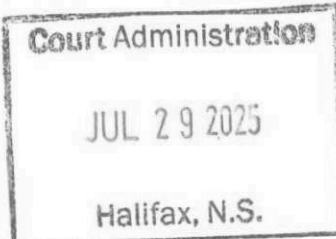


2025

SUPREME COURT OF NOVA SCOTIA



Hfx No. 542329

IN THE MATTER OF the *Companies' Creditors Arrangement Act*, RSC 1985, c C-36, as amended

AND IN THE MATTER OF an application by Mernova Medicinal Inc. and Creso Canada Limited (collectively, the "**Applicants**") for relief under section 11 of the CCAA and other relief

Notice of Motion

To: the Service List attached at Schedule "A"

Motion

Capitalized terms used herein and not otherwise defined have the meaning given to them in the Amended and Restated Initial Order granted on April 25, 2025.

Mernova Medicinal Inc. ("**Mernova**") and Creso Canada Limited, the Applicants in this proceeding, move for:

- (a) if necessary, an order abridging and validating the time for service and filing of this notice of motion and motion record;
- (b) an Order approving the proposed Approval and Reverse Vesting Order (the "**RVO**"), including the proposed Share Purchase Agreement (the "**SPA**") between Mernova, Creso, and Canada's Island Garden Inc. ("**CIG**") pursuant to the *Companies' Creditors Arrangement Act*, RSC 1985, c C-36, as amended (the "**CCAA**") and the proposed transaction contemplated therein, in respect of the sale of the shares of Mernova to CIG;
- (c) an Order approving releases for the current directors and officers of Mernova, Creso, Mernova's legal counsel and advisors, and the Monitor and its legal counsel;
- (d) an Order declaring that the Applicants and their former employees meet the criteria established by section 3.2 of the *Wage Earner Protection Program Regulations*, SOR 12008-222;
- (e) an Order approving the activities of Grant Thornton Limited ("**Grant Thornton**") in its capacity as the monitor (the "**Monitor**") of the Applicants as set out in the Third Report of the Monitor, to be filed in advance of this Motion (the "**Third Report**"); and
- (f) such further and other relief as this Honourable Court may deem just and appropriate in the circumstances.

Time and place

The motion is to be heard by the Honourable Justice Bodurtha on August 5, 2025 at 2:00pm at the Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia. The moving party has set the motion for hearing for one half hour in Chambers. The moving party says that the motion will not require more time.

References

The moving party relies on the following legislation, Rules, or points of law:

- The *Companies' Creditors Arrangement Act*, RSC 1985, c C-36, as amended;
- *Wager Earner Protection Program Act* S.C. 2005 c. 47, s 1;
- *Wage Earner Protection Program Regulations*, SOR 12008-222; and
- *Nova Scotia Civil Procedure Rules*, and in particular Rules 1.01, 2.03, 23, and 85.04.

Evidence

The evidence in support of the motion is as follows:

- the First MacKay Affidavit, sworn on April 9, 2025;
- the Supplemental Affidavit to the First MacKay Affidavit, sworn on April 16, 2025;
- the Second Affidavit of Ms. MacKay, sworn on April 25, 2025;
- the Third Affidavit of Ms. MacKay, sworn on July 13, 2025;
- the Fourth Affidavit of Ms. MacKay unsworn copy to be filed, with sworn copy to follow;
- the Pre-filing Report of the Monitor, dated April 10, 2025;
- the First Report of the Monitor, dated April 23, 2025;
- the Second Report of the Monitor, dated July 7, 2025;
- the Third Report of the Monitor, to be filed in advance of the motion; and
- such further or other evidence as the moving party may advise and this Honourable Court may permit.

Possible order against you

You may file an Affidavit and a brief, attend the hearing of the motion, and state your position on whether the proposed order should be made. If you do not attend, the Judge may grant an order without further notice to you.

Signature

Signed on July 28, 2025


A. MEAGHAN KELLS
A Notary Public in and for the
Province of Nova Scotia


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