



ONTARIO SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)

COUNSEL SLIP/ENDORSEMENT

COURT FILE NO.: BK-24-03038619-0031 DATE: March 26, 2024

NO. ON LIST: 3

TITLE OF PROCEEDING: **BRR LOGISTICS LIMITED v. BDO CANADA LIMITED**

BEFORE JUSTICE: **KIMMEL**

**PARTICIPANT INFORMATION**

**For Plaintiff, Applicant, Moving Party, Crown:**

Name of Person Appearing	Name of Party	Contact Info
Monica Faheim	Counsel for BRR Logistic Limited	<a href="mailto:mfaheim@millerthomson.com">mfaheim@millerthomson.com</a>
Greg Azeff	Counsel for BRR Logistic Limited	<a href="mailto:gazeff@millerthomson.com">gazeff@millerthomson.com</a>

**For Defendant, Respondent, Responding Party, Defence:**

Name of Person Appearing	Name of Party	Contact Info
Lisa Corne	Counsel for Hestet Brands Inc. o/a Halo Top Canada	<a href="mailto:LCorne@dickinson-wright.com">LCorne@dickinson-wright.com</a>
R. Graham Phoenix	Counsel for Sallyport Commercial Finance ULC	<a href="mailto:gphoenix@LN.law">gphoenix@LN.law</a>
Chanakya Sethi	Counsel for Beyond Better Foods, LLC	<a href="mailto:csethi@dwpv.com">csethi@dwpv.com</a>
Matilda Lici	Counsel for the Proposal Trustee	<a href="mailto:mlici@airdberlis.com">mlici@airdberlis.com</a>

**For Other, Self-Represented:**

Name of Person Appearing	Name of Party	Contact Info

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**ENDORSEMENT OF JUSTICE KIMMEL :**

1. By a March 20, 2024 endorsement, a motion was scheduled to be brought on an urgent basis by BRR Logistics Limited ("BRR" or the "Company") for the purpose of seeking advice and directions in respect of certain goods of customers/suppliers being held by the Company. The matter was urgent as the Company is scheduled to exit its warehouse by the end of March, 2024. The motion was initially booked for 90 minutes.
2. After the motion was scheduled, the Company compiled a list of the affected customers and/or suppliers and, in consultation with the proposal trustee, has opted to take steps to maximize collections of its accounts receivable by availing itself of the regime set out in the provincial *Repair and Storage Liens Act*, R.S.O. 1990, c. R. 25, as amended ("RSLA").
3. In light of steps taken by the Company since the motion was scheduled and its decided course of action, the Company is not seeking any advice or directions from the court and did not bring its urgent motion as originally planned. The court was updated accordingly, by both the Company and the Proposal Trustee in its Second Report dated March 21, 2024.
4. The Company has been in communication with its affected customers/suppliers. As needed, it has entered into specific arrangements with some of them. One such example is Beyond Better Foods, who would have sought an exemption or carve out from any order sought by the Company to permission to move their inventory, but instead was able to come to an agreement with the Company.
5. Another example is Halo Top, with whom the Company has also reached an agreement. In that instance, the customer/supplier is also seeking a court order as added protection in respect of certain aspects of their agreement with the Company. The requested court order is on consent of the Company and the proposal trustee. It covers only a very limited time period between now and the end of March, 2024. In the circumstances, while it seems perhaps unnecessary, the court will not second guess the agreement of the parties in this case that contemplates a consent court order.
6. Consent order to go in the form signed by me today.



KIMMEL J.