



SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST

COUNSEL SLIP / ENDORSEMENT

COURT FILE NO.: CV-22-00685133-00CL DATE: November 7, 2023

NO. ON LIST: 1

TITLE OF PROCEEDING: CHRISCWE v. OASIS

BEFORE JUSTICE: Osborne

**PARTICIPANT INFORMATION**

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

Name of Person Appearing	Name of Party	Contact Info
Gary M. Caplan	Receiver	gcaplan.scalzilaw@outlook.com
Aram Simovonian	Receiver	asimovonian.scalzilaw@outlook.com
Hans Rizarri	Receiver	hans.rizarri@crowesoberman.com

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

Name of Person Appearing	Name of Party	Contact Info
Ian Klaiman and Jeffrey E. Feiner	Oasis, Rivers, 283	iklaiman@lzwlaw.com; jfeiner@cormanfeiner.com

**For Other, Self-Represented:**

Name of Person Appearing	Name of Party	Contact Info
Dylan Chochla	Segway Technology Co. Ltd	dchochla@fasken.com
Patrick Sawicki	De Lage Landen Financial	psawicki@millertthomson.com

**ENDORSEMENT OF JUSTICE OSBORNE:**

1. This matter was last before me on November 2. At that time, and given the fast-moving events and the fact that the business is not operating and is in crisis, the Receiver had filed a supplementary aid memoir for the case conference and advised just shortly before the hearing that it had received a draft asset purchase agreement from the Applicant in respect of a purchase of the assets, and the Receiver was of the view that an APA could be finalized in very short order.
2. The Respondents, Oasis and Mr. Rivers, requested an adjournment in order that they could consider their position and file materials if they wished to do so. They anticipated being instructed to oppose the motion. I directed the Receiver to file motion materials as soon as possible so the parties could evaluate their positions, and I urged all of the parties to continue a dialogue.
3. The receiver has now filed a motion record and seeks approval today of the asset purchase agreement. The Respondents seek a further adjournment. They say that the motion record was received only yesterday, and they want an opportunity to respond. There was significant discussion about what in the record was new or different than had been anticipated, although the record was indeed served only yesterday. I also observe that Segway is clear in its position that it is prepared to work with the Applicants, but not the Respondents going forward.
4. The Receiver, supported by the Applicants and Segway, oppose the adjournment. De Lage Financial takes the position that it requires a short period of time to finalize terms with the receiver relating to the proposed termination and exit of its financing facility.
5. In the circumstances, I am exercising my discretion to give the Respondents one last adjournment given the short service of motion materials.
6. The Receiver's motion will be heard on **Monday, November 20 at 10 AM via Zoom**. That date is preemptory on the Respondents. Responding materials will be filed no later than November 13, and reply materials, if any will be filed by November 15.

Osborne, J.