

**SUGGESTED PROTOCOL FOR TELEPHONIC AND VIDEO CONFERENCE
MOTIONS ON THE COMMERCIAL LIST DURING COVID-19 PERIOD**

1. Ensure that the Notice of Motion specifically refers to the fact that it is proceeding by way of video conference (or telephonic hearing) and provide clear instructions to the Service List on how to access the hearing, such as by reference to an attached Schedule “A” or as set out in the preamble to the Notice of Motion. *See attached for an example of the first page of a Notice of Motion and the Schedule “A” attached.*
2. If the Commercial List Office has already confirmed the actual time that the hearing will commence, include that time in the Notice of Motion. If the materials need to be served prior to the Court Office confirming the **exact time** that the videoconference or telephonic hearing will commence on the scheduled date (i.e. based on the Judge’s evolving schedule), state that fact clearly in the Notice of Motion and advise that an email will be sent to the Service List as soon as the time has been confirmed.
3. When serving materials, and in the preamble to the Notice of Motion, ask all parties: (i) to confirm by way of responding email if they will be participating on the motion; and (ii) to ensure that they have provided their name, email address and identity of the party they represent / their interest.
4. Make sure that the Court and the Judge hearing the motion have all necessary materials in one place for the motion. They should not have to flip between various screens or devices. Work cooperatively with all counsel involved to make it efficient for the Court and all counsel (the “3 C’s of the Commercial List”!). A ShareFile (or similar) link is one way to ensure that all parties’ materials can be accessed in one place.
5. Confirm with the Commercial List Office if it is OK to copy the Judge directly by email when the calendar invitation and dial in / videoconference details are provided to the Court. (Our experience has been that this is preferred, but best to check and not assume.)
6. When the calendar invitation is being sent to the Court and the Judge, ensure that all motion materials are included in the invitation when it is sent, or send an updated calendar invitation if additional materials arise. The ShareFile (or similar) link should be included in the calendar invitation, as well as a direct link to access the videoconference or dial in platform.
7. For confidential appendices to Court Reports, remember that if a calendar invitation to the Court or the Judge includes a ShareFile or similar link with un-redacted documents for which a sealing order is sought, and that same calendar invitation is then forwarded to anyone else, the un-redacted versions will be available to be viewed by the party receiving the forwarded invitation. Send a separate calendar invitation containing the link for motion materials to parties on the Service List who are not to receive confidential appendices.

8. If a matter is not opposed or no one else is expected to join, advise the Commercial Court Office by email as soon as you know that to be the case, even if that's not confirmed until the afternoon prior to the motion.
9. Have a Counsel Slip ready to be sent to the Judge and the Commercial Court office listing all participants on the videoconference / call (name of lawyer, firm, email address, party represented).
10. Ensure that any draft Order that is sought includes reference in the preamble to the fact that the matter "proceeded by way of videoconference [telephonic hearing] due to the COVID-19 crisis".

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

IN THE MATTER OF Section 101 of the *Courts of Justice Act*, R.S.O. 1990 c.C.43, as amended, and in the matter of Section 243(1) of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, as amended

B E T W E E N:

HSBC BANK CANADA

Applicant

- and -

COMSALE COMPUTER INC., COMSALE INC., COMSALE GROUP INC., COMSALE HONG KONG LIMITED, COMSALE MALAYSIA SDN. BHD. AND COMSALE SINGAPORE PRIVATE LIMITED

Respondents

**NOTICE OF MOTION
(Returnable April 22, 2020)**

GRANT THORNTON LIMITED, in its capacity as court-appointed receiver and manager (the “**Receiver**”) of Comsale Computer Inc., Comsale Group Inc., Comsale Inc., Comsale Hong Kong Limited, Comsale Malaysia Sdn. Bhd. and Comsale Singapore Private Limited (collectively, the “**Comsale Entities**”) will make a motion to a Judge presiding over the Commercial List on April 22, 2020, at 10:00 a.m. or as soon after that time as the motion can be heard by judicial teleconference via Zoom at Toronto, Ontario. Please refer to the conference details attached as Schedule “A” hereto in order to attend the motion and advise if you intend to join the motion by emailing Rachel Bengino at rbengino@tgf.ca.

PROPOSED METHOD OF HEARING: This Motion is to be heard orally.

Schedule "A"

Conference Details to join Motion via Zoom

Join Zoom Meeting

<https://us02web.zoom.us/j/85349609107?pwd=bWllVFkrT01idCtudVAybjlBWTAYz09>

Meeting ID: 853 4960 9107

Password: 013331

One tap mobile

+16475580588,,85349609107# Canada

+17789072071,,85349609107# Canada

Dial by your location

+1 647 558 0588 Canada

+1 778 907 2071 Canada

+1 438 809 7799 Canada

+1 587 328 1099 Canada

+1 647 374 4685 Canada

Meeting ID: 853 4960 9107