STEWART McKELVEY
LAWYERS • AVOCATS

Cabot Place, 1100 – 100 New Gower Street, P.O. Box 5038
St. John's NL A1C 5V3 Canada tel: 709.722.4270 fax: 709.722.4565 stewartmckelvey.com

File Reference: SM004262-2414

Neil L. Jacobs, KC
Direct Dial: 709.570.8888
njacobs@stewartmckelvey.com

September 14, 2022

Via Courier

Supreme Court of Newfoundland and Labrador
General Division
309 Duckworth Street
St. John's, NL A1C 5M3

Dear Sir/Madam:

Re: 2022 01G 1853
In the Supreme Court of Newfoundland and Labrador General Division
Royal Bank of Canada v. Edward Collins Contracting Limited, et al

We write in relation to the above-noted matter and enclose herewith the Chronology of Events for filing with the Supreme Court Registry as of today's date.

We trust the enclosed to be satisfactory.

Yours truly,

Stewart McKelvey

, KC

Neil L. Jacobs, KC

NLJ/rgm

Enclosure
c. Service List as Attached

4156-7481-0174

SCHEDULE "A"
LIST OF ADDRESSEES

Mr. Darren D. O'Keefe
O'Keefe & Company
84B Airport Road
St. John's, NL A1A 4Y3

Mr. Philip J. Buckingham
Goodland Buckingham
200-16 Forest Road
St. John's, NL A1C 2B9

Ms. Maeve Baird
Department of Justice
Government of Canada
Suite 1400, Duke Tower
5251 Duke Street
Halifax, NS B3J 1P3

Daimler Truck Financial Services Canada Corporation
2680 Matheson Boulevard East, Suite 202
Mississauga, ON L4W 0A5

John Deere Financial Inc.
3430 Superior Court
Oakville, ON L6L 0C4

The Bank of Nova Scotia
10 Wright Boulevard
Stratford, ON N5A 7X9

John Deere Canada ULC
3430 Superior Court
Oakville, ON L6L 0C4

Caterpillar Financial Services Limited
3457 Superior Court, Unit 2
Oakville, ON L6L 0C4

De Lage Landen Financial Services Canada Inc.
3450 Superior Court, Unit 1
Oakville, ON L6L 0C4

Wells Fargo Equipment Finance Company
1290 Central Parkway W. Suite 1100
Mississauga, ON L5C 4R3

Brandt Finance Ltd.
Box 3856 Highway 1 East
Regina, SK S4P 3R8

Brandt Tractor Ltd.
Box 3856 Highway 1 East
Regina, SK S4P 3R8

Honda Canada Finance Inc.
180 Honda Boulevard
Markham, ON L6C 0H9

Western Surety Company
c/o Borden Ladner Gervais
Attention: Mark A. Borgo
Bay Adelaide Centre, East Tower
22 Adelaide Street, West
Toronto, ON M5H 4E3

Intact Insurance Company
700 University Avenue
Toronto, ON M5G 0A1

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

CWB National Leading Inc.
1525 Buffalo Place
Winnipeg, MB R3T 1L9

Provall Parts Ltd.
c/o Hughes & Brannan Law Office
357 Memorial Drive
Clarenville, NL A5A 1R8

Rodco Mechanical (2014) Ltd.
c/o CBS Legal Services
565 Conception Bay Highway
P.O. Box 17004, Kelligrews Station
Conception Bay South, NL A1X 3H1

Newport Capital Corporation Inc.
10 Freshwater Road
St. John's, NL A1C 2M9

Department of Finance
Government of Newfoundland and Labrador
Main Floor – 100 Prince Philip Drive
St. John's, NL A1B 4J6

2022 01G 1853
SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
GENERAL DIVISION

IN THE MATTER OF the Receivership of Edward Collins Contracting Limited, H & E Designs Ltd., Classic Security Ltd., FGC Holdings Ltd. And 51037 Newfoundland & Labrador Inc.

AND IN THE MATTER of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, as amended

Estate No.
Court No.

BETWEEN:	**ROYAL BANK OF CANADA**	**APPLICANT**
AND:	**EDWARD COLLINS CONTRACTING LIMITED, H & E DESIGNS LTD., CLASSIC SECURITY LTD., FGC HOLDINGS LTD. and 51037 NEWFOUNDLAND & LABRADOR INC.**	**RESPONDENTS**

CHRONOLOGY

Neil L. Jacobs, KC
Stewart McKelvey
Suite 1100, Cabot Place
100 New Gower Street
St. John's, NL A1C 6K3

Telephone: 709.570.8888
Facsimile: 709.722.4565
Email: njacobs@stewartmckelvey.com

Solicitors for the Applicant

Darren D. O'Keefe
O'Keefe & Company
84B Airport Road
St. John's, NL A1A 4Y3
Solicitors for the Respondents

Royal Bank of Canada ("RBC") Special Loans - Timeline from Initial Interaction to Demands Issued

April, 2021	May 6, 2021	May 27, 2021	June 3, 2021	June 8, 2021
• ECCL Group is transferred to RBC Special Loans by RBC Commercial Lending Team • The RBC annual review was completed in April 2021 following receipt of the July 31, 2021 year-end financial statements submitted in to RBC in March 2021 – approximately 5 months subsequent to the reporting deadline pursuant to the RBC loan agreements. The review prompted RBC to transfer the ECCL Group from the RBC Commercial Account Team to the RBC Special Loans Team.	• RBC Special Loans Account Manager emailed the ECCL Group requesting a virtual introductory meeting • Initial interactions between RBC Special Loans and the ECCL Group focused on supporting ECCL in completing its application to access a $1 million HASCAP loan	• ECCL was approved for the $1.0 million loan from RBC through the Highly Affected Sectors Credit Availability Program ("**HASCAP**")	• The $1.0 million HASCAP loan was advanced to ECCL • The purpose of the HASCAP loan was to provide liquidity such that ECCL could restructure and reposition the company for the go forward.	• Call with management of the ECCL Group to discuss restructuring needs and the RBC Special Loans process • The ECCL Group is emailed by RBC Special Loans with a list of the names and contact information of 4 Restructuring / Turnaround service providers • The ECCL Group selected Deloitte as its financial advisor for restructuring
	• Affidavit of David Savoie filed August 5, 2021 • Paragraph 21 • Exhibit A	• Affidavit of David Savoie filed August 5, 2021 • Paragraphs 19-20 • Exhibit E	• Affidavit of David Savoie filed August 5, 2021 • Paragraphs 19-20	• Affidavit of David Savoie filed August 5, 2021 • Paragraph 21 • Exhibit M

June 30, 2021	July 22, 2021	July 27, 2021	August 5, 2021	August 19, 2021
• RBC sends an email to management to summarize and follow up on the RBC Special Loans process • The word document of RBC Special Loans process was contained in this email, this document reviewed the bank's concerns and the path forward to address the bank's concerns • Email from Josh Collins to confirm receipt of email	• Email sent by RBC to Deloitte to follow up on the status of the engagement with the ECCL Group	• Email sent by RBC to Deloitte to follow up on the status of the engagement with the company • The RBC Special Loans process letter was attached to these Deloitte follow up emails to remind Deloitte of RBC's primary concerns that needed to be addressed	• Email sent to Deloitte and ECCL to follow up and set up an all-party call to discuss progress of the restructuring engagement and addressing RBC's concerns	• RBC has a meeting with Deloitte at Deloitte's office in Halifax NS • Deloitte advises that the ECCL's CRA liability is approximately $2 million. This was the first time RBC was made aware of the significant CRA balance outstanding.
• Affidavit of David Savoie filed August 5, 2021 • Paragraph 22 • Exhibit N	• Affidavit of David Savoie filed August 5, 2021 • Paragraph 23	• Affidavit of David Savoie filed August 5, 2021 • Paragraph 23	• Affidavit of David Savoie filed August 5, 2021 • Paragraph 24	• Affidavit of David Savoie filed August 5, 2021 • Paragraphs 24-25

August 20, 2021	August 27, 2021	September 1, 2021	September 2, 2021	September 26, 2021
• RBC sends an email to Deloitte as a follow up to the meeting on August 19 to request written summaries of the meeting's contents and details relevant to the circumstances and actions to address the challenges, including details financial projections	• RBC receives an email from Deloitte with a letter to RBC responding to the certain of the RBC requests of August 20 • The letter summarized the causes of ECCL's financial challenges, described the potential Argentia Management Authority ("**AMA**") opportunity and the CRA liability amongst other things.	• Deloitte email to RBC with 13-week cash flow forecast for the period of August 21 to December 3	• All Party Meeting - Call with RBC, management and Deloitte	• Deloitte email to RBC containing a listing of ECCL's equipment reflecting management's estimate of potential equipment value and equity in the equipment • From discussions with Deloitte and ECCL, I understand the equipment analysis was used by Deloitte to inquire into asset based lending opportunities with Gordon Brothers and Maynebridge Capital
• Affidavit of David Savoie filed August 5, 2021 • Paragraph 26 • Exhibit P	• Affidavit of David Savoie filed August 5, 2021 • Paragraph 27	• Affidavit of David Savoie filed August 5, 2021 • Paragraph 29	• Affidavit of David Savoie filed August 5, 2021 • Paragraph 30	• Affidavit of David Savoie filed August 5, 2021 • Paragraph 30

September 27, 2021	September 28, 2021	August 30, 2021 – September 30, 2021	September 30, 2021 – October 31, 2021	October 6, 2021
• RBC sends an email to Deloitte and ECCL containing a copy of the CRA letter sent to the RBC dated September 20, 2021	• Deloitte email to RBC with ECCL's monthly financial forecast for fiscal 2022 ending July 31, 2022 reflecting projected net income of $4.1 million and full repayment of CRA liabilities primarily driven by the AMA contract opportunity	• RBC sends several emails to ECCL to follow-up on: 1) Monthly reporting 2) Annual Reporting requirements of FYE Financial Statements 3) Overdrafts on current accounts 4) VISAs over limits	• RBC sent several emails to ECCL to follow up on monthly reporting and annual financial statements to have information available for a productive all-party meeting • Monthly reporting for July 2021, Aug 2021 and Sept 2021 were to be submitted by end October 2021. ECCL provided monthly reporting for the month of July 2021 on November 1, 2021, August 2021 on November 3, 2021 and September 2021 on January 17, 2022.	• All party meeting – RBC, Frank Collins, Josh Collins and Deloitte • Meeting Agenda and summary notes sent to all attendees as a follow up of the meeting the same day after the meeting
• Affidavit of David Savoie filed August 5, 2021 • Paragraph 28	• Affidavit of David Savoie filed August 5, 2021 • Paragraph 31 • Exhibit R	• Affidavit of David Savoie filed August 5, 2021 • Paragraph 32	• Affidavit of David Savoie filed August 5, 2021 • Paragraphs 33-34	

November 1, 2021	November 2, 2021	November 23, 2021	November 24, 2021	December 8, 2021
• Deloitte email to RBC with the monthly reporting for July 2021 and draft fiscal year ended July 31, 2021 financial statements	• RBC email to ECCL to advise of changes to the banking relationship due to its continuing deterioration of its financial position	• RBC email to ECCL to advise of the engagement of Neil Jacobs, from Stewart McKelvey, to act as RBC's counsel	• Email from RBC's counsel to ECCL with draft forbearance agreement (the "**FA**") and other security documents items and a request for the company to review documents with ECCL's counsel • It is the understanding of RBC that ECCL engaged Greg Smith, from Curtis Dawe, as its counsel no later than November 2021	• All party meeting – RBC, Frank Collins, Josh Collins and Deloitte
• Affidavit of David Savoie filed August 5, 2021 • Paragraph 34	• Affidavit of David Savoie filed August 5, 2021 • Paragraph 35 • Exhibit S	• Affidavit of David Savoie filed August 5, 2021 • Paragraph 36 • Exhibit T	• Affidavit of David Savoie filed August 5, 2021 • Paragraph 36 • Exhibit U	

December 30, 2021	January 17, 2022	January 21, 2022	February 16, 2022	February 17, 2022
• Email from RBC's counsel to RBC to advise that FA has been agreed by the parties	• Deloitte email to RBC with October 2021 monthly reporting package	• Deloitte email to RBC with November 2021 monthly reporting package that reflected revenue of $3.9 million as compared to Forecast revenue of $9.0 million and a net loss of $1.8 million as compared to Forecast net income of $341 thousand. Additionally, the CRA obligation outstanding had increased to $2.9 million	• Deloitte email to RBC with December 2021 monthly reporting package that reflected a further net loss of $152 thousand for the month of December 2021 and a year-to-date net loss of $2.0 million	• Meeting between RBC, RBC's counsel, Deloitte and Company's counsel
• Affidavit of David Savoie filed August 5, 2021 • Paragraph 37 • Exhibits V & W	• Affidavit of David Savoie filed August 5, 2021 • Paragraph 39	• Affidavit of David Savoie filed August 5, 2021 • Paragraph 40	• Affidavit of David Savoie filed August 5, 2021 • Paragraph 41 • Exhibit Y	• Affidavit of David Savoie filed August 5, 2021 • Paragraph 42 • Exhibit Z

February 22, 2022	February 28, 2022	March 17, 2022	March – April, 2022	April 18, 2022
• Deloitte Letter to the bank to summarize restructuring efforts and current status	• All party meeting – RBC, RBC counsel, Frank Collins, Josh Collins, Deloitte and Company counsel to discuss maturity of FA. RBC advised that it was not willing to extend the FA and RBC was focused on containment – no further deterioration of its security position	• Deloitte email to RBC with January 2022 monthly reporting package that reflected revenue of $4.8 million as compared to Forecast revenue of $11.1 million and a net loss of $1.9 million as compared to Forecast net income of $901 thousand. Additionally, the CRA obligation outstanding had increased to $3.1 million	• RBC continues to deal with ECCL	• RBC counsel email to ECCL counsel regards to RBC's concern with the lack of progress on the restructuring efforts
• Affidavit of David Savoie filed August 5, 2021 • Paragraph 42 • Exhibit Z	• Affidavit of David Savoie filed August 5, 2021 • Paragraph 43	• Affidavit of David Savoie filed August 5, 2021 • Paragraph 45 • Exhibit AA	• Affidavit of David Savoie filed August 5, 2021 • Paragraph 46	• Affidavit of David Savoie filed August 5, 2021 • Paragraph 46 • Exhibit BB

April 28, 2022	May 3, 2022	May 9, 2022	June, 2022	June 6, 2022
• Deloitte email to RBC with February 2022 monthly reporting package that reflected revenue of $5.3 million as compared to Forecast revenue of $13.1 million and a net loss of $1.9 million as compared to Forecast net income of $2.0 million.	• ECCL's fiscal year ended July 31, 2021 financial statements are provided to RBC – more than 150 days subsequent to the reporting covenant in the RBC lending agreement • Universal Environmental Services Ltd. ("**UESI**") fiscal year ended July 31, 2021 financial statements are provided to RBC and reflected a decrease in revenue to $1.5 million from $2.1 million in FY20 and net loss of $36 thousand as compared to prior year net income of $289 thousand. Additionally, UESI declared and paid a $500 thousand dividend in FY21 at a time when UESI was in breach of covenants pursuant to the RBC lending agreement	• H & E Design Ltd. ("**HEDL**") fiscal year ended July 31, 2021 financial statements are provided to RBC - more than 150 days subsequent to the reporting covenant in the RBC lending agreement	• EY is contacted by RBC to be engaged as RBC's financial advisor • EY sends its engagement letter to the ECCL Group on June 10, 2022 – the ECCL Group refuses to sign the engagement letter	• All party meeting - RBC, RBC's counsel, Frank Collins, Josh Collins, Company counsel, Deloitte, & EY for the purpose of discussing RBC's proposed agenda circulated in advance of the meeting
• Affidavit of David Savoie filed August 5, 2021 • Paragraph 47 • Exhibit CC	• Affidavit of David Savoie filed August 5, 2021 • Paragraph 48 • Exhibit DD	• Affidavit of David Savoie filed August 5, 2021 • Paragraph 48	• Affidavit of David Savoie filed August 5, 2021 • Paragraph 49	• Affidavit of David Savoie filed August 5, 2021 • Paragraph 50 • Exhibit EE

June 7, 2022	June 8, 2022	June 9, 2022	June 17, 2022
• FGC Holdings Ltd. ("**FGC**") fiscal year ended July 31, 2021 financial statements are provided to RBC - more than 150 days subsequent to the reporting covenant in the RBC lending agreement • Classic Security Ltd. fiscal year ended March 31, 2022 financial statements are provided to RBC - more than 120 days subsequent to the reporting covenant in the RBC lending agreement	• 51037 Newfoundland & Labrador Inc. fiscal year ended December 31, 2021 financial statements are provided to RBC – more than 120 days subsequent to the reporting covenant in the RBC lending agreement	• Deloitte email to RBC with March 2022 monthly reporting package that reflected revenue of $5.3 million as compared to Forecast revenue of $15.2 million and a net loss of $2.1 million as compared to Forecast net income of $3.0 million. Additionally, the CRA obligation outstanding had increased to $3.2 million	• RBC issues demand and notice pursuant to S.244 of the Bankruptcy and Insolvency Act (the "**BIA**")
• Affidavit of David Savoie filed August 5, 2021 • Paragraph 68	• Affidavit of David Savoie filed August 5, 2021 • Paragraph 68	• Affidavit of David Savoie filed August 5, 2021 • Paragraph 51 • Exhibit FF	• Affidavit of David Savoie filed August 5, 2021 • Paragraph 52

Royal Bank of Canada ("RBC") Special Loans - Timeline from Post Issuance Demand to Consent Order

June 23, 2022	June 24, 2022	June 27, 2022	June 29, 2022	July 13, 2022
• ECCL provides an unsigned and expired proposal dated June 8, 2022 from Travelers Capital ("TC") entitled Summary of Terms and Conditions regards to a potential refinancing of ECCL (the "TC Proposal") • TC Proposal specifically noted that "…not a letter of commitment of the part of the Lender (TC) and is for discussion purposes only and does not constitute a commitment on behalf of TC. Any offer to loan would be subject to further due diligence and approval by TC's credit committee"	• All party meeting – RBC, RBC counsel, EY, ECCL counsel and Deloitte meeting to discuss the TC Proposal • Subsequent to the all-party call, ECCL proposes written timeline to complete the refinancing: **(a)** RB appraisal completed on or before **July 15, 2022**; **(b)** TC provides term sheet to ECCL on or before **July 22, 2022**; and, **(c)** TC refinancing completed on or before **August 12, 2022**	• RBC counsel provides copy of proposed FA to ECCL counsel • Mr. Dollard, shareholder of UESI, sends correspondence indicating that it is Mr. Dollard's position that the UESI Guarantees were unenforceable • It is RBC's position that the UESI Guarantees are enforceable, however Mr. Dollard's correspondence caused serious concerns for RBC who rely on the UESI Guarantees as security for the ECCL indebtedness to RBC	• ECCL counsel email to RBC counsel effectively rejecting the draft FA	• Mr. Dollard through his counsel, Goodland Buckingham, provided correspondence to advise me that Francis Collins no longer has approval or authority to act in any way on behalf of UESI
• Affidavit of David Savoie filed August 5, 2021 • Paragraph 53	• Affidavit of David Savoie filed August 5, 2021 • Paragraph 57	• Affidavit of David Savoie filed August 5, 2021 • Paragraph 59 • Exhibit HH	• Affidavit of David Savoie filed August 5, 2021 • Paragraph 59 • Exhibit II	• Affidavit of David Savoie filed August 5, 2021 • Paragraph 66 • Exhibit KK