

2025 01G 1510
IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
IN BANKRUPTCY AND INSOLVENCY

IN THE MATTER OF the *Companies*
Creditors Arrangement Act R.S.C., 1985 c. C-
36 as Amended (the "**CCAA**"); and

AND IN THE MATTER OF an application by
Nemori Farms Ltd. (the "**Applicant**") for
relief under s. 11 of the CCAA

NOTICE OF MOTION

O'KEEFE & SULLIVAN
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TO: **Supreme Court of Newfoundland & Labrador**
 General Division (In Bankruptcy)
 P.O. Box 937
 309 Duckworth Street
 St. John's, NL A1C 5M3

AND TO: The Service List attached as **Schedule "A"**

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IN THE MATTER OF the *Companies Creditors Arrangement Act* R.S.C., 1985 c. C-36 as Amended (the "**CCAA**"); and

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NOTICE OF MOTION

1. The Applicant in this proceeding is applying to a judge for an order pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended (the "**CCAA**"), which, *inter alia*:
 - (a) abridges the time for service of the motion and the materials filed in support thereof, and dispensing with further service thereof; and
 - (b) extends the stay of proceedings (the "**Stay Period**") granted under the Amended and Restated Initial Order (the "**ARIO**") for an additional five weeks to 5 September 2025, or so soon thereafter as the Court is available, to facilitate a transaction consistent with the purposes of the Sales and Investment Solicitation Process ("**SISP**"), in connection with a Bid Selection by the Monitor.
2. Capitalized terms used but not defined in this Notice of Motion shall have the meanings given to them in the ARIO.

THE FOLLOWING EVIDENCE will be relied upon at the hearing of this Motion:

- (a) affidavits of Calvin and Cameron, to be filed;
- (b) Fourth Report of the Monitor, to be filed;
- (a) Such further and other evidence as counsel may advise and this Honourable Court may permit.

FACTS:

Stay Extension

3. On 07 March 2025, the Applicant obtained CCAA protection in the form of an initial order under s. 11 of the CCAA (the “**Initial Order**”), which appointed Grant Thornton Ltd. (“**GT**”) as Monitor, granted a stay of proceedings for an initial seven-day period (the “**Stay Period**”). At the comeback hearing on 14 March 2025, the Applicant sought and received an extension to the Stay Period pursuant to the ARIO.
4. Most recently, the Stay Period was extended further to 1 August 2025 to accommodate the SISP timelines and a hearing was scheduled for that date.
5. The Monitor has advised the Applicant that it has selected a going concern Bid and that time is required in order for a sale transaction and transition to occur. In doing so, the Monitor suggested that the Applicant seek an extension of the Stay Period. The Applicant therefore brings this Motion.
6. The Applicant has acted in good faith and with due diligence throughout this CCAA proceeding since the granting of the Initial Order and will continue to do so throughout the extended Stay Period. This will allow the Applicant to continue to operate in the ordinary course while the SISP proceeds on the extended timeline. The Applicant's current cash flow permits this without necessitating additional DIP lending.

CONCLUSION:

7. The Applicant repeats the foregoing and requests an extension to the Stay Period until 5 September 2025, or so soon thereafter as the Court has availability.

GROUND:

8. In addition to the other grounds discussed herein, the Applicants rely on:
 - a. the provisions of the CCAA, including s. 11 thereof.
 - b. the provisions of the *Rules of the Supreme Court, 1986*;
 - c. the inherent and equitable jurisdiction of this Honourable Court;
 - d. such further and other grounds as counsel may advise.

Signed this 24th day of July 2025.

A handwritten signature in blue ink, consisting of stylized, overlapping loops and lines, positioned above a horizontal line.

O'KEEFE & SULLIVAN

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NEMORI FARMS LTD
Schedule "A"

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