



This is Affidavit #1 of Heidi Wong
in this proceeding and was
made on January 11, 2021

No. S-2010103
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

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

AND

IN THE MATTER OF THE *CANADA BUSINESS CORPORATIONS ACT*, R.S.C., 1985, c. C-44
AND THE *BUSINESS CORPORATIONS ACT*, S.B.C. 2002, Ch. 57

AND

IN THE MATTER OF SUNNIVA INC., SUNNIVA MEDICAL INC., 11111035 CANADA INC.
AND 1167025 B.C. LTD

PETITIONERS

AFFIDAVIT #1 OF HEIDI WONG

I, HEIDI WONG, paralegal, of 1200 Waterfront Centre – 200 Burrard Street, Vancouver, British Columbia, HEREBY SWEAR THAT:

1. I am a paralegal at Borden Ladner Gervais LLP, solicitors for the Petitioners in this proceeding, and as such I have personal knowledge of the matters deposed to in this Affidavit except where I depose to a matter based on information from an informant I identify, in which case I believe that both the information from the informant and the resulting statement are true.
2. Attached hereto and marked as *Exhibit "A"* is a true copy of an email from Lisa Hiebert to William Skelly dated January 5, 2021.
3. Attached hereto and marked as *Exhibit "B"* is a true copy of an email string between Lisa Hiebert and William Skelly with emails dated between January 5 and 10, 2021.
4. Attached hereto as *Exhibit "C"* is a true copy of an email, with attachment, from Lesa Slaughter to Lisa Hiebert dated January 10, 2021.

SWORN BEFORE ME at Vancouver, British
Columbia, on the 11th day of January, 2021

Commissioner for taking Affidavits for
British Columbia


EMILY SEDDON
Barrister & Solicitor
BORDEN LADNER GERVAIS LLP
1200 Waterfront Centre, 200 Burrard Street
P.O. Box 48600, Vancouver, Canada V7X 1T2
118979144.v1 604-640-4234


HEIDI WONG

This is **Exhibit "A"** referred to in Affidavit #1 of
Heidi Wong made before me on January 11, 2021.



A Commissioner for taking Affidavits for British Columbia

ELLY SEDDON

Barrister & Solicitor

BORDEN LADNER GERVAIS LLP
1200 Waterfront Centre, 200 Burrard Street
P.O. Box 48600, Vancouver, Canada V7X 1T2
604-640-4234

Wong, Heidi

From: Hiebert, Lisa <LHiebert@blg.com>
Sent: January 5, 2021 7:02 PM
To: William Skelly (wskelly@mltaikins.com) (wskelly@mltaikins.com)
Cc: Williams, Lance; Buttery, Mary I.A.; Tillman, Anthony; Law, Pinky; Laity, Ryan
Subject: Matrix and Bobs LLC

Bill,

Are you able to clarify the relationship between Matrix and Bobs LLC? In particular, has Bobs LLC acquired Matrix's claim? Or is there another agreement or arrangement between Matrix and Bobs LLC in respect of the CCAA proceedings?

We ask because, as previously advised, the Petitioners intend to present a plan to creditors.

Based on the steps taken to-date there is an apparent relationship between these parties, although it has not been particularized or identified. In that regard, as stated in paragraph 45 of Dr. Holler's Affidavit made December 3, 2020, Barry Shy, principal of Bobs LLC, advised Dr. Holler if that the bankruptcy motion would be withdrawn if Sunniva agreed to relinquish its rights under the lease. I am advised that Mr. Shy referred to this is as a comment that "we" will drop the bankruptcy motion if Sunniva agreed to relinquish its rights under the lease. Further, on November 26, Bobs LLC delivered a letter to the Monitor. The same day, a copy of this letter was attached to an affidavit of a legal assistant in your office. No explanation was provided as to how this letter came to be in your possession, but I understand from Mr. Tillman that he did not forward it to you or your client. Accordingly, it must have been provided directly by Bobs LLC.

Best,
 Lisa

Lisa Hiebert

Partner

T 604.632.3425 | lhiebert@blg.com

1200 Waterfront Centre, 200 Burrard St., P.O. Box 48600, Vancouver, BC, Canada V7X 1T2

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Borden Ladner Gervais LLP

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This is **Exhibit "B"** referred to in Affidavit #1 of
Heidi Wong made before me on January 11, 2021.

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by several loops and a final horizontal stroke.

A Commissioner for taking Affidavits for British Columbia

Wong, Heidi

From: Hiebert, Lisa
Sent: January 10, 2021 1:31 PM
To: William E. J. Skelly
Cc: Williams, Lance; Buttery, Mary I.A.; Tillman, Anthony; Law, Pinky; Laity, Ryan; Eamon Egan; Norman Valz
Subject: RE: Matrix and Bobs LLC

Bill,
 I have your position.

I do note that I disagree that the Petitioners have deprived your client the ability to contact other creditors, and understand that they have, in fact, been in touch with creditors in any event.

Best,
 Lisa

Lisa Hiebert**Partner**

T 604.632.3425 | lhiebert@blg.com

1200 Waterfront Centre, 200 Burrard St., P.O. Box 48600, Vancouver, BC, Canada V7X 1T2

From: William E. J. Skelly <wskelly@mltaikins.com>
Sent: January 10, 2021 12:39 PM
To: Hiebert, Lisa <LHiebert@blg.com>
Cc: Williams, Lance <lwilliams@cassels.com>; Buttery, Mary I.A. <mbuttery@cassels.com>; Tillman, Anthony <atillman@alvarezandmarsal.com>; Law, Pinky <pinky.law@alvarezandmarsal.com>; Laity, Ryan <RLaity@blg.com>; Eamon Egan <eamonegan@yahoo.com>; Norman Valz <norman.valz@matrixventurecapital.com>
Subject: RE: Matrix and Bobs LLC

Thanks Lisa.

My client is a creditor of Sunniva's. It is entitled to bring the bankruptcy petition and pursue it. It is entitled to oppose any applications brought by your client. Your clients have apparently been speaking with other creditors but you have failed to provide any clarity about what it has been advising other creditors. Your client and the Monitor have refused our request to view the proofs of claims. Is it acting in good faith to deprive the creditors the ability to contact other creditors when your client is given that advantage?

I reiterate my position that what relationships, or lack thereof, our client may or may not have with other creditors or stakeholders is confidential.

Bill

William E. J. Skelly*

Partner

P: +1 (604) 608-4597 | E: wskelly@mltaikins.com

*Law Corporation

From: Hiebert, Lisa <LHiebert@blg.com>

Sent: Sunday, January 10, 2021 12:26 PM

To: William E. J. Skelly <wskelly@mltaikins.com>

Cc: Williams, Lance <lwilliams@cassels.com>; Buttery, Mary I.A. <mbuttery@cassels.com>; Tillman, Anthony <atillman@alvarezandmarsal.com>; Law, Pinky <pinky.law@alvarezandmarsal.com>; Laity, Ryan <RLaity@blg.com>

Subject: RE: Matrix and Bobs LLC

Bill,

As you know, the CCAA requires that all parties, including Matrix, act in good faith. Given the positions being taken by your client – specifically seeking a bankruptcy order and opposing the Sunniva Group advancing arbitration proceedings to preserve its rights under the lease with Bobs LLC – any relationship or agreement between those parties is relevant. It is apparent that there is an arrangement, agreement or relationship between these parties, and I reiterate my request that you provide clarity in that regard.

Best,

Lisa

Lisa Hiebert

Partner

T 604.632.3425 | lhiebert@blg.com

1200 Waterfront Centre, 200 Burrard St., P.O. Box 48600, Vancouver, BC, Canada V7X 1T2

From: William E. J. Skelly <wskelly@mltaikins.com>

Sent: January 9, 2021 3:42 PM

To: Hiebert, Lisa <LHiebert@blg.com>

Cc: Williams, Lance <lwilliams@cassels.com>; Buttery, Mary I.A. <mbuttery@cassels.com>; Tillman, Anthony <atillman@alvarezandmarsal.com>; Law, Pinky <pinky.law@alvarezandmarsal.com>; Laity, Ryan <RLaity@blg.com>

Subject: Re: Matrix and Bobs LLC

[External / Externe].

Hi Lisa ,

Whether or not there is a relationship between our client and anyone else is confidential.

Bull

William E. J. Skelly*

Partner

P: +1 (604) 608-4597 | E: wskelly@mltaikins.com

Visit our [COVID-19 Resource Centre](#) for help navigating the changing business and legal environment.

MLT Aikins LLP

Suite 2600 - 1066 West Hastings Street

Vancouver, BC V6E 3X1

*Law Corporation

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From: Hiebert, Lisa <LHiebert@blg.com>
Sent: Saturday, January 9, 2021 3:31:35 PM
To: William E. J. Skelly <wskelly@mltaikins.com>
Cc: Williams, Lance <lwilliams@cassels.com>; Buttery, Mary I.A. <mbuttery@cassels.com>; Tillman, Anthony <atillman@alvarezandmarsal.com>; Law, Pinky <pinky.law@alvarezandmarsal.com>; Laity, Ryan <RLaity@blg.com>
Subject: RE: Matrix and Bobs LLC

⚠ External Sender

Hi Bill,
 I am writing to follow up on my email below. May I have a response, please?
 Thanks,
 Lisa

Lisa Hiebert

Partner

T 604.632.3425 | lhiebert@blg.com

1200 Waterfront Centre, 200 Burrard St., P.O. Box 48600, Vancouver, BC, Canada V7X 1T2

From: Hiebert, Lisa
Sent: January 5, 2021 7:02 PM
To: William Skelly <wskelly@mltaikins.com> (<wskelly@mltaikins.com>) <wskelly@mltaikins.com>
Cc: Williams, Lance <lwilliams@cassels.com>; Buttery, Mary I.A. <mbuttery@cassels.com>; Tillman, Anthony <atillman@alvarezandmarsal.com>; Law, Pinky <pinky.law@alvarezandmarsal.com>; Laity, Ryan <RLaity@blg.com>
Subject: Matrix and Bobs LLC

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Best,
Lisa

7

Lisa Hiebert

Partner

T 604.632.3425 | lhiebert@blg.com

1200 Waterfront Centre, 200 Burrard St., P.O. Box 48600, Vancouver, BC, Canada V7X 1T2

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Gordon Ladner Gemma LLP

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This is **Exhibit "C"** referred to in Affidavit #1 of
Heidi Wong made before me on January 11, 2021.



A Commissioner for taking Affidavits for British Columbia

Wong, Heidi

From: Lesa Slaughter <Les@slaughterlawgroup.com>
Sent: January 10, 2021 11:57 AM
To: Hiebert, Lisa
Cc: Tom Brozowski
Subject: Letter from Slaughter Law Group re: Investor Funds
Attachments: Ltr to Canadian Court 1.10.21 Lesa Slaughter Esq.docx

[External / Externe]
 Hi Lisa,

Tom Brozowski asked that I send you the attached letter directly. Please reach out on my cell phone today if need further information or help.

Lesa Slaughter, Esq.

SLG

SLAUGHTER LAW GROUP, PC

o: 818-710-0952 c: 310-270-5539 f: 818-449-0945

4881 Topanga Canyon Blvd., Suite 238

Woodland Hills, CA 91364

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January 9, 2021

Honorable Madam Justice Fitzpatrick
Supreme Court of British Columbia
800 Smithe Street
Vancouver, British Columbia
V6Z 2E1, Canada

Dear Madam Justice Fitzpatrick,

I am the attorney representing and administering the Attorney-Client Trust Account on behalf of my clients, Sunniva, Inc., a Canadian corporation and CP Logistics, LLC, a North Carolina limited liability company (the "Client"). I am an attorney licensed and in good standing in the State of California, California State Bar Number 204081 and managing partner of Slaughter Law Group, PC (the "Firm").

The terms of the Attorney-Client Trust Account Services Agreement between the Client and the Firm state the Firm shall act as Trust Account Administrator in receiving funds from multiple investors on behalf of the Client and, upon and in strict conformance with an order of this Court, disburse such funds as directed. To date, the Attorney-Client Trust Account has received funds from various investors totaling U.S. Dollars \$213,892.80, which at an exchange rate of 1.27, is the equivalent of \$271,643.86 Canadian Dollars. The funds are being held in the Firm's Attorney-Client Trust Account with JP Morgan Chase bank.

Should the Court require further information, please don't hesitate to ask and such information will be provided post haste. Thank you.

Sincerely,

Lesia A. Slaughter, Esq.

Managing Partner
Slaughter Law Group, PC

LAS/dh

No. S-2010103
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF THE COMPANIES' CREDITORS ARRANGEMENT
ACT,

R.S.C. 1985, c. C-36, AS AMENDED

AND

IN THE MATTER OF THE CANADA BUSINESS CORPORATIONS ACT,
R.S.C., 1985, c. C-44 AND THE BUSINESS CORPORATIONS ACT, S.B.C.
2002, Ch. 57

AND

IN THE MATTER OF SUNNIVA INC., SUNNIVA MEDICAL INC.,
11111035 CANADA INC. AND 1167025 B.C. LTD

PETITIONERS

AFFIDAVIT

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Telephone: 604.640.4210
Attn: Lisa Hiebert