

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

IN THE MATTER OF THE COMPANIES' CREDITORS ARRANGEMENT ACT, R.S.C.
1985, c. C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF
LAURENTIAN UNIVERSITY OF SUDBURY

**RESPONDING MOTION RECORD OF UNIVERSITÉ DE SUDBURY
(As an interested party in the Lift Stay motion returnable April 1, 2022)**

March 31, 2022

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

IN THE MATTER OF THE COMPANIES' CREDITORS ARRANGEMENT ACT, R.S.C.
1985, c. C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF
LAURENTIAN UNIVERSITY OF SUDBURY

MOTION RECORD OF UNIVERSITÉ DE SUDBURY
(As an interested party in the Lift Stay motion returnable April 1, 2022)

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**ONTARIO
SUPERIOR COURT OF JUSTICE
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IN THE MATTER OF THE COMPANIES' CREDITORS ARRANGEMENT ACT, R.S.C.
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LAURENTIAN UNIVERSITY OF SUDBURY

**AFFIDAVIT OF ANDRÉA BALDY
(Sworn March 31, 2022)**

I, Andréa Baldy, of the City of Gatineau, in the Province of Québec, **MAKE OATH AND SAY
AS FOLLOWS:**

1. I am a lawyer at Caza Saikaley LLP, lawyers for the defendant Université de Sudbury in a civil action bearing Court File No. CV-22-00078337. As such, I have knowledge of the matters hereinafter deposed to, save where I have obtained information from others. Where I do not possess personal knowledge, I have stated the source of my information and belief and, in all such cases, believe such information to be true.
2. On March 14, 2022, Barbara Jean Robinson commenced an action against Université de Sudbury bearing Court File No. CV-22-00078337. The Statement of Claim was served shortly thereafter, and Caza Saikaley LLP was retained to defend the claim.
3. On March 16, 2022, counsel for Barbara Jean Robinson served a motion seeking to lift the stay of proceedings contained in the Amended and Restated Initial Order dated February 11, 2021, to move under Rule 5.03 of the *Rules of Civil Procedure*, RRO 1990 Reg. 194 to

join Laurentian University of Sudbury as a proper defendant in the civil action (“**the Lift Stay Motion**”), a copy of which was forwarded to Caza Saikaley LLP.

4. I am advised and verily believe that André Claude, counsel for Université de Sudbury in the CCAA proceeding, was served with the Responding motion record of Laurentian University of Sudbury on March 28, 2022, a copy of which was forwarded to Caza Saikaley LLP.
5. On March 31, 2022, Mr. Ronald Caza, partner at Caza Saikaley LLP, wrote a letter to counsel for the Monitor (Stikeman Elliott LLP), counsel for Laurentian University of Sudbury (Thornton Grout Finnigan LLP), and counsel for Ms. Robinson (Preszler Personal Injury Lawyers), to advise as to the position of Université de Sudbury on the Lift Stay Motion, as an interested party. A copy of that letter is attached hereto as **Exhibit “A”**.
6. This Affidavit is made in response to the Lift Stay Motion and for no other or improper purpose.

SWORN remotely via videoconference, by Andréa Baldy, stated as being located in the City of Gatineau, in the Province of Quebec, before me at the City of Ottawa, in Province of Ontario, this 31st day of March, 2022, in accordance with O. Reg 431/20, Administering Oath or Declaration Remotely



Commissioner for Taking Affidavits, etc.

LSO 74233U



ANDRÉA BALDY

This is “**Exhibit A**” to the Affidavit of Andréa Baldy, sworn remotely by Andréa Baldy, stated as being located in the City of Gatineau, in the Province of Québec, before me in the City of Ottawa in the province of Ontario, in accordance with O/Reg. 431/20, this 31st day of March 2022.

A handwritten signature in dark ink, appearing to read "Albert Burt". The signature is fluid and cursive, with a long horizontal stroke at the end.

Commissioner of affidavits, etc...

Ronald F. Caza

T 613-564-8267 | F 613-565-2087 | rcaza@plaideurs.ca

BY EMAIL

March 31, 2022

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Toronto, ON M5K 1K7

Dear Counsel:

Re: In the matter of the *Companies' Creditors Arrangement Act* and in the matter of a Plan of Compromise or Arrangement of Laurentian University of Sudbury, Court File No.: CV-21-00656040-00CL

As you know, our firm is counsel to Université de Sudbury in the action recently commenced by Ms. Robinson as against Université de Sudbury bearing Court File No. CV-22-00078337 (the “**Robinson vs Université de Sudbury litigation**”).

We have been recently retained to defend the claim and can advise you that Université de Sudbury is presently taking all reasonable measures to investigate this matter.

We write with respect to the urgent motion seeking to lift the stay imposed by the Court's Amended and Restated Initial Order dated February 11, 2021 (the “**Lift Stay motion**”) brought by Ms. Barbara Robinson in the present CCAA Proceeding,

Université de Sudbury is presently considering bringing its own motion seeking leave to lift the stay of proceedings pursuant to rule 5.03 of the *Rules of Civil Procedure*, R.R.O. 1990 Reg. 194, to either cross-claim against Laurentian University of Sudbury (“**LU**”) if the Court orders that LU be added as a defendant in the Robinson vs Université de Sudbury litigation, or to add LU as a third party should the Court not order that LU be added as a defendant.

The position of Université de Sudbury is that LU's presence is necessary in the Robinson vs Université de Sudbury litigation to enable the court to adjudicate effectively and completely on the issues in that proceeding.

Should Université de Sudbury bring a motion, it will do so in French.

Université de Sudbury is an interested party to the urgent motion insofar as any court order issued in the CCAA Proceeding, in relation to Ms. Robinson's claim, will very likely affect the rights and interests of Université de Sudbury.

As such, Université de Sudbury will seek permission to intervene and share their position on the Lift Stay motion returnable April 1, 2022 before Chief Justice Morawetz.

Yours very truly,

Caza Saikaley srl/LLP



Ronald F. Caza

RFC/ab

cc. André Claude, Sheppard & Claude
Andréa Baldy, Caza Saikaley LLP

IN THE MATTER OF THE COMPANIES' CREDITORS
ARRANGEMENT ACT, R.S.C. 1985, c. C-36, AS AMENDED
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CV-21-656040-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT
TORONTO

(COMMERCIAL LIST)

AFFIDAVIT OF ANDRÉA BALDY

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Lawyers for Université de Sudbury

IN THE MATTER OF THE COMPANIES' CREDITORS
ARRANGEMENT ACT, R.S.C. 1985, c. C-36, AS AMENDED
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CV-21-656040-00CL

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SUPERIOR COURT OF JUSTICE

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TORONTO

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**RESPONDING MOTION RECORD OF UNIVERSITÉ
DE SUDBURY**

(As an interested party in the Lift Stay motion returnable April 1, 2022)

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