



This is the 4th Affidavit
of Mia Liang in this case
and was made on November 20, 2025

No. S-243389
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN BANKRUPTCY AND INSOLVENCY

IN THE MATTER OF THE RECEIVERSHIP OF
ECOASIS DEVELOPMENTS LLP AND OTHERS

BETWEEN:

SANOVEST HOLDINGS LTD.

PETITIONER

AND:

ECOASIS DEVELOPMENTS LLP, ECOASIS BEAR
MOUNTAIN DEVELOPMENTS LTD., ECOASIS RESORT
AND GOLF LLP., 0884185 B.C. LTD., 0884188 B.C. LTD.,
0884190 B.C. LTD., 0884194 B.C. LTD., BM 81/82 LANDS
LTD., BM 83 LANDS LTD., BM 84 LANDS LTD., BM
CAPELLA LANDS LTD., BM HIGHLANDS GOLF COURSE
LTD., BM HIGHLANDS LANDS LTD., BM MOUNTAIN
GOLF COURSE LTD. and BEAR MOUNTAIN
ADVENTURES LTD.

RESPONDENTS

AFFIDAVIT

I, Mia Liang, of 2900 – 550 Burrard Street, in the city of Vancouver, Province of
British Columbia, Legal Assistant, AFFIRM THAT:

1. I am a Legal Assistant employed with the law firm Fasken Martineau DuMoulin
LLP, solicitors for the Petitioner, Sanovest Holdings Ltd. ("**Sanovest**"), and as such have
personal knowledge of the facts hereinafter deposed to except where stated to be on
information and belief, in which case I verily believe them to be true.

2. Now produced and shown to me and marked as **Exhibit "A"** to this my Affidavit
are true copies of emails exchanged on September 24 and 26, and October 14, 2025,

between Lars Brusven, counsel for Sanovest, and Malcolm Funt and Scott Stephens, current counsel for the Matthews Parties.

3. Now produced and shown to me and marked as **Exhibit "B"** to this my Affidavit are true copies of emails exchanged on November 6, 7, 8, 9, 10, and 13, 2025, between Mr. Brusven, Mr. Funt, and W. Eric Pedersen, counsel for Tom Kusumoto.

4. Now produced and shown to me and marked as **Exhibit "C"** to this my Affidavit is a true copy of an email from Veronica Cheng, legal assistant for the Matthews Parties' counsel, that attaches an unfiled Notice of Trial, dated November 13, 2025.

AFFIRMED BEFORE ME at the City)
of Vancouver, Province of British)
Columbia this 20th day of November)
2025)



A Commissioner for taking Affidavits)
for British Columbia)



MIA LIANG

THOR PAULSON
Barrister & Solicitor
Fasken Martineau DuMoulin LLP
2900 - 550 Burrard Street
Vancouver, BC V6C 0A3
604 631 3536

This is **Exhibit "A"** referred to in the affidavit of Mia Liang made before me on this 20th day of November, 2025.

A handwritten signature in blue ink, consisting of a large, stylized 'R' or 'B' shape with a horizontal line extending to the right.

A Commissioner for taking Affidavits
for British Columbia

Thor Paulson

From: Lars Brusven
Sent: October-14-25 5:01 PM
To: Scott H. Stephens; Malcolm Funt; Eric Pedersen (Velletta Pedersen Christie)
Cc: Andrew I. Nathanson; Kibben Jackson; Lisa Hiebert; Peter Rubin (PETER.RUBIN@blakes.com); Lily Y. Zhang; Thor Paulson
Subject: RE: [EXT] RE: S-243389 | BCSC Action Nos.: S-223937, S-226218, S-234047, and S-234048 [FMD-CANADA.FID4037919]
Attachments: 2025 10 14 - Notice of Application.pdf

Counsel,

Enclosed is the notice of application and supporting affidavits in respect of our application to have the excluded litigation tried summarily before Justice Walker in the Receivership proceeding. These materials will be filed (Affidavit #3 of Mia Liang to be filed under seal) and served once we submit our request to appear and obtain a hearing date with Justice Walker.

You had previously advised that you are available for a two-day hearing during the last two weeks of November, except for on November 21-22, and November 27-28. Please let us know by the end of day tomorrow if this has changed. Otherwise, we will proceed with submitting the request to appear based on the availability you previously noted.

Thanks.

☐ Affidavits of Mia Liang

Lars Brusven (He/Him)

Partner

T +1 604 631 2732 | lbrusven@fasken.com

Fasken Martineau DuMoulin LLP

From: Scott H. Stephens <ssstephens@owenbird.com>
Sent: September-26-25 1:29 PM
To: Malcolm Funt <mfunt@bfg-law.ca>; Lars Brusven <lbrusven@fasken.com>
Cc: Andrew I. Nathanson <anathanson@fasken.com>; Kibben Jackson <kjackson@fasken.com>; Lisa Hiebert <lhiebert@fasken.com>; Peter Rubin (PETER.RUBIN@blakes.com) <peter.rubin@blakes.com>; Lily Y. Zhang <lzhang@owenbird.com>
Subject: [EXT] RE: S-243389 | BCSC Action Nos.: S-223937, S-226218, S-234047, and S-234048 [FMD-CANADA.FID4037919]

{CAUTION: This email originated from outside of Fasken. Exercise care before clicking links or opening attachments.}

The dates Malcolm noted as unavailable cover mine – otherwise ok

Scott H. Stephens
Owen Bird Law Corporation

direct tel. (604) 691-7521
 direct fax. (604) 632-4447
 web. www.owenbird.com

From: Malcolm Funt <mfunt@bfg-law.ca>
Sent: Friday, September 26, 2025 1:10 PM
To: Lars Brusven <lbrusven@fasken.com>; Scott H. Stephens <sstephens@owenbird.com>
Cc: Andrew I. Nathanson <anathanson@fasken.com>; Kibben Jackson <kjackson@fasken.com>; Lisa Hiebert <lhiebert@fasken.com>; Peter Rubin (PETER.RUBIN@blakes.com) <peter.rubin@blakes.com>
Subject: RE: S-243389 | BCSC Action Nos.: S-223937, S-226218, S-234047, and S-234048 [FMD-CANADA.FID4037919]

[External Email – Use Caution]

Lars,

My client and I are not available the 20-21 or 27-28, otherwise those dates work, including the first week of December. Will wait for Scott to confirm his availability.

Malcolm

Malcolm B. Funt
 Bojm, Funt & Gibbons LLP
 505-1168 Hamilton St.
 Vancouver, BC, V6B 2S2
 Direct: 604-363-7121
 Email: mfunt@bfg-law.ca
 Website: www.bfg-law.ca
 *Practising through the Malcolm B. Funt Law Corporation

**** Please note, I do not receive email on my phone. If you would like to reach me urgently, please call. ****

From: Lars Brusven <lbrusven@fasken.com>
Sent: September 26, 2025 1:02 PM
To: Scott H. Stephens <sstephens@owenbird.com>; Malcolm Funt <mfunt@bfg-law.ca>
Cc: Andrew I. Nathanson <anathanson@fasken.com>; Kibben Jackson <kjackson@fasken.com>; Lisa Hiebert <lhiebert@fasken.com>; Peter Rubin (PETER.RUBIN@blakes.com) <peter.rubin@blakes.com>
Subject: RE: S-243389 | BCSC Action Nos.: S-223937, S-226218, S-234047, and S-234048 [FMD-CANADA.FID4037919]

Mr. Stephens and Mr. Funt,

I have heard from Mr. Funt that late November is generally available, and I have heard from Mr. Rubin that their office will make efforts to accommodate dates that work for the parties' and the court's schedule.

Please let us know by the end of today if there are any specific two-day windows during the weeks of November 17th and November 24th, that do not work on your end for this hearing, as we will be writing to the scheduling coordinator at the of the day.

Thank you.

Lars Brusven (He/Him)

Partner

T +1 604 631 2732 | lbrusven@fasken.com

Fasken Martineau DuMoulin LLP

From: Lars Brusven

Sent: September-24-25 1:07 PM

To: Scott H. Stephens <sstephens@owenbird.com>; Malcolm Funt <mfunt@bfg-law.ca>; Peter Rubin
(PETER.RUBIN@blakes.com) <peter.rubin@blakes.com>

Cc: Andrew I. Nathanson <anathanson@fasken.com>; Kibben Jackson <kjackson@fasken.com>; Lisa Hiebert
<lhiebert@fasken.com>

Subject: S-243389 | BCSC Action Nos.: S-223937, S-226218, S-234047, and S-234048 [FMD-CANADA.FID4037919]

Counsel,

As Mr. Nathanson advised the Court during our July 4, 2025 attendance, Sanovest was considering bringing an application to have the carved-out litigation in BCSC Action Nos.: S-223937, S-226218, S-234047, and S-234048 brought within the Receivership to be tried before Justice Walker through a summary process. We now have those instructions and will be delivering our application shortly, together with a proposed timetable for the exchange of materials and written submissions.

We understand that Justice Walker has availability during the weeks of November 17th and November 24th to hear that application, which we would like to set aside two days for.

Could you please let us know by Friday if there are any dates during those weeks that you are *not* available for a two-day hearing?

Thank you.

Lars Brusven (He/Him)

Partner

T +1 604 631 2732

lbrusven@fasken.com | www.fasken.com/en/lars-brusven

FASKEN

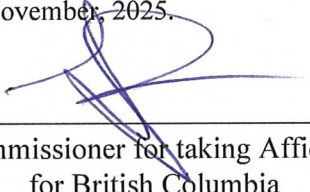
Fasken Martineau DuMoulin LLP

550 Burrard Street, Suite 2900, Vancouver, British Columbia V6C 0A3

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This is **Exhibit "B"** referred to in the affidavit of Mia Liang made before me on this 20th day of November, 2025.



A Commissioner for taking Affidavits
for British Columbia

Thor Paulson

From: Lars Brusven
Sent: November-10-25 10:28 AM
To: Malcolm Funt; Jess Chan
Cc: Thor Paulson; Mia Liang; Christine MacDonald - Legal Assistant; Veronica Cheng; Rachel Richardson; wepfiling; Eric Pedersen (Velletta Pedersen Christie); Andrew I. Nathanson
Subject: RE: [EXT] RE: BCSC Action Nos. S-234047, S-234048, and S-223937 (the "Bear Mountain Litigation") [FMD-CANADA.FID4038156]

Categories: SANOVEST

Thanks Malcolm. I attended this morning to advise the court that our application has been resolved.

We will look forward to receiving the updated notice of trial.

Lars Brusven (He/Him)

Partner

T +1 604 631 2732 | lbrusven@fasken.com

Fasken Martineau DuMoulin LLP

From: Malcolm Funt <mfunt@bfg-law.ca>
Sent: November-10-25 9:51 AM
To: Lars Brusven <lbrusven@fasken.com>; Jess Chan <jchan@bfg-law.ca>
Cc: Thor Paulson <tpaulson@fasken.com>; Mia Liang <mliang@fasken.com>; Christine MacDonald - Legal Assistant <cmacdonald@fasken.com>; Veronica Cheng <vcheng@bfg-law.ca>; Rachel Richardson <rrichardson@fasken.com>; wepfiling <wepfiling@victorialaw.ca>; Eric Pedersen (Velletta Pedersen Christie) <pedersen@victorialaw.ca>; Andrew I. Nathanson <anathanson@fasken.com>
Subject: Re: [EXT] RE: BCSC Action Nos. S-234047, S-234048, and S-223937 (the "Bear Mountain Litigation") [FMD-CANADA.FID4038156]

[CAUTION: This email originated from outside of Fasken. Exercise care before clicking links or opening attachments.]

Sorry that should say Jan 11, 2027 for 29 days.

Malcolm B. Funt
 Bojm, Funt & Gibbons LLP
 505-1168 Hamilton St.
 Vancouver, BC, V6B 2S2
 Direct: 604-363-7121
 Email: mfunt@bfg-law.ca
 *Practising through the Malcolm B. Funt Law Corporation

From: Malcolm Funt <mfunt@bfg-law.ca>
Sent: Monday, November 10, 2025 9:35:01 AM
To: Lars Brusven <lbrusven@fasken.com>; Jess Chan <jchan@bfg-law.ca>

Cc: Thor Paulson <tpaulson@fasken.com>; Mia Liang <mliang@fasken.com>; Christine MacDonald - Legal Assistant <cmacdonald@fasken.com>; Veronica Cheng <vcheng@bfg-law.ca>; Rachel Richardson <rrichardson@fasken.com>; wepfiling <wepfiling@victorialaw.ca>; Eric Pedersen (Velletta Pedersen Christie) <pedersen@victorialaw.ca>; Andrew I. Nathanson <anathanson@fasken.com>

Subject: Re: [EXT] RE: BCSC Action Nos. S-234047, S-234048, and S-223937 (the "Bear Mountain Litigation") [FMD-CANADA.FID4038156]

Dear all - I have booked 29 days starting January 11, 2026. The previously scheduled trial has been adjourned. I have notified civil registry that today's application is adjourned as well (although I had to leave a message for that).

29 days is the max that they had (unless we wanted 30 days starting January 4th, which seemed worse). If we can't agree on trial process / length then I suggest we hold a CPC as soon as we can to determine that issue.

The TMC for December has also been cancelled.

I will file the new notice of trial in due course.

Malcolm

Malcolm B. Funt
Bojm, Funt & Gibbons LLP
505-1168 Hamilton St.
Vancouver, BC, V6B 2S2
Direct: 604-363-7121
Email: mfunt@bfg-law.ca
*Practising through the Malcolm B. Funt Law Corporation

From: Lars Brusven <lbrusven@fasken.com>
Sent: Sunday, November 9, 2025 5:13:37 PM
To: Malcolm Funt <mfunt@bfg-law.ca>; Jess Chan <jchan@bfg-law.ca>
Cc: Thor Paulson <tpaulson@fasken.com>; Mia Liang <mliang@fasken.com>; Christine MacDonald - Legal Assistant <cmacdonald@fasken.com>; Veronica Cheng <vcheng@bfg-law.ca>; Rachel Richardson <rrichardson@fasken.com>; wepfiling <wepfiling@victorialaw.ca>; Eric Pedersen (Velletta Pedersen Christie) <pedersen@victorialaw.ca>; Andrew I. Nathanson <anathanson@fasken.com>
Subject: RE: [EXT] RE: BCSC Action Nos. S-234047, S-234048, and S-223937 (the "Bear Mountain Litigation") [FMD-CANADA.FID4038156]

Thanks Malcolm. Tomorrow you can book trial time in 2027 during the availability we provided, but we do not agree that five weeks is sufficient for these four actions to be heard. If you book fewer than 10 weeks and the parties cannot ultimately reach agreement on the length of trial, we reserve our right to seek the court's assistance at a case planning conference to resolve the issue, which may ultimately require further rescheduling.

On our phone call, we discussed the practical implication of the four actions being ordered by Justice Morellato to be heard together even if not consolidated. Below is the excerpt from Justice Morellato's reasons that I referred you to. These actions have not been ordered to be merged in any manner. They are to be tried separately, and the sequencing of the actions is subject to agreement by the parties or

discretion of the trial judge. This is among the reasons why the Sanovest parties are of the view that five weeks of trial time is not sufficient.

[60] Third, while each of the Bear Mountain Actions will be heard together, each will proceed to trial as if they were separate actions and nothing in this order shall be construed to merge or consolidate the claims. Subject to the discretion of the trial judge, the parties are at liberty to reach agreement on the sequencing and presentation of the four Bear Mountain Actions at trial.

Lars Brusven (He/Him)

Partner

T +1 604 631 2732 | lbrusven@fasken.com

Fasken Martineau DuMoulin LLP

From: Malcolm Funt <mfunt@bfg-law.ca>

Sent: November-09-25 8:06 AM

To: Lars Brusven <lbrusven@fasken.com>; Jess Chan <jchan@bfg-law.ca>

Cc: Thor Paulson <tpaulson@fasken.com>; Mia Liang <mliang@fasken.com>; Christine MacDonald - Legal Assistant <cmacdonald@fasken.com>; Veronica Cheng <vcheng@bfg-law.ca>; Rachel Richardson <rrichardson@fasken.com>; wepfiling <wepfiling@victorialaw.ca>; Eric Pedersen (Velletta Pedersen Christie) <pedersen@victorialaw.ca>; Andrew I. Nathanson <anathanson@fasken.com>

Subject: Re: [EXT] RE: BCSC Action Nos. S-234047, S-234048, and S-223937 (the "Bear Mountain Litigation") [FMD-CANADA.FID4038156]

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Yes we are agreed. Two things though: we are not agreed on 10 weeks. I will see what they have available and book what I can. But if they have 5 weeks or more than I will book. I am not going to physically attend. I'm going to call the manager.

I'll keep you posted tomorrow.

Malcolm

Malcolm B. Funt

Bojm, Funt & Gibbons LLP

505-1168 Hamilton St.

Vancouver, BC, V6B 2S2

Direct: 604-363-7121

Email: mfunt@bfg-law.ca

*Practising through the Malcolm B. Funt Law Corporation

From: Lars Brusven <lbrusven@fasken.com>

Sent: Sunday, November 9, 2025 7:00:53 AM

To: Malcolm Funt <mfunt@bfg-law.ca>; Jess Chan <jchan@bfg-law.ca>

Cc: Thor Paulson <tpaulson@fasken.com>; Mia Liang <mliang@fasken.com>; Christine MacDonald - Legal Assistant <cmacdonald@fasken.com>; Veronica Cheng <vcheng@bfg-law.ca>; Rachel Richardson <rrichardson@fasken.com>; wepfiling <wepfiling@victorialaw.ca>; Eric Pedersen (Velletta Pedersen Christie) <pedersen@victorialaw.ca>; Andrew I. Nathanson <anathanson@fasken.com>

Subject: RE: [EXT] RE: BCSC Action Nos. S-234047, S-234048, and S-223937 (the "Bear Mountain Litigation") [FMD-CANADA.FID4038156]

Malcolm/Jess - please respond.

Lars Brusven (He/Him)

Partner

T +1 604 631 2732 | lbrusven@fasken.com

Fasken Martineau DuMoulin LLP

From: Eric Pedersen (Velletta Pedersen Christie) <pedersen@victorialaw.ca>

Sent: November-08-25 4:57 PM

To: Lars Brusven <lbrusven@fasken.com>; Malcolm Funt <mfunt@bfg-law.ca>; Jess Chan <jchan@bfg-law.ca>

Cc: Thor Paulson <tpaulson@fasken.com>; Mia Liang <mliang@fasken.com>; Christine MacDonald - Legal Assistant <cmacdonald@fasken.com>; Veronica Cheng <vcheng@bfg-law.ca>; Rachel Richardson <rrichardson@fasken.com>; wepfiling <wepfiling@victorialaw.ca>

Subject: [EXT] RE: BCSC Action Nos. S-234047, S-234048, and S-223937 (the "Bear Mountain Litigation") [FMD-CANADA.FID4038156]

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Checking in – is this agreed or are we proceeding Monday?

W. Eric Pedersen* | Partner

Velletta Pedersen Christie Lawyers

400-931 Fort Street | Victoria, BC | V8V 3K3

Tel: 250.383.9104 | Fax: 250.383.1922 | pedersen@victorialaw.ca

www.victorialaw.ca

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*Practicing as WEP Law Corporation

From: Lars Brusven <lbrusven@fasken.com>

Sent: November 7, 2025 5:29 PM

To: Malcolm Funt <mfunt@bfg-law.ca>; Jess Chan <jchan@bfg-law.ca>; Eric Pedersen (Velletta Pedersen Christie) <pedersen@victorialaw.ca>

Cc: Andrew I. Nathanson <anathanson@fasken.com>; Thor Paulson <tpaulson@fasken.com>; Mia Liang <mliang@fasken.com>; Christine MacDonald - Legal Assistant <cmacdonald@fasken.com>; Veronica Cheng <vcheng@bfg-law.ca>; Rachel Richardson <rrichardson@fasken.com>

Subject: RE: BCSC Action Nos. S-234047, S-234048, and S-223937 (the "Bear Mountain Litigation") [FMD-CANADA.FID4038156]

Malcolm,

Following up on our call just now, we propose as follows:

- 1) The Matthews Parties consent to adjourn the January 2026 trial;
- 2) You will attend at the registry on Monday morning, and our adjournment will either be:

- a. To a new date in 2027 fixed by the registry when you attend; or
 - b. A general adjournment if the registry cannot provide 2027 dates when you attend (in which case counsel will make efforts to agree to hold dates in 2027 to be booked when they become available);
- 3) When you attend at the registry you will confirm that the parties are releasing the January 2026 trial dates, and we will file any necessary requisitions in that regard by the end of next week; and
 - 4) The terms of the adjournment will be incorporated in a consent order to be filed by the end of next week.

Please send back a note to confirm your agreement with the above.

Thanks.

Lars Brusven (He/Him)

Partner

T +1 604 631 2732 | lbrusven@fasken.com

Fasken Martineau DuMoulin LLP

From: Lars Brusven

Sent: November-07-25 3:19 PM

To: Malcolm Funt <mfunt@bfg-law.ca>; Jess Chan <jchan@bfg-law.ca>; Eric Pedersen (Velletta Pedersen Christie) <pedersen@victorialaw.ca>

Cc: Andrew I. Nathanson <anathanson@fasken.com>; Thor Paulson <tpaulson@fasken.com>; Mia Liang <mliang@fasken.com>; Christine MacDonald - Legal Assistant <cmacdonald@fasken.com>; Veronica Cheng <vcheng@bfg-law.ca>; Rachel Richardson <rrichardson@fasken.com>

Subject: RE: BCSC Action Nos. S-234047, S-234048, and S-223937 (the "Bear Mountain Litigation")

I attach one additional case that we may rely on at Monday's application hearing.

Lars Brusven (He/Him)

Partner

T +1 604 631 2732 | lbrusven@fasken.com

Fasken Martineau DuMoulin LLP

From: Rachel Richardson <rrichardson@fasken.com>

Sent: November-06-25 11:37 AM

To: Malcolm Funt <mfunt@bfg-law.ca>; Eric Pedersen (Velletta Pedersen Christie) <pedersen@victorialaw.ca>; Jess Chan <jchan@bfg-law.ca>

Cc: Andrew I. Nathanson <anathanson@fasken.com>; Lars Brusven <lbrusven@fasken.com>; Thor Paulson <tpaulson@fasken.com>; Mia Liang <mliang@fasken.com>; Christine MacDonald - Legal Assistant <cmacdonald@fasken.com>; Veronica Cheng <vcheng@bfg-law.ca>

Subject: BCSC Action Nos. S-234047, S-234048, and S-223937 (the "Bear Mountain Litigation")

Good morning,

Attached for service upon you, is our Application Record Index for the application scheduled to take place on Monday, November 10, 2025.

Kind regards,

Rachel Richardson

Legal Assistant

T +1 604 631 4794

rrichardson@fasken.com | www.fasken.com/en

FASKEN

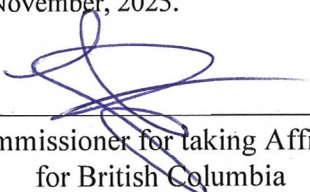
Fasken Martineau DuMoulin LLP

550 Burrard Street, Suite 2900, Vancouver, British Columbia V6C 0A3

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This is **Exhibit "C"** referred to in the affidavit of Mia Liang made before me on this 20th day of November, 2025.



A Commissioner for taking Affidavits
for British Columbia

Thor Paulson

From: Veronica Cheng <vcheng@bfg-law.ca>
Sent: November-13-25 4:15 PM
To: Lars Brusven; Malcolm Funt; Jess Chan
Cc: Thor Paulson; Mia Liang; Christine MacDonald - Legal Assistant; Rachel Richardson; wepfiling; Eric Pedersen (Velletta Pedersen Christie); Andrew I. Nathanson
Subject: Re: [EXT] RE: BCSC Action Nos. S-234047, S-234048, and S-223937 (the "Bear Mountain Litigation") [FMD-CANADA.FID4038156]
Attachments: 2025-11-13 Notice of Trial.pdf
Categories: SANOVEST

{CAUTION: This email originated from outside of Fasken. Exercise care before clicking links or opening attachments.}

Good afternoon all,

Please see attached Notice of Trial that has been submitted for filing. I will send a filed copy in due course.

Thank you,

Veronica Cheng (she/her)
 Legal Administrative Assistant

Bojm, Funt & Gibbons LLP
 505 - 1168 Hamilton St.
 Vancouver, BC V6B 2S2
 (604)-558-1140

Email: vcheng@bfg-law.ca
 Web: <http://bfg-law.ca/>

From: Lars Brusven <lbrusven@fasken.com>
Sent: November 10, 2025 10:28 AM
To: Malcolm Funt <mfunt@bfg-law.ca>; Jess Chan <jchan@bfg-law.ca>
Cc: Thor Paulson <tpaulson@fasken.com>; Mia Liang <mliang@fasken.com>; Christine MacDonald - Legal Assistant <cmacdonald@fasken.com>; Veronica Cheng <vcheng@bfg-law.ca>; Rachel Richardson <rrichardson@fasken.com>; wepfiling <wepfiling@victorialaw.ca>; Eric Pedersen (Velletta Pedersen Christie) <pedersen@victorialaw.ca>; Andrew I. Nathanson <anathanson@fasken.com>
Subject: RE: [EXT] RE: BCSC Action Nos. S-234047, S-234048, and S-223937 (the "Bear Mountain Litigation") [FMD-CANADA.FID4038156]

Thanks Malcolm. I attended this morning to advise the court that our application has been resolved.

We will look forward to receiving the updated notice of trial.

Lars Brusven (He/Him)

Partner

T +1 604 631 2732 | lbrusven@fasken.com

Fasken Martineau DuMoulin LLP

From: Malcolm Funt <mfunt@bfg-law.ca>
Sent: November-10-25 9:51 AM
To: Lars Brusven <lbrusven@fasken.com>; Jess Chan <jchan@bfg-law.ca>
Cc: Thor Paulson <tpaulson@fasken.com>; Mia Liang <mliang@fasken.com>; Christine MacDonald - Legal Assistant <cmacdonald@fasken.com>; Veronica Cheng <vcheng@bfg-law.ca>; Rachel Richardson <rrichardson@fasken.com>; wepfiling <wepfiling@victorialaw.ca>; Eric Pedersen (Velletta Pedersen Christie) <pedersen@victorialaw.ca>; Andrew I. Nathanson <anathanson@fasken.com>
Subject: Re: [EXT] RE: BCSC Action Nos. S-234047, S-234048, and S-223937 (the "Bear Mountain Litigation") [FMD-CANADA.FID4038156]

{CAUTION: This email originated from outside of Fasken. Exercise care before clicking links or opening attachments.}

Sorry that should say Jan 11, 2027 for 29 days.

Malcolm B. Funt
 Bojm, Funt & Gibbons LLP
 505-1168 Hamilton St.
 Vancouver, BC, V6B 2S2
 Direct: 604-363-7121
 Email: mfunt@bfg-law.ca
 *Practising through the Malcolm B. Funt Law Corporation

From: Malcolm Funt <mfunt@bfg-law.ca>
Sent: Monday, November 10, 2025 9:35:01 AM
To: Lars Brusven <lbrusven@fasken.com>; Jess Chan <jchan@bfg-law.ca>
Cc: Thor Paulson <tpaulson@fasken.com>; Mia Liang <mliang@fasken.com>; Christine MacDonald - Legal Assistant <cmacdonald@fasken.com>; Veronica Cheng <vcheng@bfg-law.ca>; Rachel Richardson <rrichardson@fasken.com>; wepfiling <wepfiling@victorialaw.ca>; Eric Pedersen (Velletta Pedersen Christie) <pedersen@victorialaw.ca>; Andrew I. Nathanson <anathanson@fasken.com>
Subject: Re: [EXT] RE: BCSC Action Nos. S-234047, S-234048, and S-223937 (the "Bear Mountain Litigation") [FMD-CANADA.FID4038156]

Dear all - I have booked 29 days starting January 11, 2026. The previously scheduled trial has been adjourned. I have notified civil registry that today's application is adjourned as well (although I had to leave a message for that).

29 days is the max that they had (unless we wanted 30 days starting January 4th, which seemed worse). If we can't agree on trial process / length then I suggest we hold a CPC as soon as we can to determine that issue.

The TMC for December has also been cancelled.

I will file the new notice of trial in due course.

Malcolm

Malcolm B. Funt
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 Direct: 604-363-7121
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 *Practising through the Malcolm B. Funt Law Corporation

From: Lars Brusven <lbrusven@fasken.com>
Sent: Sunday, November 9, 2025 5:13:37 PM
To: Malcolm Funt <mfunt@bfg-law.ca>; Jess Chan <jchan@bfg-law.ca>
Cc: Thor Paulson <tpaulson@fasken.com>; Mia Liang <mliang@fasken.com>; Christine MacDonald - Legal Assistant <cmacdonald@fasken.com>; Veronica Cheng <vcheng@bfg-law.ca>; Rachel Richardson <rrichardson@fasken.com>; wepfiling <wepfiling@victorialaw.ca>; Eric Pedersen (Velletta Pedersen Christie) <pedersen@victorialaw.ca>; Andrew I. Nathanson <anathanson@fasken.com>
Subject: RE: [EXT] RE: BCSC Action Nos. S-234047, S-234048, and S-223937 (the "Bear Mountain Litigation") [FMD-CANADA.FID4038156]

Thanks Malcolm. Tomorrow you can book trial time in 2027 during the availability we provided, but we do not agree that five weeks is sufficient for these four actions to be heard. If you book fewer than 10 weeks and the parties cannot ultimately reach agreement on the length of trial, we reserve our right to seek the court's assistance at a case planning conference to resolve the issue, which may ultimately require further rescheduling.

On our phone call, we discussed the practical implication of the four actions being ordered by Justice Morellato to be heard together even if not consolidated. Below is the excerpt from Justice Morellato's reasons that I referred you to. These actions have not been ordered to be merged in any manner. They are to be tried separately, and the sequencing of the actions is subject to agreement by the parties or discretion of the trial judge. This is among the reasons why the Sanovest parties are of the view that five weeks of trial time is not sufficient.

[60] Third, while each of the Bear Mountain Actions will be heard together, each will proceed to trial as if they were separate actions and nothing in this order shall be construed to merge or consolidate the claims. Subject to the discretion of the trial judge, the parties are at liberty to reach agreement on the sequencing and presentation of the four Bear Mountain Actions at trial.

Lars Brusven (He/Him)

Partner

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Fasken Martineau DuMoulin LLP

From: Malcolm Funt <mfunt@bfg-law.ca>
Sent: November-09-25 8:06 AM
To: Lars Brusven <lbrusven@fasken.com>; Jess Chan <jchan@bfg-law.ca>
Cc: Thor Paulson <tpaulson@fasken.com>; Mia Liang <mliang@fasken.com>; Christine MacDonald - Legal Assistant <cmacdonald@fasken.com>; Veronica Cheng <vcheng@bfg-law.ca>; Rachel Richardson <rrichardson@fasken.com>; wepfiling <wepfiling@victorialaw.ca>; Eric Pedersen (Velletta Pedersen Christie) <pedersen@victorialaw.ca>; Andrew I. Nathanson <anathanson@fasken.com>
Subject: Re: [EXT] RE: BCSC Action Nos. S-234047, S-234048, and S-223937 (the "Bear Mountain Litigation") [FMD-CANADA.FID4038156]

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Yes we are agreed. Two things though: we are not agreed on 10 weeks. I will see what they have available and book what I can. But if they have 5 weeks or more than I will book. I am not going to physically attend. I'm going to call the manager.

I'll keep you posted tomorrow.

Malcolm

Malcolm B. Funt
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Direct: 604-363-7121
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*Practising through the Malcolm B. Funt Law Corporation

From: Lars Brusven <lbrusven@fasken.com>
Sent: Sunday, November 9, 2025 7:00:53 AM
To: Malcolm Funt <mfunt@bfg-law.ca>; Jess Chan <jchan@bfg-law.ca>
Cc: Thor Paulson <tpaulson@fasken.com>; Mia Liang <mliang@fasken.com>; Christine MacDonald - Legal Assistant <cmacdonald@fasken.com>; Veronica Cheng <vcheng@bfg-law.ca>; Rachel Richardson <rrichardson@fasken.com>; wepfiling <wepfiling@victorialaw.ca>; Eric Pedersen (Velletta Pedersen Christie) <epedersen@victorialaw.ca>; Andrew I. Nathanson <anathanson@fasken.com>
Subject: RE: [EXT] RE: BCSC Action Nos. S-234047, S-234048, and S-223937 (the "Bear Mountain Litigation") [FMD-CANADA.FID4038156]

Malcolm/Jess - please respond.

Lars Brusven (He/Him)

Partner

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Fasken Martineau DuMoulin LLP

From: Eric Pedersen (Velletta Pedersen Christie) <epedersen@victorialaw.ca>
Sent: November-08-25 4:57 PM
To: Lars Brusven <lbrusven@fasken.com>; Malcolm Funt <mfunt@bfg-law.ca>; Jess Chan <jchan@bfg-law.ca>
Cc: Thor Paulson <tpaulson@fasken.com>; Mia Liang <mliang@fasken.com>; Christine MacDonald - Legal Assistant <cmacdonald@fasken.com>; Veronica Cheng <vcheng@bfg-law.ca>; Rachel Richardson <rrichardson@fasken.com>; wepfiling <wepfiling@victorialaw.ca>
Subject: [EXT] RE: BCSC Action Nos. S-234047, S-234048, and S-223937 (the "Bear Mountain Litigation") [FMD-CANADA.FID4038156]

{CAUTION: This email originated from outside of Fasken. Exercise care before clicking links or opening attachments.}

Checking in – is this agreed or are we proceeding Monday?

W. Eric Pedersen* | Partner

Velletta Pedersen Christie Lawyers
 400-931 Fort Street | Victoria, BC | V8V 3K3
 Tel: 250.383.9104 | Fax: 250.383.1922 | pedersen@victorialaw.ca
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*Practicing as WEP Law Corporation

From: Lars Brusven <lbrusven@fasken.com>
Sent: November 7, 2025 5:29 PM
To: Malcolm Funt <mfunt@bfg-law.ca>; Jess Chan <jchan@bfg-law.ca>; Eric Pedersen (Velletta Pedersen Christie) <pedersen@victorialaw.ca>
Cc: Andrew I. Nathanson <anathanson@fasken.com>; Thor Paulson <tpaulson@fasken.com>; Mia Liang <mliang@fasken.com>; Christine MacDonald - Legal Assistant <cmacdonald@fasken.com>; Veronica Cheng <vcheng@bfg-law.ca>; Rachel Richardson <rrichardson@fasken.com>
Subject: RE: BCSC Action Nos. S-234047, S-234048, and S-223937 (the "Bear Mountain Litigation") [FMD-CANADA.FID4038156]

Malcolm,

Following up on our call just now, we propose as follows:

- 1) The Matthews Parties consent to adjourn the January 2026 trial;
- 2) You will attend at the registry on Monday morning, and our adjournment will either be:
 - a. To a new date in 2027 fixed by the registry when you attend; or
 - b. A general adjournment if the registry cannot provide 2027 dates when you attend (in which case counsel will make efforts to agree to hold dates in 2027 to be booked when they become available);
- 3) When you attend at the registry you will confirm that the parties are releasing the January 2026 trial dates, and we will file any necessary requisitions in that regard by the end of next week; and
- 4) The terms of the adjournment will be incorporated in a consent order to be filed by the end of next week.

Please send back a note to confirm your agreement with the above.

Thanks.

Lars Brusven (He/Him)

Partner

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Fasken Martineau DuMoulin LLP

From: Lars Brusven

Sent: November-07-25 3:19 PM

To: Malcolm Funt <mfunt@bfg-law.ca>; Jess Chan <jchan@bfg-law.ca>; Eric Pedersen (Velletta Pedersen Christie) <pedersen@victorialaw.ca>

Cc: Andrew I. Nathanson <anathanson@fasken.com>; Thor Paulson <tpaulson@fasken.com>; Mia Liang <mliang@fasken.com>; Christine MacDonald - Legal Assistant <cmacdonald@fasken.com>; Veronica Cheng <vcheng@bfg-law.ca>; Rachel Richardson <rrichardson@fasken.com>

Subject: RE: BCSC Action Nos. S-234047, S-234048, and S-223937 (the "Bear Mountain Litigation")

I attach one additional case that we may rely on at Monday's application hearing.

Lars Brusven (He/Him)

Partner

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Fasken Martineau DuMoulin LLP

From: Rachel Richardson <rrichardson@fasken.com>

Sent: November-06-25 11:37 AM

To: Malcolm Funt <mfunt@bfg-law.ca>; Eric Pedersen (Velletta Pedersen Christie) <pedersen@victorialaw.ca>; Jess Chan <jchan@bfg-law.ca>

Cc: Andrew I. Nathanson <anathanson@fasken.com>; Lars Brusven <lbrusven@fasken.com>; Thor Paulson <tpaulson@fasken.com>; Mia Liang <mliang@fasken.com>; Christine MacDonald - Legal Assistant <cmacdonald@fasken.com>; Veronica Cheng <vcheng@bfg-law.ca>

Subject: BCSC Action Nos. S-234047, S-234048, and S-223937 (the "Bear Mountain Litigation")

Good morning,

Attached for service upon you, is our Application Record Index for the application scheduled to take place on Monday, November 10, 2025.

Kind regards,

Rachel Richardson

Legal Assistant

T +1 604 631 4794

rrichardson@fasken.com | www.fasken.com/en

FASKEN

Fasken Martineau DuMoulin LLP

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No. S-234047
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN

**ECOASIS DEVELOPMENTS LLP,
ECOASIS RESORT AND GOLF LLP and
599315 B.C. LTD.**

PLAINTIFF(S)~

AND

**SANOVEST HOLDINGS LTD., TIAN KUSUMOTO,
TRK INVESTMENTS CORPORATION and
ECOASIS BEAR MOUNTAIN DEVELOPMENTS LTD.**

DEFENDANTS

NOTICE OF TRIAL

Filed by: The Plaintiff, 599315 B.C. Ltd.

TAKE NOTICE that the trial of this proceeding, together with the proceedings in Actions No. S-234048, S-223937, and S-226218 have been set down at the following place, date and time:

City	Vancouver
Address of Courthouse	800 Smithe Street, Vancouver, British Columbia
Date [dd/mm/yyyy]	11/JAN/2027
Time	10:00 a.m.

Registrar

The place of trial set out above is:

☒ the place of trial set out in the notice of civil claim
☐ set out in the order of this Honourable Court dated

- ☐ All parties of record in this action agree that not more than ☒ days is a reasonable time for the hearing of all evidence and argument in this action.
- ☒ There is a disagreement as to the estimate of a reasonable time for the hearing of all evidence and argument in this action. The estimates of the parties of record are as follows:

Name of party	Time Estimate
599315 B.C. Ltd. (filing party)	29 days
Sanovest Holdings Ltd.	50 days
Tom Kusumoto	Unknown

Date: 13/NOV/2025


 Signature of
☐ filing party ☒ lawyer for filing party
 Malcolm Funt / Jessica Chan

Contact information for the parties and their lawyers is as follows:

PARTY	COUNSEL AND FIRM
599315 B.C. Ltd. and Daniel Matthews	Bojm, Funt & Gibbons LLP 505-1168 Hamilton Street Vancouver, BC V6B 2S2 Attention: Malcolm Funt; Jessica Chan Telephone: 604 363 7121; 778 682 3920 E-mail: mfunt@bfg-law.ca; jchan@bfg-law.ca
Sanovest Holdings Ltd., Tian Kusumoto and TRK Investments Corporation	Fasken Martineau DuMoulin LLP 550 Burrard Street, Suite 2900 Attention: Lars Brusven; Thor Paulson Telephone: 604 631 2732; 604 631 3536 E-mail: lbrusven@fasken.com; tpaulson@fasken.com
Tomoson (Tom) Kusumoto	W. Eric Pedersen Vellea Pedersen Christie Lawyers 400 – 931 Fort Street Victoria, B.C. V8V 3K3 Facsimile: 250 383 9104 Telephone: 250 383 1922 E-mail: pedersen@victorialaw.ca

APPENDIX**Part 1: THIS CLAIM INVOLVES THE FOLLOWING:**

- ☐ a motor vehicle accident
- ☐ a personal injury, other than one arising from a motor vehicle accident
- ☐ a dispute about real property (real estate)
- ☐ a dispute about personal property
- ☐ the lending of money
- ☐ the provision of goods or services or other general commercial matters
- ☐ an employment relationship
- ☐ a dispute about a will or other issues concerning the probate of an estate
- ☒ a matter not listed here

Part 2:

[If an enactment is being relied on, specify. Do not list more than 3 enactments.]