

**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 25, 2024)**

April 25, 2024

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TO: **THE SERVICE LIST**

1. This case conference was scheduled as a consequence of BZAM's counsel delivering correspondence to Justice Osborne over the objection of Final Bell. Final Bell requests that the matter raised in BZAM's email be deferred to a later date, as it was not decided by this Court on April 19 and should not be determined as a consequence of an email sent to a judge of the Commercial List in breach of Rule 1.09.

2. On April 22, the Monitor delivered correspondence to His Honour that was sent with the consent of the parties, as required by the *Rules*. The Monitor's email accurately explained the parties' positions - that the word "further" in the last line of paragraph 2 and the words "for discovery" in lines 3 and 4 of paragraph 4 of the Court's April 19 endorsement should be deleted so as to accurately summarize the parties' positions at the conference.

3. Mr. Blinick's later email was sent over Final Bell's objection, which was not disclosed in his email. Final Bell objected to Mr. Blinick's email because it is misleading: the email suggests that references to "examinations for discovery" throughout the endorsement are incorrect. That is not an accurate statement. The endorsement correctly records that at the April 19 conference, Final Bell did seek to examine Mr. Bovington for discovery (not a cross-examination on a pending motion) as a consequence of the late delivery of documents by BZAM and the need to deliver additional documents.

4. Counsel made it clear to Mr. Blinick that they did not consent to him sending his email. He proceeded to send it to the Court without stating that it was being sent over the objection of counsel. The statement at the end of the email that counsel for Final Bell might disagree with his submission is not the same as alerting the Court to the fact that the correspondence was sent without consent.

5. Counsel for Final Bell immediately wrote to the Court to ask that they bring to Justice Osborne's attention that Mr. Blinick's email was sent over counsel's objection. Counsel did not send an unsolicited response because, in our respectful submission, that is not how this Court operates. It is not a proper response to an email sent in breach of Rule 1.09 to a judge of the Commercial List to add another email to the pile. Rather, counsel should bring the fact that the first email was sent without consent to the Court's attention.

6. The Court's April 19 endorsement reluctantly adjourned the hearing of Final Bell's claim so that Final Bell could obtain additional documents from BZAM and then examine Mr. Bovington. Whether the further examination will be an examination for discovery or a cross-examination will be agreed by the parties or resolved with further assistance of the court, which we hope will not be necessary.

7. However, it is premature to determine that issue today, because BZAM has not yet produced any additional documents. Final Bell sent a request for documents on April 22. It followed up this morning to ask when it could expect to begin receiving documents. BZAM expects to deliver the documents in the next few days.

8. In the circumstances, Final Bell respectfully submits the issue of whether any further examination should be conducted as an examination for discovery or as a cross-examination should be deferred until documents are produced by BZAM, as the scope and contents of those documents will be material to the issue if it is contested.

9. By way of further update since April 19, yesterday morning (April 24) BZAM served a motion record and factum for a motion for security for costs, sent without prior notice. Cortland served a similar record and factum yesterday afternoon.

10. The motions have not been scheduled with the court. Final Bell respectfully requests that the court confirm that it is not required to respond to these motions until after the record for this matter is finalized and the parties return to schedule the hearing. BZAM and Cortland should not be permitted to “jump the line” by serving records and factum, for motions that were not scheduled in accordance the Commercial List Practice Direction.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED** this 25th day of April, 2024.

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Applicants

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

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COMMERCIAL LIST**

PROCEEDING COMMENCED AT TORONTO

**FINAL BELL'S AIDE MEMORE  
(CASE CONFERENCE RETURNABLE  
APRIL 25, 2024)**

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