

**Form 5.03**

2017

Hfx No.

Court Administration

NOV 24 2017

Halifax, N.S.

**SUPREME COURT OF NOVA SCOTIA**

IN THE MATTER OF: The *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended

IN THE MATTER OF: A Plan of Compromise or Arrangement of Atlantica Diversified Transportation Systems Inc.

**Notice of Application in Chambers**

To: The Attached Service List at Schedule "A"

**Order applied for**

Atlantica Diversified Transportation Systems Inc., the Applicant, is applying for:

- (1) an order abridging notice periods and service requirements, pursuant to Nova Scotia *Civil Procedure Rules* 1.01 and 2.03 and s. 11 of the *Companies Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended (the "CCAA"); and
- (2) an initial order under the CCAA, granting a stay of proceedings of actions, suits or proceedings against the Applicant, for the appointment of a person to monitor the business and financial affairs of the Applicant, and such other relief as this honourable court may find appropriate.

The applicant started this Application by filing this notice on the date certified by the Prothonotary.

**Grounds for order**

The applicant is applying for the order on the following grounds:

1. Atlantica Diversified Transportation Systems Inc. is a debtor company to which the CCAA applies;
2. Atlantica Diversified Transportation Systems Inc. is insolvent and has liabilities that exceed \$5,000,000.00;

3. The CCAA, and in particular but not limited to, s. 11, s. 11.02, and s. 11.7.
4. Rules 1.01, 2.03 and 5.03 of the Nova Scotia *Civil Procedure Rules*.

### **Evidence supporting application**

The applicant offers the following affidavit in support of the application: Affidavit of David Montgomery, sworn November 23, 2017, and filed with this notice.

A copy of each affidavit is to be delivered to you with this notice, and further affidavits may be delivered before the deadlines provided in *Civil Procedure Rule 5 – Application*.

### **Time, date and place**

The application is to be heard by the judge in chambers at \_\_\_\_\_ a.m./p.m. on \_\_\_\_\_, 2017, in the Law Courts at 1815 Upper Water Street, Halifax, Nova Scotia. You have the right to be present and to be represented by counsel or to act on your own. If you are not present, the judge may proceed without you.

### **Possible order against you**

The judge may grant a final order on the application without further notice to you if you fail to deliver your notice of contest on time, or if you or your counsel fail to appear in chambers at the above time, date, and place.

### **Filing and delivering documents**

Any documents you file with the court must be filed at the office of the Prothonotary, Supreme Court of Nova Scotia, The Law Courts at 1815 Upper Water Street, Halifax, Nova Scotia (telephone # 424-4900).

### **Contact information**

The applicant designates the following address:

Burchells LLP  
Attention: D. Bruce Clarke, Q.C.  
1801 Hollis St., Suite 1800  
Halifax, NS B3J 3N4

Documents delivered to this address are considered received by the applicant on delivery.

Further contact information is available from the Prothonotary.

### **Signature**

Signed: November 23<sup>rd</sup>, 2017.



**D. Bruce Clarke, Q.C.**

Burchells LLP

1801 Hollis Street, Suite 1800

Halifax, NS, B3J 3N4

Tel: (902) 423-6361

Fax: (902) 420-9326

Solicitors for the Applicant,  
Atlantica Diversified Transportation  
Systems Inc.

**Prothonotary's certificate**

I certify that this notice of application in chambers was filed with the court on November \_\_\_\_, 2017.

\_\_\_\_\_  
(Deputy) Prothonotary

## Schedule "A" – Service List

Canada Western Bank and Canada Western Bank Leasing Inc.  
c/o Gavin MacDonald  
McInnes Cooper  
Purdy's Wharf Tower I,  
1100-1959 Upper Water Street  
Halifax, NS B3J 3N2

Penske Truck Leasing Canada Inc.  
Rt. 10 Green Hills  
PO Box 791  
Reading, PA 19603  
USA

Wells Fargo Equipment Finance Company  
2550 Victoria Park Avenue, Suite 700  
Toronto, ON M2J 5A9

Royal Bank of Canada  
10 York Mills Road  
Toronto, ON M2P 0A2  
Fax # 416-512-6650

Clarke Transport Inc.  
c/o O'Toole, Jeffrey S.  
Flatbed Operations Manager  
140 Horseshoe Lake Dr  
Halifax, NS B3S 0B7  
Phone #902-450-2536  
Fax #902-450-0090

Workers' Compensation Board of Nova Scotia  
c/o Organ, Marg  
Senior Collections Officer  
P.O. Box 1150  
5668 South St  
Halifax, NS B3J 2Y2  
Phone #902-491-8318  
Fax #902-491-8325

Accutrac Capital Solutions Inc.  
74 Mississauga Street East  
Orilla, ON L3V 1V5

Canadian Western Bank  
#285, 2880 Glenmore Trail SE  
Calgary, AB T2C 2E7

Design Group Staffing Inc.  
c/o Osborne, Gillian C  
Regional Manager  
3-26 Bancroft Lane  
Dartmouth, NS B3B 1G3  
Phone #902-481-2771  
Fax #902-481-2779

Trailer Wizards Ltd.  
1880 Britannia Rd. East  
Mississauga, ON L4W 1J3

Trailer Wizards Ltd.  
125 MacNaughton Ave.  
Moncton, NB E1H 3N3  
Phone #506-858-8480  
Fax #506-858-8307

Roops Cleaners 2009 Limited  
c/o Keltic Collections, Vince Neary  
Manager  
46 Inglis Place, Suite 3  
P.O. Box 64  
Truro, NS B2N 5B6  
Phone #902-895-1675  
Fax #902-895-5633

Hawkins Truck Mart Ltd.  
45 Gillis Road  
Fredericton, NS E3C 2G3

National Leasing Group Inc.  
1525 Buffalo Place  
Winnipeg, MB R3T 1L9  
Phone #204-954-9000  
Fax#866-814-4752

RCAP Leasing Inc.  
5575 North Service RD. Suite 300  
Burlington, ON L7L 6M1

Bank of Montreal  
5750 Explorer Dr. Suite 200  
Mississauga, ON L4W 5K9

Bodkin Capital Corp  
Unit 304-700 Dorval Drive  
Oakville, ON L6K 3V3

PACCAR Financial Ltd.  
6711 Mississauga RD.N. STE 500  
Mississauga, ON L5N 4J8

Northeast Truck & Trailer Sales  
Yorke, William  
President  
146 Lower Truro Road  
Truro, NS B2N 1B1  
Phone #902-895-8400  
Fax #902-897-8401

3237541 Nova Scotia Limited  
York, William  
President  
146 Lower Truro Road  
Truro, NS B2N 1B1  
Phone #902-895-8400  
Fax #902-897-8401

National Leasing Group Inc.  
1525 Buffalo Place  
Winnipeg, MB R3T 1L9  
Phone #204-954-9000  
Fax #866-814-4752

Blue Chip Leasing Corporation  
156 Duncan Mill Road, Unit 8  
Toronto, ON M3B 3N2

Element Financial Corporation  
900-4 Robert Speck Parkway  
Toronto, ON L4Z 1S1

Nissan Canada Financial Services Inc.  
5290 Orbitor Drive  
Mississauga, ON L4W 4Z5

Great Lakes Leasing a Division of 1354439 Ontario Inc.  
1401-50 Prince Arthur Ave  
Toronto, ON M5R 1B5