A., BASEPOINT, DRAKE ENTERPRISES LTD., FRONTIER CAPITAL GROUP LTD., CHILMARK ADMINISTRATIVE LLC, TMI TRUST COMPANY, CMB TAX SERVICE, LLC, and HIS MAJESTY THE KING IN RIGHT OF CANADA

RESPONDENTS

NOTICE OF MOTION

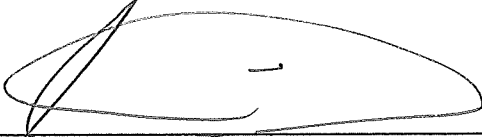
TO: The Appellants and Respondents

TAKE NOTICE THAT AN APPLICATION will be made by the Respondents NextPoint Financial, Inc., and the other Petitioners, to the presiding justice at 800 Smithe Street, Vancouver, British Columbia, at 2:00 p.m. on November 23, 2023 for an order pursuant to Rule 47 (1) and Rule 48 (1) that this appeal be referred into case management for a time tabling order, setting out an expedited timeline for the application for leave to appeal, the proposed stay, and the hearing of the appeal itself, should leave be granted, and any responsive filings thereto.

AND TAKE NOTICE THAT in support of the application will be read the First Affidavit of Wen-Shih Yang, sworn November 23, 2023, the Fourth Report of the Monitor dated October 27, 2023, and the Fifth Report of the Monitor dated November 16, 2023.

The Applicants anticipate that this application will be contested.

Nov 23, 2023
Dated _____



DLA Piper (Canada) LLP (Jeffrey D. Bradshaw)
Solicitor for the applicants

This application will take no more than 30 minutes to be heard.

Schedule "A"

1. NextPoint Financial, Inc.
2. NPI Holdco LLC

Liberty Tax Entities

1. LT Holdco, LLC
2. LT Intermediate Holdco, LLC
3. SiempreTax+ LLC
4. JTH Tax LLC
5. Liberty Tax Holding Corporation
6. Liberty Tax Service Inc.
7. JTH Financial, LLC
8. JTH Properties 1632, LLC
9. Liberty Credit Repair, LLC
10. Wefile, LLC
11. JTH Tax Office Properties, LLC
12. LTS Software LLC
13. JTH Court Plaza, LLC
14. 360 Accounting Solutions, LLC
15. LTS Properties, LLC

Community Tax Entities

- 16. CTAX Acquisition LLC
- 17. Community Tax Puerto Rico LLC
- 18. Community Tax LLC

LoanMe Entities

- 19. NPLM Holdco LLC
- 20. MMS Servicing LLC
- 21. LoanMe, LLC
- 22. LoanMe Funding, LLC
- 23. LM Retention Holdings, LLC
- 24. LoanMe Stores LLC
- 25. LM BP Holdings, LLC
- 26. InsightsLogic LLC
- 27. LM 2020 CM I SPE, LLC

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BASEPOINT, DRAKE ENTERPRISES LTD., FRONTIER CAPITAL
GROUP LTD., CHILMARK ADMINISTRATIVE LLC, TMI TRUST
COMPANY, CMB TAX SERVICE, LLC, and HIS MAJESTY THE KING
IN RIGHT OF CANADA

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File No.: 109926-00007

JDB/day