

NO. B-200613
VANCOUVER REGISTRY
ESTATE NO. 11-2687860

IN THE SUPREME COURT OF BRITISH COLUMBIA
IN BANKRUPTCY AND INSOLVENCY

IN THE MATTER OF THE BANKRUPTCY OF

10021062 MANITOBA CORP.
o/a DINE UNDER THE STARS

**MEETING PROTOCOL AND
CLAIMS PROCESS ORDER**

BEFORE) THE HONOURABLE)
))
) *Magnum*) TUESDAY THE 17TH DAY
)) OF NOVEMBER 2020
))

ON THE WITHOUT NOTICE APPLICATION of MNP Ltd. (the "Trustee") in its capacity as Trustee in Bankruptcy of the estate of 10021062 Manitoba Corp., o/a Dine Under The Stars (the "Bankrupt") for a Electronic Claims Process Order coming on for hearing in Vancouver, B.C. on the 17th day of November, 2020, AND ON READING the First Report of the Trustee dated November 10, 2020, AND ON HEARING Kimberley A. Robertson, counsel for the Trustee;

THIS COURT ORDERS, DECLARES AND DIRECTS THAT:

1. The time for service of the Notice of Application for this Order is hereby abridged and deemed good and sufficient and this Application is properly returnable today.
2. The time for service, notice and delivery of notices to creditors in respect of the Bankrupt's filing, the First Meeting of Creditors, and the filing of Claims is hereby abridged, and deemed sufficient as set forth in this Order.

Approval of Processes

3. The procedures and protocol set forth in ^{*this M*} ~~the~~ Order for the first meeting of creditors ("FMOC") is approved.
4. The procedures set forth in this Order for determining claims is hereby approved.

Interpretation and General Provisions

5. In this Order, the following terms shall have the following meanings:

- (a) “**BIA**” means the *Bankruptcy and Insolvency Act*, R.S.C. 1985 c. B-3;
- (b) “**Claim**” means any right or claim of any Creditor against the Bankrupt, in connection with any indebtedness, liability or obligation of any kind of the Bankrupt as would be a "claim provable in bankruptcy", "provable claim" or "claim provable" as defined by section 2 of the BIA;
- (c) “**Claims Bar Date**” means March 1, ²⁰²¹~~2020~~; M
- (d) “**Claims Notice Confirmation**” means written confirmation, in a form satisfactory to the Trustee, whereby a Creditor confirms their contact information – for both communication and distribution purposes – and their Deemed Claim, as set out in the Claims Notice Confirmation Form.
- (e) “**Court**” means the Supreme Court of British Columbia;
- (f) “**Creditor**” has the same meaning as in s. 2 of the BIA;
- (g) “**Claims Confirmation Form**” means the electronic online form hosted by the Trustee on its website, to be accessible by each Creditor for the purpose of completion and providing each Creditor’s Claims Notice Confirmation.
- (h) “**Deemed Claim**” means the amount stated to be owing to a Creditor in the Statement of Affairs, which will be deemed to be the amount of that Creditor’s Claim for valuation purposes, subject to confirmation being received by online verification of the Claims Confirmation Form.
- (i) “**Estate Funds**” means those funds, rights and property over which the Trustee has possession and control which are subject to distribution to Creditors with a Proven Claim.
- (j) “**Statement of Affairs**” means the statement of affairs filed by the Bankrupt under the BIA;
- (k) “**Proof of Claim**” means Form 31 under the BIA;
- (l) “**Proven Claim**” means a Deemed Claim that has been verified through a Creditor’s completion and submission of the Claims Confirmation Form and allowed pursuant to the terms of this Order, or a Proof of Claim that has been filed and allowed, in whole or in part, by the Trustee or the Court pursuant to the BIA;
- (m) “**Trustee**” means MNP Ltd., in its capacity as court-appointed Trustee under the BIA.

Notification

6. The Trustee shall give notice of these proceedings, the FMOC and the claims process contemplated by this Order to all known creditors of the Bankrupt by:
- (a) publishing a notice of the First Meeting of Creditors (“FMOC”) in the appropriate newspaper as required by section 102(4) of the BIA; and
 - (b) sending an email notice to each known creditor at the email address identified by them in registering with the Bankruptcy, attaching:
 - (i) the Notice of Bankruptcy and First Meeting of Creditors (Form 68),
 - (ii) a redacted Statement of Affairs (Form 78) showing their claim,
 - (iii) this Court Order, including the Meeting Protocol, and
 and including in the text of the email instructions as to the attachments, a link to the Trustee’s website and Claim Confirmation Form, and a link to a Proof of Claim in Form 31 should they wish to dispute the Deemed Claim.
7. Providing notice to Creditors in accordance with paragraph 6 above shall constitute good and sufficient service and delivery of:
- (a) notice of this proceeding
 - (b) notice of the FMOC and the Protocol set out herein, and
 - (c) the Claims Process herein, including the Claims Bar Date,

on all known or unknown creditors who may wish to assert a Claim to the Bankrupt’s estate, and any other person who may be entitled to receive service or notice thereof, and no other document or material need be sent to or served upon any actual or potential Creditor or persons in respect of the FMOC, these proceedings or this Claims Process Order.

FMOC

8. The FMOC shall be conducted electronically to enable remote attendance.
9. The Trustee is at liberty to:
- (a) hold as many meetings as may be necessary to accommodate the attendance of the number of eligible creditors to participate in accordance with technological limits as to the size of each meeting, with each Creditor being assigned a meeting slot and time;

- (b) solicit inspector nominees prior to the FMOC, in order to pre-determine the slate to stand for election.

10. If more than one meeting is required in accordance with Paragraph 9(a) above, voting on the appointment of inspectors shall occur at the last scheduled meeting, with any party wishing to stand for election as inspector, or eligible Creditor wishing to vote on such inspectors attending that meeting, notwithstanding that they may have attended a previously scheduled meeting.

Claims Process and Barring of Claims

11. Each Creditor shall complete and submit the Claims Confirmation Form through the Trustee's website by which either:
 - (a) That Creditor will verify its agreement with its Deemed Claim, and provide the required information as to its identity and mailing address for distribution purposes; or
 - (b) That Creditor will indicate that it disputes its Deemed Claim.
12. Where a Creditor completes and submits a Claims Confirmation Form, that Creditor's claim shall be deemed to be a Proven Claim as valued in accordance with the Deemed Claim amount.
13. Where a Creditor disputes its Deemed Claim, it shall file a Proof of Claim in Form 31 in accordance with s. 124 of the BIA, with the adjudication of that Proof of Claim being made pursuant s. 135 of the BIA and the applicable rules for adjudication of Claims as set out in the BIA and its General Rules.
14. Any Creditor who fails to either complete and submit its Claims Notice Confirmation or deliver a completed Proof of Claim to the Trustee in accordance with this Claims Process Order on or before the Claims Bar Date shall:
 - (a) be forever barred, estopped and enjoined from asserting or enforcing any Claim against the Estate Funds and such Claim shall be forever extinguished;
 - (b) not be entitled to participate in any distribution of the Estate Funds; and
 - (c) not be entitled to any further notice in these proceedings.
15. The Trustee may, in its discretion, extend the Claims Bar Date for up to a further four ("4") weeks.


Distribution Scheme

16. After the Claims Bar Date has passed, and all Claims have been adjudicated and determined, the Trustee may distribute the Estate Funds to Creditors in accordance with the BIA.

General

- 17. The Trustee may provide any notice or may effect delivery of any communications or documents to assist with the implementation of this Order by sending that notice or those documents by electronic mail, courier or by regular mail, as may be determined in the Trustee's discretion. Any document or notice sent by the Trustee by electronic mail shall be deemed to be received immediately upon having been sent. Any document or notice sent by the Trustee by regular mail shall be deemed to be received on the seventh (7th) day following the date of mailing.
- 18. The Trustee is authorized to use its reasonable discretion as to the adequacy of compliance with respect to the manner in which the Claims Confirmation Form or any Proof of Claim is completed and executed and may, if it is satisfied that a Claim has been adequately proven, waive strict compliance with the procedures set out herein and as to the completion and execution of same.
- 19. References in this Claims Process and Distribution Order to the singular shall include the plural, and references to the plural shall include the singular, and references to any gender shall include the other gender.
- 20. The Trustee may apply to this Court from time to time for directions and for such further order or orders as it considers necessary or desirable to amend, supplement, or replace any term of this Order. In particular, the Trustee may apply to this Court to approve or seek directions in relation to the adjudication of claims or the distribution of the Estate Funds.
- 21. Approval of this Order as to form by counsel or parties in attendance, other than counsel for the Petitioner, is hereby dispensed with.

APPROVED AS TO FORM:



 Counsel for the MNP Ltd., Trustee
 (Kimberley A. Robertson)

BY THE COURT



 DEPUTY DISTRICT REGISTRAR

