
O'KEEFE & SULLIVAN

BY COURIER

Supreme Court of Newfoundland and Labrador
223 Duckworth Street,
St. John's, NL
A1C 1G9

11 July 2023

To the Registry of the Supreme Court:

**Re: In Re: Big Erics Inc. and Terra Nova Old Port Foods Inc.
Companies Creditors Arrangement Act ("CCAA")**

Please find attached our client's application pursuant s.11.06 of the CCAA enclosed herewith.

As you can see from the enclosed application, our client currently has the benefit of a stay of proceedings under the *Bankruptcy and Insolvency Act*, RSC 1985 B-36 (the "**BIA**") and is now seeking to continue this stay of proceedings under the CCAA which is permitted under s.11.06 of the CCAA.

For the benefit of the assigning Chief or Associate Chief Justice, we would ask that this matter be set down for a hearing as soon as possible (on an urgent basis). Given the nature of our clients' business, the bare protections offered under the BIA filing are proving insufficient to protect our clients' (and its stakeholders') interests at this time. Our client urgently seeks to utilize the more robust protections offered under the CCAA.

The Court may take the view that s.11 of the CCAA requires an initial hearing followed by a 10 day "comeback" hearing (as per s.11.001 CCAA). We would respectfully submit that is not the case here, as a conversion under s.11.06 of the CCAA does not require a "comeback" hearing. In other words, the first appearance on this matter should see the application for s.11 CCAA relief heard and disposed of in its entirety.

In any event, whether or not the Court is of the view that a comeback hearing is necessary we would ask for the earliest opportunity to be heard on the enclosed application.

Finally, we can advise the Court that as of 10 July 2023 Grant Thornton Ltd., the current Proposal Trustee and proposed Monitor, has delivered notices to all creditors concerning the BIA stay of

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proceedings. This should alleviate any concerns the Court may have concerning notice to potentially affected parties of the within application for a continuance of the stay under s.11 CCAA.

We remain at your disposal and can be available to speak with a Justice of the Court on this matter as soon as possible.

Respectfully,



DARREN D. O'KEEFE
dokeefe@okeefesullivan.com

Encl.

1. Application pursuant to s. 11 CCAA;
2. Supporting affidavit of Bill Barlett dated 11 July 2023;
3. Letter correspondence concerning certain confidential documents to be submitted under seal pursuant to Rule 49 of the *Rules of Court*, 1986;
4. Memorandum of Fact and Law in aid of the application for sealing order referred to in item 3. above; and
5. Our firm cheques in the amount of (i) \$123.00 for the application under s.11 CCAA, and (ii) \$13.00 for the application for a sealing order.