



SUPERIOR COURT OF JUSTICE

COMMERCIAL ENDORSEMENT

COURT FILE NO.: CV-25-00741419-00CL DATE: September 9, 2025

NO. ON LIST: 5

TITLE OF PROCEEDING: EARTH BORING CO. LIMITED et al.

BEFORE: JUSTICE JANA STEELE

PARTICIPANT INFORMATION

For Applicant:

Name of Person Appearing	Name of Party	Contact Info
Counsel for Earth Boring Co. Limited et al.	Caitlin Fell	cfell@reconllp.com
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For Defendant, Respondent, Responding Party:

Name of Person Appearing	Name of Party	Contact Info
Counsel for BMO	Steven Graff	sgraff@airdberlis.com
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Counsel for Decast	Michael Cooper	mcooper@whlawyers.ca
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Counsel for The Town of Lincoln	Steven Weisz	sweisz@cozen.com
Counsel for BDC	Puya Fesharaki	pfesharaki@tgf.ca

Counsel for Tedescon Infrastructure	Monica Faheim	mfaheim@millerthomson.com
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For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info
Counsel for Monitor, BDO Canada Ltd	Heather Fisher	Heather.fisher@gowlingwlq.com
	Clifton P. Prophet	Clifton.prophet@gowlingwlq.com
Representative, BDO Canada Ltd.	Clark Lonergan	clonergan@bdo.ca

ENDORSEMENT OF JUSTICE STEELE:

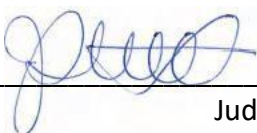
[1] Case conference held via Zoom on September 9, 2025. The court was advised that the motion that was scheduled for September 11, 2025 was now expected to be opposed, and accordingly more time was required for the hearing of the motion than the one hour that had been booked.

[2] The motion is being brought to seek court approval of a transaction and RVO. The transaction is scheduled to close on September 15, 2025.

[3] Issues were raised regarding, among other things, the timing of service of the materials for the motion. In order to provide parties the opportunity to submit responding materials, the motion that was scheduled for September 11, 2025 shall now be heard on **September 15, 2025 at 10 am** (up to 3 hours) via Zoom. The following schedule applies for the delivery of materials:

- a. The Monitor's Report will be delivered today;
- b. Responding materials (including factum) will be delivered by 5 pm on September 11, 2025.

[4] The current stay is set to expire on September 12, 2025. Given scheduling, and for expediency, the stay period shall be extended to September 15, 2025 so the court can hear the motion.



 Judiciary

Date: Sept. 9, 2025