ONTARIO SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

COUNSEL/ENDORSEMENT SLIP

COURT FILE NO.: CL-26-00000342-0000

DATE: September 08, 2026

NO. ON LIST: 5

TITLE OF PROCEEDING: Bank of Montreal v. 13498140 CANADA INC. et al

BEFORE: JUSTICE Dunphy

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party:

Name of Person Appearing	Name of Party	Contact Info
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For Defendant, Respondent, Responding Party:

Name of Person Appearing	Name of Party	Contact Info
Denna Jalili D.J. Miller	Counsel for the Respondent Debtor Entities, 13498140 Canada Inc., 2717922 Ontario Inc., 1000208180 Ontario Inc., Trinity Car Sales Inc., 1000841404 Ontario Inc., 13517683 Canada Inc., 12332248 Canada Inc., 1000454978 Ontario Inc., 1986096 Ontario Inc., 1001087905 Ontario Inc., Downtown Auto Centre Ltd., Trinity Car and Truck Rental Inc., Trinity Auto Inc., Larry Hudson	djalili@tgf.ca djmiller@tgf.ca

	Family Holdings Inc. and 1000493417 Ontario Inc.	

For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info
Heather Fisher Clifton Prophet	Counsel for the Monitor, Goldhar & Associates Ltd.	heather.fisher@gowlingwlg.com clifton.prophet@gowlingwlg.com
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Roger Jaipargas	CSL, other Interested Party, FCA Canada Inc. aka Chrysler / Stellantis	rjaipargas@blg.com

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ENDORSEMENT OF JUSTICE:

[1] This is a creditor-initiated CCAA process where the Monitor has been assigned fairly significant receiver-like authority to manage the business and conduct a sales process. The respondents did not initially oppose the granting of relief before Black J. or the granting of the Amened and Restated Initial Order before Conway J. in August. The respondent has engaged counsel to object to aspects of the relief sought by the Monitor in the motion before me today.

[2] In broad terms, the motion seeks to approve:

(a) Critical Vendor payments – there was no opposition to the relief sought in relation to this issue and I advised the Monitor that having read the material in relation to this requested order and in light of the lack of any opposition to it, I would sign this order on a stand-alone basis today if desired.

(b) KERP payments – the disclosure in the record to date is somewhat deficient. While the aggregate amount of KERP payments has been disclosed, it would be helpful to know how many affected employees there are (a reasonable "not less than X and not more than Y" at least should be disclosed) and at least a range (eg high, low and median) should also be disclosable without undue issue. The respondents will argue that they should have the confidential list of names and amounts. I have not ruled on that issue to this point.

(c) Sales Agent, SISP and Ancillary Orders in relation to these – the proposed SISP is a relatively "plain vanilla" process. There is no stalking horse. It is proposed to retain a sales agent to canvass the market and seek expressions of interest leading to concrete proposals and ultimately selection of a winning bid over the next 10-12 weeks. The respondent takes issue with the alleged lack of transparency regarding the process of selecting a sales agent and the related success fee.

[3] Ms. Miller fairly observes that the motion material was only delivered on the eve of the long weekend and she has not had an adequate opportunity to absorb, seek instructions or seek clarification before the return of the motion today. The Monitor and the Bank query what relevance the issues raised by the respondent may have and what standing the respondent may have. As well, the Bank and Monitor both draw my attention to the operational challenges experienced to date in the Monitor assuming management authority in this fairly complex business and the losses that have already been incurred.

[4] The Commercial Court and its practices require a constant balancing of interests using, as far as possible, commercial common sense. Fairness and urgency are not always in unalterable contradiction with each other. The proposed sales process will take some time at all events. A short delay of only two days will not impose any undue delay or harm. I was urged to approach this as if it were a receivership and, frankly, my response would be much the same. I cannot decide in advance that the respondents have nothing to say when they have had no reasonable time to absorb and respond. They are entitled to that time where urgency to that point is not an issue.

[5] The matter is adjourned to 10 September at 2pm via Video. I have secured a 90 minute appointment for that purpose. I will sweep Case Centre by noon on September 10 for newly filed material if any and the parties are encouraged to continue discussions to narrow issues where possible.

Date: Sep 08, 2026

Sean Dunphy