

C53394

Form 27

[Rules 5.3 and 10.52(1)]

Entered

COURT FILE NUMBER BK01 095206  
COURT COURT OF QUEEN'S BENCH OF ALBERTA  
IN BANKRUPTCY AND INSOLVENCY  
JUDICIAL CENTRE CALGARY  
PLAINTIFF THE BANK OF NOVA SCOTIA  
DEFENDANT NORTH AMERICAN STEEL ERECTORS  
DOCUMENT **APPLICATION OF STEEVE TOUPIN**



\$50.00  
COM  
June 14 2022

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT  
Ramsay Legal Counsel  
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Solicitor's File No. 21-0016

**NOTICE TO RESPONDENTS: THE BANK OF NOVA SCOTIA, ROYNAT INC., GORDON SPALDING, and MNP LTD., trustee of the estate of NORTH AMERICAN STEEL ERECTORS**

This application is made against you. You are a respondent. You have the right to state your side of this matter before the justice.

To do so, you must be in Court when the application is heard as shown below:

Date: June 14, 2022  
Time: 2:00 p.m.  
Where: Calgary Courts Centre  
Before Whom: Commercial Justice in Chambers

Go to the end of this document to see what else you can do and when you must do it.

**Remedy claimed or sought:**

1. Assignment of the North American Steel Erectors Ltd. (“NASE”) legal actions known as
  - a. North American Steel Erectors Inc. v. Shield Industries Ltd. and Wynward Insurance Group, Court of Queen’s Bench of Alberta, Calgary, Court File No. 2001-16202;
  - b. North American Steel Erectors Inc. v. Exact Detailing Ltd., Court of Queen’s Bench, Winnipeg Centre, Court File No. CI 20-01-27129 and CI19-01-24911; and
  - c. Exact Detailing v. North American Steel Erectors Inc., Pickering Developments (401) Inc., et. al., Ontario Superior Court file no. CV19000032230000.

to the Applicant, Steeve Toupin.
2. In the alternative, direction and advice regarding the conduct of the foregoing actions.
3. Such further and other relief, including interim relief, as this Honourable Court will grant.

**Grounds for making this application:**

4. NASE is the plaintiff in separate actions seeking judgment against third parties for services and materials provided.
5. On July 29, 2021 NASE was petitioned into bankruptcy and MNP Ltd. was appointed as trustee pursuant to the Order of Justice C.M. Jones.
6. Steeve Toupin is a creditor of NASE.
7. On February 23, 2022, MNP Ltd. issued a Notice that MNP Ltd. was willing to assign and transfer North American Steel Erectors Inc. v. Shield Industries Ltd. and Wynward Insurance Group, Court of Queen’s Bench of Alberta, Calgary, Court File No. 2001-16202 to creditors of NASE.
8. The Trustee has advised that North American Steel Erectors Inc. v. Exact Detailing Ltd., Court of Queen’s Bench, Winnipeg Centre, Court File No. CI 20-01-27129 and CI19-01-24911, and Exact Detailing v. North American Steel Erectors Inc., Pickering Developments (401) Inc., et. al., Ontario Superior Court file no. CV19000032230000 have all been discontinued or resolved.
9. Steeve Toupin, being a principal of NASE, has first-hand knowledge and has in the past had instructed counsel on the all of these outstanding actions.
10. Such further and other grounds as this Honourable Court will consider.

**Material or evidence to be relied on:**

11. The Affidavit of Steeve Toupin, sworn April 20, 2022, filed and served herewith.
12. Such further and other materials as this Honourable Court may permit.

**Applicable rules:**

13. N/A.

**Applicable Acts and regulations:**

14. Sections 37 and 38 of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, as amended and such further and other Acts or regulations as this Honourable Court will consider.

**Any irregularity complained of or objection relied on:**

15. N/A

**How the application is proposed to be heard or considered:**

16. Via videoconferencing (Webex).

**WARNING**

If you do not come to Court either in person or by your lawyer, the Court may give the applicant(s) what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the applicant(s) a reasonable time before the application is to be heard or considered.