

COURT FILE NUMBER 2503-13640

COURT COURT OF KING'S BENCH OF ALBERTA

JUDICIAL CENTRE EDMONTON

IN THE MATTER OF THE *COMPANIES CREDITORS
ARRANGEMENT ACT*, RSC 1985, c-36, as amended

AND IN THE MATTER OF A PLAN OF
COMPROMISE OR ARRANGEMENT OF COAST
AUTOMOTIVE GROUP INC., COAST NORTH
VANCOUVER AUTO SALES INC., COAST AUTO
DRAYTON INC. and 2461765 ALBERTA LTD.

CROSS-APPLICANTS COAST AUTOMOTIVE GROUP INC, COAST NORTH
VANCOUVER AUTO SALES INC., COAST AUTO
DRAYTON INC., 2461765 ALBERTA LTD., SUNDEEP
CHEEMA, DEEPAK PARMAR, HARJOT RANDHAWA,
and DEERFOOT ATRIA PARTNERS LTD.

DOCUMENT **CROSS-APPLICATION**

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

NOTICE TO THE RESPONDENT: BDO CANADA LIMITED

This cross-application is made against you. You are a respondent. 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: December 9th, 2025
Time: 10:00 AM
Where: Edmonton Law Courts via Webex: Virtual Court room 86:
<https://albertacourts.webex.com/meet/virtual.courtroom86>
Before Whom: The Honourable Justice L.K. Harris.

Go to the end of this document to see what else you can do and when you must do it.

Remedy claimed or sought:

1. The Cross-applicants, Coast Automotive Group Inc., Coast North Vancouver Auto Sales Inc., Coast Auto Drayton Inc., 2461765 Alberta Ltd., Sundeep Cheema, Deepak Parmar, Harjot Randhawa, and Deerfoot Atria Partners Ltd. seek an Order from this honourable granting, among other things:
 - a. A declaration that the Cross-applicants do not require leave of the Monitor, or anyone, to access the Courts and commence, prosecute, and maintain autonomy over Court of King's Bench action No. 2501-19363, also known in these proceedings as the Founder Claim;
 - b. Amendments to the July 25, 2025, ARIO of Justice Bourque to:
 - i. Dispense with the extraordinary powers granted to the Monitor by deleting or significantly amending paragraphs 22 and 23;
 - ii. Dispense with all charges save the Administration and D&O Charge;
 - iii. Specifically declare that the Cross-Applicants have complete autonomy to advance the Founder Claim with outside funding as a cornerstone of a reorganization;
 - iv. Create and impose a charge over the Founder Claim in favour of the third-party funders of the Founder Claim;
 - c. Authorizing the Cross-applicants to examine the costs and fees incurred by the Estate to determine whether said costs and fees are reasonable or proper;

- d. Maintaining the CCAA proceedings and authorizing the Cross-applicants to proceed with a reorganisation;
 - e. Declaring that BDO is in a conflict of interest, is discharged as Monitor, and is specifically precluded from acting as Monitor or Trustee in these proceedings or any subsequent related proceedings;
 - f. Appointing an alternate monitor;
 - g. Adjourning the Application and Cross-Application returnable December 9th, to permit cross-examination, filing further evidence in opposition, and adequate briefing; and
 - h. Such further and other relief as this Honourable Court deems just and equitable in the circumstances.
2. The Cross-applicants do not oppose the extension of the Stay to January 30th, 2026. However, it is unlikely that this application and cross-application can be resolved on December 9th, 2025 as proposed by the Monitor. As such, the Cross-applicants seek the adjournment of the Application and Cross-application and rescheduling to resolve all extant issues among the parties in accordance with the form of Order attached hereto as **Schedule “A”**.

Grounds for making this application:

Abuse of Process

3. The Cross-applicants have been shut out of and misled about this CCAA process from the outset. The Cross-applicants were led to believe that the process would be collaborative and led by them as debtors, working in concert with BMO and BDO in a mutually beneficial way. Instead, this process has unilaterally served the interests of the BMO, to the detriment of the Cross-applicants, who have had no involvement in the sales or operations since the Initial Order and ARIO were granted.

4. There is ample evidence to support these assertions, including evidence concerning:
 - a. the lack of extraordinary facts required for the BMO to unilaterally commence these proceedings, and obtain the extraordinary powers in the ARIO versus the Initial Order granted 9 days prior;
 - b. the Cross-applicants being completely shut out of their own business and being provided with no ability to participate in the operations or sales process;
 - c. the BMO taking advantage of the fact that the Cross-applicants were unlikely to find counsel to prosecute the Founder Claim, oppose the CCAA proceedings or stand up to the BMO – by the time the Cross-applicants found counsel without any conflicts, the BMO had steamrolled ahead with the process to their detriment;
 - d. The sales have been completed or are soon to close, so there are no concerns about the Bank’s collateral; and
 - e. Stripping the rights of the Cross-Applicants at each step of the process, including in this proposed release of the Monitor;

Fundamental right to access superior courts

5. Crucially, there is no valid basis to deny the Cross-applicants full autonomy over the Founder Claim, or mute their access to superior Courts. Such a unique bar is unconstitutional and unnecessary - it does not risk the recovery of BMO, who are oversecured due to their misfeasance in these proceedings.

Application is a collateral attack on the Founder Claim

6. The within Application seeks relief that will or has the potential to provide a complete defence to the Founder Claim, but is disguised as a common release of the Monitor and transfer into bankruptcy. BDO will be able to compromise the Founder Claim and Such relief will insulate the behaviour of BMO from scrutiny by this Court in the Founder Claim.
7. The Cross-applicants do not believe the release and transfer into bankruptcy with BDO as Trustee can be granted without prejudice not compensable in costs accruing to them.

Inordinate conduct and fees

8. The Cross-applicants believe that the Monitor has not expended the actual time as alleged in undertaking its duties concerning the businesses and breached its duties as an officer of the Court. The Cross-applicants seek to cross-examine on Affidavits to properly put these issues before the Court for determination.

Material or evidence to be relied on:

9. The Affidavit of Jessal Parmar, to be filed.
10. The Affidavit of Joe Randhawa, to be filed.

Applicable rules:

11. *Alberta Rules of Court*, AR 124/2010.
12. *Bankruptcy and Insolvency General Rules*.

Applicable Acts and regulations:

13. *Companies' Creditors Arrangement Act*, RSC 1985, c C-36, as amended.
14. *Bankruptcy and Insolvency Act*, RSC 1985 c B-3, as amended

Any irregularity complained of or objection relied on:

15. The Conduct of the Monitor and the BMO require Court review, and this matter ought not proceed as scheduled.

How the application is proposed to be heard or considered:

16. Via Webex: <https://albertacourts.webex.com/meet/virtual.courtroom86>

WARNING

If you do not come to Court either in person or by your lawyer, the Court may give the applicant what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the applicant a reasonable time before the application is to be heard or considered.

SCHEDULE “A”

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SUNDEEP CHEEMA, DEEPAK PARMAR, HARJOT
RANDHAWA, and DEERFOOT ATRIA PARTNERS
LTD.

DOCUMENT **ORDER**

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PARTY FILING THIS
DOCUMENT Blue Rock Law LLP
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Attention: David W. Mann, KC and Scott Chimuk
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DATE ON WHICH ORDER WAS PRONOUNCED:	December 9 th , 2025
LOCATION AT WHICH ORDER WAS MADE:	Calgary, Alberta
NAME OF JUSTICE WHO MADE THIS ORDER:	Justice LK Harris

UPON THE APPLICATION of the Applicant BDO Canada Limited, in its capacity as Court appointed Monitor (the “Monitor”); AND UPON THE CROSS-APPLICATION of the Cross-

applicants, Coast Automotive Group Inc., Coast North Vancouver Auto Sales Inc., Coast Auto Drayton Inc., 2461765 Alberta Ltd., Sundeep Cheema, Deepak Parmar, Harjot Randhawa, and Deerfoot Atria Partners Ltd.; AND UPON THE SUBMISSIONS from the solicitors for the parties via Webex on December 9th, 2025; AND UPON NOTING the consent of the Solicitors for the Monitor;

IT IS HEREBY ORDERED THAT:

1. Service of the within Application and Cross-application is declared to be good and sufficient. No other person is required to have been served with notice of these applications, which are properly returnable today;
2. The Stay Period is extended until January 30th, 2026.
3. The within Application and Cross-application are adjourned *sine die*;
4. The parties will coordinate a mutually agreeable return date to resolve the extant issues outlined in the Application and Cross-Application; and
5. The parties shall coordinate mutually agreeable dates for cross-examination on any Affidavits, filing evidence in response, and any further briefing required.

Justice of the Court of King's Bench of Alberta

BLAKE CASSELS & GRAYDON LLP

CONSENTED TO AND AGREED
as to the form of Order granted this
9th day of December, 2025

Per: _____
Kelly Bourassa
Solicitors for the Monitor
BDO Canada Limited