

**COURT OF APPEAL OF ALBERTA**

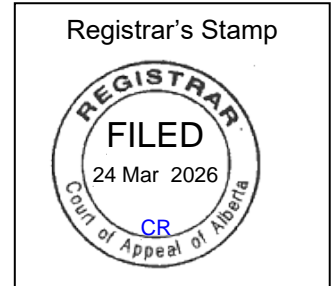
**Form AP-3**

[Rule 14.53]

COURT OF APPEAL FILE NUMBER: 2603-0064AC

TRIAL COURT FILE NUMBER: 2503 13640

REGISTRY OFFICE: Edmonton



IN THE MATTER OF THE  
COMPANIES' CREDITORS  
ARRANGEMENT ACT, R.S.C.  
1985, c. C-36, as amended

COAST AUTOMOTIVE  
GROUP INC., COAST NORTH  
VANCOUVER AUTO SALES  
INC., COAST AUTO  
DRAYTON INC. and 2461765  
ALBERTA LTD

PLAINTIFF/APPLICANT: COAST AUTOMOTIVE  
GROUP INC., COAST NORTH  
VANCOUVER AUTO SALES  
INC., COAST AUTO  
DRAYTON INC., 2461765  
ALBERTA LTD., SUNDEEP  
CHEEMA, and DEEPAK  
PARMAR.

STATUS ON APPEAL: Appellant

STATUS ON APPLICATION: Applicant

DEFENDANT/RESPONDENT: BDO CANADA LIMITED, IN  
ITS CAPACITY AS COURT-  
APPOINTED MONITOR OF  
THE COAST GROUP and  
BANK OF MONTREAL

STATUS ON APPEAL: Respondent

STATUS ON APPLICATION: Respondent

DOCUMENT: **APPLICATION OF THE PROPOSED APPELLANT,  
COAST AUTOMOTIVE GROUP INC ET AL. FOR  
PERMISSION TO APPEAL UNDER SECTIONS 13  
AND 14 OF THE *COMPANIES' CREDITORS  
ARRANGEMENT ACT*, RSC 1985, c.C36, AS  
AMENDED**

ADDRESS FOR SERVICE AND  
CONTACT INFORMATION OF  
PARTY FILING THIS DOCUMENT: Blue Rock Law LLP  
700, 215 9th Ave SW  
Calgary, AB T2P 1K3

Attention: David W. Mann, KC and Scott  
Chimuk  
T. 403.605.3992 / 587.390.7041  
E. david.mann@bluerocklaw.com /  
scott.chimuk@bluerocklaw.com  
File: 1747-00001

and

CONTACT INFORMATION OF ALL  
OTHER PARTIES:

**BDO CANADA LIMITED**

20 Wellington E, Suite 500  
Toronto, Ontario M5E 1C5  
Attention: Clark Lonergan  
Telephone: (416) 865-0210  
Fax: (416) 865-0904  
Email: [Clonergan@bdo.ca](mailto:Clonergan@bdo.ca)

**BLAKE, CASSELS & GRAYDON LLP**

3500, 855 2nd Street SW  
Calgary, Alberta T2P 4J8  
Attention: Kelly Bourassa / Aryo Shalviri  
Telephone: (403) 260-9697 / (416)863-2962  
Email: [kelly.bourassa@blakes.com](mailto:kelly.bourassa@blakes.com) /  
[aryo.shalviri@blakes.com](mailto:aryo.shalviri@blakes.com)

*Counsel for BDO Financial Limited*

**MILLER THOMSON LLP**

2700, Commerce Place  
10155-102 Street  
Edmonton, AB, Canada T5J 4G8

Phone: 780.429.1751 Fax: 780.424.5866  
Attention: James W. Reid / Bryan Hosking  
Telephone: 403.298.2418 / 780.429.9773  
E-mail: [jwreid@millერთhompson.com](mailto:jwreid@millერთhompson.com)  
[bhosking@millერთhompson.com](mailto:bhosking@millერთhompson.com)  
File no: 0148746.013

*Counsel for Bank of Montreal*

**NOTICE TO RESPONDENT(S):** BDO Canada Limited (Respondent)  
Bank of Montreal (Respondent)

**WARNING**

If you do not come to Court on the date and time shown below either in person or by your lawyer, the Court may give the applicant what it wants in your absence. You will be bound by any order that the Court makes. If you intend to rely on other evidence or a memorandum in support of your position when the application is heard or considered, you must file and serve those documents in compliance with the Rules. (Rule 14.41 and 14.43)

**NOTICE TO RESPONDENTS**

You have the right to state your side of this matter before the Court.

To do so, you must be in Court when the application is heard as shown below:

Date:

Time:

Where:

Before: X single judge of the court (Rule 14.37)  
panel of the court (Rule 14.38)

### **Nature of Application and Relief Sought:**

1. Permission to appeal under sections 13 and 14 of the *Companies' Creditors Arrangement Act*, RSC 1985, c C-36, the entirety of the findings of the judgement of Justice Harris on March 10 2026.
2. A stay with respect to the application hearing scheduled to occur before Justice Harris on April 17, 2026.
3. Such further and other relief as counsel may request and this Honourable Court may allow.

### **Grounds for making this application:**

4. The decision in the Honourable Court below discloses errors of law, fact, and mixed law and fact. Respectfully, the Honourable Justice erred, *inter alia*, by:
  - a. With respect the request for written interrogatories requested of BDO Canada Ltd (the "**Monitor**"):
    - i. Failing to properly apply the test and standard for the examination of a court-appointed monitor;
    - ii. Failing to evaluate whether the historical concerns identified by the applicants were relevant in the consideration of whether the Monitor ought be replaced;
    - iii. Determining that the topics of the written interrogatories were beyond the scope of questioning permitted as they may impact the neutrality of the Monitor, when the neutrality of the Monitor was central to the consideration of whether the Monitor should be replaced
    - iv. Determining that the legitimacy of the steps taken by the Monitor in the development of its reports is not a live or relevant issue and falls outside the scope of what is reasonable or relevant;
    - v. Determining that the Applicant had failed to demonstrate sufficiently unusual circumstances in these proceedings, when all of the assets have been sold.

- b. With respect to the cross-examination of Mr. Paul Lonegran, a representative of the Monitor (“**Mr. Lonergan**”),
  - i. Determining that previous court approval of certain steps displaced Coast’s right to question Mr. Lonergan on the validity of such steps.
  - ii. Determining that previous court approval of certain activities by the Monitor displaces the right of the applicants to ask substantive questions of the Monitor with respect to such activities, effectively rendering the cross-examination on a fee affidavit useless
- c. With respect to the awarding of security for costs to the Bank of Montreal (“**BMO**”)
  - i. Failing to apply the standard of proof required for proof of security of costs;
  - ii. Failing to evaluate the factors for awarding security for costs listed in Rules 4.22(a) and (b) of the *Alberta Rules of Court*.
  - iii. Conflating proof and evidence of the existence of assets held by Coast, and assuming such evidence to also be evidence of an absence of funds for Sundeep Cheema, Deepak Parmar, Harjot Randhawa, and Deerfoot Atria Partners Ltd (“**Non-CCAA Parties**”).
  - iv. Shifting the burden of proof for the presence of funds for the Non-CAA parties from BMO to Coast
  - v. Determining that the burden of proof for costs against the Non-CCAA parties had been satisfied, when no evidence was brought forward by BMO in support of such allegations;
  - vi. Drawing an adverse inference against the Applicants for failure to displace the assumption that the non-CCAA Parties had no assets.
  - vii. Drawing a conclusion that the Non-CCAA Parties require third party funding to continue with their claim, when no evidence has been brought by either party to support such a claim.
  - viii. Determining that the failure by either party to provide evidence of the merits of its claim would be considered a neutral factor in

awarding security for costs, rather than being a factor against the awarding of security for costs.

5. The point raised on appeal are of significance to the practice.
6. The points raised on appeal, and the outcome thereof, are of significance to the action.
7. The points raised on appeal, and the outcome thereof, are of significance to the parties.
8. The proposed appeal will not unduly hinder the progress of the action.

**Material or evidence to be relied on:**

9. The Memorandum of Argument of the Applicant, filed in these proceedings
10. The Affidavit of Amanda Urban, sworn March 24, 2026.

**Applicable Acts, regulations and rules:**

11. *Companies' Creditors Arrangement Act*, RSC 1985, c C-36
12. *Alberta Rules of Court*, rules 14.5, 14.40, 14.37 and 14.44
13. Such further and other Acts, Regulations and Rules as counsel may advise and this Honourable Court may allow