

Superior Court of Justice  
Commercial List

FILE/DIRECTION/ORDER

In the Matter of Just Energy  
Plaintiff(s)

AND

\_\_\_\_\_  
Defendant(s)

Case Management  Yes  No by Judge: McEwen J

Counsel	Telephone No:	Facsimile No:
<u>see counsel slip</u>		

- Order  Direction for Registrar (No formal order need be taken out)
- Above action transferred to the Commercial List at Toronto (No formal order need be taken out)
- Adjourned to: \_\_\_\_\_
- Time Table approved (as follows):

I conducted a case conference this morning to deal with the issue as to whether I should schedule Mohammad Tebari's "Motion for Reconsideration".

I am taking the liberty of releasing written reasons today given the pending motion in the U.S. Bankruptcy Court scheduled for

13 Dec 22  
Date

McEwen J  
Judge's Signature

Additional Pages Seven in total

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## Judges Endorsment Continued

December 15, 2022 and the closing date  
for the Transaction of December 16, 2022.

For the reasons that follow I  
am not going to schedule Mr.  
Jaafari's motion now, or in the  
future.

Simply put, having found that Mr.  
Jaafari is an unsecured creditor  
there can be no recovery for him  
in these CCAA proceedings - even if  
he was successful in his litigation  
in Japan.

Further, I have considered the  
thirteen issues raised by Mr.  
Jaafari at this case conference.  
All of these issues were known  
to Mr. Jaafari at the original  
hearing date of Nov 2/22.

Rule 59.06 of the Rules of  
Civil Procedure only allows this

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## Judges Endorsment Continued

Court to vary or set aside an Order " on the ground of Fraud or of Facts arising or discovered after it was made."

Mr Taabari has raised no such allegations post - November 2022. Essentially, Mr Taabari argues that my decision was wrong on various issues (which would not engage Rule 59.06) or that there is longstanding misfeasance on the part of the Applicants and the Monitor which are historical in nature & which, again, would not engage the provisions of Rule 59.06.

Both the Rules of Civil Procedure and the CCRA provide this Court with broad discretion in determining whether a motion should be scheduled.

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## Judges Endorsment Continued

In my view Mr Taafaris motion ought not to be scheduled. In addition to the above he fully participated in the November 2, 2022 motion had was given full opportunity to make submissions. The affidavit that he has subsequently filed does not raise any credible post-hearing issues (or really any at all).

I do pause to note that I specifically reject his complaints that the Monitor somehow hampered his efforts to pursue this motion or participate in earlier proceedings.

I have been involved in ensuring that Mr Taafaris materials have been properly filed. Monitor's counsel has been entirely co-operative and, in fact,

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## Judges Endorsment Continued

has provided Mr. Taafari with considerable assistance - including today's case conference.

I also specifically reject Mr. Taafari's allegations of fraud and other misdeeds against the Applicants and the Monitor. They are largely based on a single statement in para. 10 of his Affidavit. His other assertion in para. 9 concerning their business operations, is denied, and does not arise post-November 2, 2022.

I have been managing this significant and complicated matter for some time. At times various stakeholders have expressed opposition to the Applicants' proposals.

I have dealt with them all, including Mr. Taafari's, which lead to the recent granting of

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## Judges Endorsment Continued

The Reverse Vesting Order and Marita's Order.

While I understand Mr Trahan's unhappiness with the result, he has exhausted his attempts to obtain legal recourse before me.

Since he is an unsecured creditor, for which there will be no recovery - as evidenced in my November 14, 2022 endorsement - his claims are to be addressed pursuant to the Claims Procedure Order. This Order is currently suspended pending any further Order I might make.

Last, the Applicants and the stakeholders, which include employees and customers, rightfully need to see the Transaction close without undue delay.

In conclusion, I will not

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Judges Endorsment Continued

schedule any further motions Mr. Taafari might bring concerning the Reverse Vesting Order and the Monitor's Order which will hamper the Transaction closing on December 16, 2022.

I respectfully request the aid and recognition of the U.S. Bankruptcy Court for the Southern District of Texas to assist this CCAA Court concerning its Orders concerning Mr. Taafari.

*McEnt*

# Counsel Slip

In the Matter of *Just Energy Group Inc., et al*  
(CV-21-00658423-00CL)

Case Conference – December 13, 2022

## For Defendants/Applicants:

Name of Person Appearing (and how they wish to be addressed, e.g. preferred pronouns)	Name of Party	Email Address
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## For Plaintiff/Claimant:

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## For Other:

Name of Person Appearing (and how they wish to be addressed, e.g. preferred pronouns)	Name of Party/ Organization	Email Address
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<b>Name of Person Appearing (and how they wish to be addressed, e.g. preferred pronouns)</b>	<b>Name of Party/ Organization</b>	<b>Email Address</b>
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