



ONTARIO SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

COUNSEL/ENDORSEMENT SLIP

COURT FILE NO.: BK-26-03371910-0033

DATE: September 17, 2026

NO. ON LIST: 1

TITLE OF PROCEEDING: CYMI CANADA INC.

BEFORE: JUSTICE S. DUNPHY

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party:

Name of Person Appearing	Name of Party	Contact Info
Christopher Besant	Counsel for the Debtor, CYMI Canada Inc.	cbesant@grllp.com

For Defendant, Respondent, Responding Party:

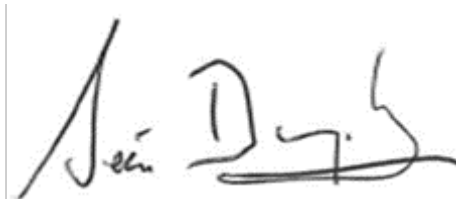
Name of Person Appearing	Name of Party	Contact Info
Eva Hyderman	Counsel for the Proposal Trustee, TDB Restructuring Limited	ehyderman@cassels.com

For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info
Brendan Bissell	Counsel for Bridging North America Corporation	bbissell@reconllp.com

ENDORSEMENT OF JUSTICE:

- [1] The debtor has an outside date to make a proposal to its creditors of October 5. The debtor is currently owed a holdback of approximately \$5mm which will be a material element of any proposal it makes. It appears that there is no dispute as to the amount of the holdback for when it is required to be returned. The issue between the parties is whether, as Mosaic contends, the contract between itself and the debtor requires the posting of additional security.
- [2] The parties have agreed to an expedited schedule to have a notice of application determine that legal issue between them leading to a November 12, 2026 hearing for 2 hours via Video. I have approved the schedule adding to it only what I consider to be standard Commercial List terms governing the cross-examinations. These are the “Hainey Rules” which recognize the “real time litigation” nature of the Commercial List, the practical requirements of the three C’s and the lack of capacity to handle associate judge interlocutory motions. The rules are these:
- (a) Cross-examination limited to ½ day per side unless otherwise ordered;
 - (b) All questions to be answered under reserve of stated objections if any if necessary;
 - (c) In the event a question is not answered and the objection is not upheld: (i) the refusing party may not lead evidence concerning the matter refused; and (ii) the hearing judge will be invited to draw an adverse inference regarding the answer not given.
- [3] Subject to inserting the date and foregoing conditions regarding cross, the draft order is approved for issuance and hearing on the Commercial List on Nov 12 at 10am via video.



Date: Sep 17, 2026

Sean Dunphy