

ESTATE #: 51-2772665

COURT #: 25597

IN THE COURT OF QUEEN'S BENCH OF NEW  
BRUNSWICK  
IN BANKRUPTCY AND INSOLVENCY  
JUDICIAL DISTRICT OF MONCTON

COUR DU BANC DE LA REINE DU  
NOUVEAU BRUNSWICK  
DIVISION DE  
CIRCONSCRIPTION JUDICIAIRE DE

IN THE MATTER OF the proposal of **TOMAVO  
INC.** under the *Bankruptcy and Insolvency Act*  
R.S.C. 1985, c. B-3

**TOMAVO INC.,**

Applicant

**NOTICE OF MOTION**  
(Form 37A)

**AVIS DE MOTION**  
(Form 37A)

TO: Service List Attached as Schedule "A"

DESTINATAIRE:

TOMAVO INC. ("**Tomavo**") will apply to the  
Registrar in Bankruptcy at the Justice Building, 427  
Queen Street, Room 202, Fredericton, New  
Brunswick, on the 25th day of November, 2021 at  
10:00 a.m. for the following relief:

Les demandeurs demanderont a la Cour a  
\_\_\_\_\_, Nouveau-Brunswick, le  
\_\_\_\_\_ jour de \_\_\_\_\_, 2021,  
a \_\_\_\_\_ h d'ordnner:

- (a) An Order, if necessary, for the abridgment of time for service of this motion, excusing the lack of service of this motion, or excusing the lack of service of the Applicant's Record on Motion, pursuant to Rules 1.03(2), 2.01, 2.02 and 3.02 of the Rules of Court;
- (b) An Order pursuant to section 50.4(9) of the *Bankruptcy and Insolvency Act*, R.S.C., 1985, c. B-3 (the "**BIA**") that service on the service list set out in Schedule "A" hereto is sufficient for the purposes of this motion;
- (c) An Order providing that notice of this motion has been properly served, abridging the time for service, and excusing any lack or deficiency in same; and
- (d) An Order pursuant to section 50.4(9) of the BIA extending the time to file a Proposal to be up to and including December 21, 2021.

The grounds upon which Tomavo relies are as follows:

- (1) Tomavo filed a Notice of Intention to Make A Proposal pursuant to subsection 50.4(1) of the Bankruptcy and Insolvency Act, R.S.C. 1985, c. B-3 (the "**BIA**") on October 7, 2021, and KPMG (the "**Trustee**") consented to act as the trustee under the proposal; and
- (2) Tomavo meets the requirements of section 50.4(9) of the BIA.



Upon the hearing of this motion Tomavo will rely on:

- (a) The BIA, and in particular, section 50.4(9) thereof; and
- (b) The Rules of Court, and in particular, Rules 3.02 and 37 thereof.

Upon the hearing of the motion the following affidavits or other documentary evidence will be presented:

A l'audition de la motion, les affidavits ou les autres preuves littérales suivants seront présentées:

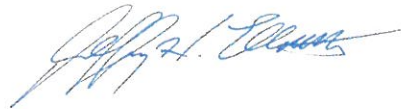
- 1. Affidavit of Mohamedamer Abdualsoud sworn November 5, 2021;
- 2. The First Report of the Trustee dated the 8th day of November, 2021; and
- 3. Such further and other documents as counsel may provide and which this Honourable Court may accept.

You are advised that:

Sachez que:

- (a) You are entitled to issue documents and present evidence at the hearing in English or French or both;
  - (b) TOMAVO intends to proceed in the English language; and
  - (c) If you intend to proceed in the other official language, an interpreter may be required and you must so advise the clerk at least 5 days before the hearing.
- (b) le \_\_\_\_ a l'intention d'utiliser la langue anglaise; et
  - (c) si vous avez besoin des services d'un interprète a l'audience, vous devez en aviser le greffier au moins 7 jours avant l'audience.

**DATED** at Moncton, New Brunswick, this 8th day of November, 2021.



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Jeffrey H. Ellsworth  
Solicitor for the Applicant

Ellsworth Johnson & Partners  
828 Main Street, P. O. Box 626  
Moncton, NB E1C 8M7  
Tel. (506) 857-8228/Fax: (506) 859-4219  
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SCHEDULE "A" – SERVICE LIST

CANADA

COURT OF QUEEN'S BENCH  
(under the *Bankruptcy and Insolvency Act*)

DISTRICT OF NEW BRUNSWICK IN THE MATTER OF THE NOTICE OF INTENTION OF

TOMAVO INC.

Applicant

DIVISION N° : 04- MONCTON

COURT N° : 25597

-and-

ESTATE N° : 51-2772665

KPMG INC.

Licensed Insolvency Trustee

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Service List (as of October 18, 2021)

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<u><b>Applicant</b></u>	<b>Tomavo Inc.</b> 1063, Mountain Road, Moncton, New Brunswick, E1C 2S9
<u><b>Licensed Insolvency Trustee</b></u>	<b>KPMG INC.</b> KPMG Tower, Suite 1500 600, De Maisonneuve West Montreal, Québec, H3A 0A3 Fax: (514) 840-2121 Email: <a href="mailto:reclamation@kpmg.ca">reclamation@kpmg.ca</a>  <b>Maxime Codère</b> Tel: (514) 940-7528 Email: <a href="mailto:mcodere@kpmg.ca">mcodere@kpmg.ca</a>  <b>Stéphane De Broux</b> Tel : (514) 840-7265 Email : <a href="mailto:sdebroux@kpmg.ca">sdebroux@kpmg.ca</a>  <b>Simon Garneau</b> Tel: (514) 985-1074 Email: <a href="mailto:simongarneau@kpmg.ca">simongarneau@kpmg.ca</a>



<b><u>Counsel for the Applicant</u></b>	<p><b>Ellsworth Johnson &amp; Partner</b>  The Old Transcript Building  828 Main Street  Post Office Box 626  Moncton, New Brunswick, E1C 8M7</p> <p><b>Name R. Bruce Johnson</b>  Tel: (506) 857-8103  Email: <a href="mailto:bjohnson@ejp.ca">bjohnson@ejp.ca</a></p>
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<b><u>Secured Creditor of the Applicant</u></b>	<p><b>Courchesne Larose Limitée</b>  9761, boulevard des Sciences  Anjou, Québec, H1J0A6</p> <p><b>Vincent Messier-Lemoyne</b>  Tel: (514) 525-6381  Email: <a href="mailto:vincent.messier-lemoyne@clarose.com">vincent.messier-lemoyne@clarose.com</a></p>
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<b><u>Counsel for Courchesne Larose Limitée</u></b>	<p><b>Borden Ladner Gervais</b>  1000, rue De La Gauchetière Ouest  Bureau 900  Montréal, Québec, H3B 5H4</p> <p><b>Mathieu Lévesque</b>  Tel: (514) 954-3122  Email: <a href="mailto:MaLevesque@blg.com">MaLevesque@blg.com</a></p>
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<b><u>Creditor of the Applicant</u></b>	<p><b>Colliers Canada (Dartmouth Gate)</b></p> <p><b>Andrew Ashcroft</b>  Email: <a href="mailto:Andrew.Ashcroft@colliers.com">Andrew.Ashcroft@colliers.com</a></p>
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<b><u>Secured Creditor of the Applicant</u></b>	<b>Vault Credit Corporation</b>  <b>Diana Ortis</b> Email: <a href="mailto:dortis@vaultcredit.ca">dortis@vaultcredit.ca</a>
<b><u>Secured Creditor of the Applicant</u></b>	<b>Ryder Truck Rental Canada LTD</b>  <b>Robert Dawson</b> Email: <a href="mailto:Robert_Dawson@ryder.com">Robert_Dawson@ryder.com</a>
<b><u>Secured Creditor of the Applicant</u></b>	<b>Penske Truck Leasing Canada Inc.</b>  <b>Glenn Baker</b> Email: <a href="mailto:Glenn.Baker@penske.com">Glenn.Baker@penske.com</a>

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### E-Service List

[reclamation@kpmg.ca](mailto:reclamation@kpmg.ca); [mcodere@kpmg.ca](mailto:mcodere@kpmg.ca); [sdebroux@kpmg.ca](mailto:sdebroux@kpmg.ca); [simongarneau@kpmg.ca](mailto:simongarneau@kpmg.ca);  
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[Glenn.Baker@penske.com](mailto:Glenn.Baker@penske.com)