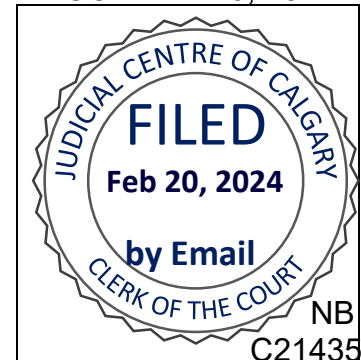


COURT FILE NUMBER 25-2958981
2301 - 13922
COURT COURT OF KING'S BENCH OF
ALBERTA
JUDICIAL CENTRE CALGARY

Clerk's Stamp
COM Feb 23, 2024



IN THE MATTER OF THE RECEIVERSHIP OF
OGEN HOLDINGS LTD., OGEN LTD., EDWARDS
CONCRETE INC., AND MORRISON HOMES (CALGARY)
LTD

APPLICANT HIS MAJESTY THE KING IN RIGHT OF CANADA AS
REPRESENTED BY THE MINISTER OF NATIONAL
REVENUE
RESPONDENTS OGEN HOLDINGS LTD., OGEN LTD., EDWARDS
CONCRETE INC., and MORRISON HOMES (CALGARY)
LTD., CONNECT FIRST CREDIT UNION LTD., ALVAREZ &
MARSAL CANADA LTD.

DOCUMENT **APPLICATION (DECLARATION OR LIFT STAY)**

ADDRESS FOR SERVICE
AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT
Department of Justice Canada
410 – 22nd St E, Suite 410
Saskatoon, SK S7K 5T6
Attention: David J. Smith
Tel: 306-491-0058
Fax: 306-975-4030

601, 606 – 4th Street SW
Calgary, Alberta T2P 1T1
Attention: Tristen Cones
Tel: 403-461-4723
Fax: 403-299-3507

File: LEX-500146557

NOTICE TO THE RESPONDENTS

This application is made against you. You are a respondent.

You have the right to state your side of this matter before the Court.

To do so, you must attend Court by videoconference or phone when the application is heard as shown below:

DATE: February 23, 2024
 TIME: 11:00am
 LOCATION: Calgary Law Courts VIA WEBEX in Virtual Courtroom 86
<https://albertacourts.webex.com/meet/virtual.courtroom86>
 BEFORE WHOM: The Honourable Justice J.J. Gill

Go to the end of this document to see what you can do and when you must do it.

Remedy claimed or sought:

1. The Applicant, His Majesty the King in Right of Canada as Represented by the Minister of National Revenue, seeks:
 - a) An Order abridging the time for service of notice of this Application, and deeming service good and sufficient, if necessary; and
 - b) a declaration that the stay order of the Hon. Justice Mah, dated November 3, 2023, does not stay CRA's ability to cancel Ogen Ltd's cannabis excise licence (81004 6599 RD0001) (the "**Licence**"); or, in the alternative,
 - c) a declaration that this Honourable Court does not have jurisdiction to infringe on the regulatory powers of the Canada Revenue Agency pursuant to the *Excise Act, 2001*, SC 2002, c 22; or, in the further alternative, if this Court does have such jurisdiction,
 - d) leave to lift the stay and cancel the Licence on the basis that:
 - a. the cancellation of the Licence is not an extraordinary situation, which may allow this Court to exercise its jurisdiction under section 183(1)(c) of the *Bankruptcy and Insolvency Act*, RSC 1985 c B-3; and/or
 - b. the decision to cancel the Licence was reasonable.

Affidavit or other evidence to be used in support of this application:

2. The pleadings and materials filed in the within proceedings;
3. Affidavit of Jason Sterling, sworn February 5, 2024; and
4. Such further information as counsel may advise and as this Honourable Court may permit.

Applicable Acts and Regulations:

5. Bankruptcy and Insolvency Act, RSC 1985, c B-3.
6. Alberta *Rules of Court*, Alta Reg 124/2010.

7. *Federal Courts Act*, RSC 1985, c F-7.
8. *Excise Act, 2001*, SC 2002, c 22.
9. *Regulations Respecting Excise Licences and Registrations*, SOR/2003-115.

Any Irregularity Complained of or Objection Relied on:

10. None

How the Application is proposed to be heard or considered:

11. In person via Webex before the Honourable Justice J. J. Gill.

WARNING

You are named as a respondent because you have made or are expected to make an adverse claim in respect of this application. If you do not come to Court either in person or by your lawyer, the Court may make an order declaring you and all persons claiming under you to be barred from taking any further proceedings against the Applicant and against all persons claiming under the Applicant. You will be bound by any order that the Court makes, or another order might be given or other proceedings taken which the Applicant is/are entitled to make without any further notice to you. If you want to take part in the application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the Applicant(s) a reasonable time before the application is to be heard or considered.

COURT FILE NUMBER 25-2958981
2301-13922

COURT COURT OF KING'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

PROCEEDING RECEIVERSHIP OF OGEN HOLDINGS LTD. AND OGEN LTD.

DOCUMENT **SERVICE LIST**

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS
DOCUMENT:

DEPARTMENT OF JUSTICE CANADA

410 – 22nd St E, Suite 410 601, 606 – 4th Street SW
Saskatoon, SK S7K 5T6 Calgary, Alberta T2P 1T1
Attention: David J. Smith Attention: Tristen Cones
Tel: 306-491-0058 Tel: 403-461-4723
Fax: 306-975-4030 Fax: 403-299-3507

File: LEX-500146557

SCHEDULE "A"

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<p>OGEN Ltd. and OGEN Holdings Ltd. 5430 30 Street SE Calgary, Alberta T2C 1G2</p> <p>Darren Brisebois Email: dbrisebois@ogencannabis.com</p>	<p><i>Counsel to OGEN Ltd. and OGEN Holdings Ltd.</i></p> <p>Bennett Jones LLP 4500 Bankers Hall East 855 – 2 Street SW Calgary, Alberta T2P 4K7</p> <p>Michael Selnes Email: selnesm@bennettjones.com kathlerd@bennettjones.com sheppards@bennettjones.com</p>

	<p><i>Corporate Counsel to OGEN Ltd. and OGEN Holdings Ltd.</i></p> <p>Carscallen LLP 900, 332 - 6 Avenue SW Calgary, Alberta T2P 0B2</p> <p>John Davidson Email: davidson@carscallen.com slebioda@carscallen.com</p>
<p>Connect First Credit Union Ltd. 510 – 16 Avenue NE Calgary, Alberta T2E 1K4</p> <p>Email: pprnotifications@connectfirstcu.com Fax: 403.269.5118</p>	<p><i>Counsel to Connect First Credit Union Ltd.</i></p> <p>BD&P Law 2400, 525 - 8th Avenue SW Calgary, Alberta T2P 1G1</p> <p>David LeGeyt Email: dlegeyt@bdplaw.com</p> <p>Ryan Algar Email: ralgar@bdplaw.com</p>
<p>Boxx Modular, a business Unit of Black Diamond Limited Partnership 240115 Frontier Crescent SE Rocky View County, Alberta T1X0R4</p> <p>Attention: Nadia Borissova</p> <p>Email: nborissova@blackdiamondgroup.com</p> <p>PPR Registration nos. 22120705324 and 2212070534</p>	
<p>Edwards Concrete Inc. 306062 17 Street East Foothills County, AB T1S 5E8</p> <p>Gary Edwards Email: gary@bodhitreeyogaresort.com</p> <p>Cory Edwards Email: cory@edwardsconcrete.ca</p> <p>Karen Lord Email: karen@lordlaw.ca</p>	<p><i>Counsel to Edwards Concrete Inc.</i></p> <p>Miles Davison LLP #900, 517 10th Avenue S.W. Calgary, Alberta T2R 0A8</p> <p>Dan Jukes Email: djukes@milesdavison.com</p>

<p>Canada Revenue Agency 220 – 4 Avenue SE Calgary, Alberta T2G 0L1</p>	<p>Department of Justice Canada Prairie Regional Office – Edmonton #300, 10423 – 101 St. NW Edmonton, Alberta T5H 0E7</p> <p>David Smith Email: David.Smith@justice.gc.ca</p> <p>Jasey Stevens Email: Jasey.Stevens@justice.gc.ca</p> <p>Erin Spray Email: Erin.Spray@justice.gc.ca</p> <p>Andrea Prosser Email: andrea.prosser@justice.gc.ca</p> <p>CANADA REVENUE AGENCY Department of Justice Canada Prairie Regional Office – Calgary #601, 606 4th Street SW Calgary, AB T2P 1T1</p> <p>Tristen Cones Email: Tristen.Cones@justice.gc.ca</p> <p>Ivy Caine Email: Ivy.Caine@justice.gc.ca</p>
<p>Health Canada 161 Goldenrod Drwy Ottawa, Ontario K1A 0K9</p> <p>Email: Majida.husseini@hc-sc.gc.ca Karen.lacasse@hc-sc.gc.ca Nicholas.laverdiere@hc-sc.gc.ca Licensing-cannabis-licences@hc-sc.gc.ca</p>	
<p>Morrison Homes (Calgary) Ltd. Suite 300, 2912 Memorial Drive SE Calgary, AB T2A 6R1</p> <p>Email: al.morrison@morrisonhomes.ca</p>	<p><i>Counsel to Morrison Homes (Calgary) Ltd. & Allan Morrison</i></p> <p>Lawson Lundell LLP Suite 1100, 225 – 6th Avenue S.W. Brookfield Place Calgary, AB T2P 1N2</p> <p>Alexis Teasdale Email: ateasdale@lawsonlundell.com ahenze@lawsonlundell.com</p>

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Transalta Corporation 1100 1 St SE Calgary, Alberta T2G 1B1 Andrea Sam Email: andrea_sam@transalta.com	
Bloom Cultivation Holdings Ltd. 5430 – 30 Street SE Calgary, Alberta T2C 1G2 Corporateservices@carscallen.com PPR Registration nos. 17052924427 and 1705294796	

EMAIL DISTRIBUTION LIST

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COURT FILE NUMBER

25-2958981

Clerk's Stamp

2301 - 13922

COURT

COURT OF KING'S BENCH OF
ALBERTA

JUDICIAL CENTRE

CALGARY

IN THE MATTER OF THE RECEIVERSHIP OF
OGEN HOLDINGS LTD., OGEN LTD., EDWARDS
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APPLICANT

HIS MAJESTY THE KING IN RIGHT OF CANADA AS
REPRESENTED BY THE MINISTER OF NATIONAL
REVENUE

RESPONDENTS

OGEN HOLDINGS LTD., OGEN LTD., EDWARDS
CONCRETE INC., and MORRISON HOMES (CALGARY)
LTD., CONNECT FIRST CREDIT UNION LTD., ALVAREZ &
MARSAL CANADA LTD.

DOCUMENT

ORDER

ADDRESS FOR SERVICE
AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT

Department of Justice Canada

410 – 22nd St E, Suite 410
Saskatoon, SK S7K 5T6
Attention: David J. Smith
Tel: 306-491-0058
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Calgary, Alberta T2P 1T1
Attention: Tristen Cones
Tel: 403-461-4723
Fax: 403-299-3507

File: LEX-500146557

DATE ON WHICH ORDER WAS PRONOUNCED: February 23, 2024

LOCATION AT WHICH ORDER WAS MADE: Edmonton, Alberta

NAME OF JUSTICE WHO MADE THIS ORDER: Honourable Justice J.J. Gill

UPON THE APPLICATION (the “**Application**”) of His Majesty the King in Right of Canada as Represented by the Minister of National Revenue (the “**Applicant**”); **AND UPON** reading the Application, the Affidavit of Jason Sterling, sworn on February 5, 2024, and the pleadings and proceedings in this Action, including the stay order of the Hon. Justice Mah, dated November 3, 2023 (the “**Justice Mah Order**”); **AND UPON** hearing the submissions of counsel for the Applicants, counsel for the Receiver and counsel for those parties present; **IT IS HEREBY ORDERED THAT:**

1. Service of this Application and all supporting materials is hereby deemed to be good and sufficient, the time for notice is hereby abridged to the time provided, this Application is properly returnable today, and no other person is required to have been served with notice of this Application.
2. Justice Mah’s Receivership Order of November 3, 2023 does not stay the Canada Revenue Agency’s cancellation of Ogen Ltd.’s licence pursuant to the *Excise Act, 2001* to cultivate, produce and package cannabis on March 1, 2024.

J.C.C.K.B.A.