

COURT OF APPEAL

CANADA
PROVINCE OF QUEBEC
MONTREAL SEAT

No.: 500-09-700334-253
(500-11-065011-245)

MINUTES OF HEARING
(Rectified on January 20, 2025)

DATE: January 16, 2025

THE HONOURABLE GUY COURNOYER, J.A.

IN THE MATTER OF THE PLAN OF COMPROMISE OR ARRANGEMENT OF ...

APPLICANT	COUNSEL
BRANDON SHILLER	Mtre ARI SOREK Mtre JUSTIN REITER <i>(Fishman Flanz Meland Paquin)</i>
RESPONDENTS	COUNSEL
ELNA MEDICAL GROUP INC. 9508503 CANADA INC. ELNA PEDIATRICS INC. TINY TOTS MEDICAL CENTRE LTD. 7503881 CANADA INC. CLINIQUE MÉDICALE <u>ELNA</u> UNIMED INC. GESTION ELNA 2 INC. (ELNA PLATEAU MONT-ROYAL) CDL PROTONTHERAPY CENTER INC.	Mtre ILIA KRAVTSOV Mtre JACK M. LITTLE <i>(Osler, Hoskin & Harcourt)</i>

<p>CDL PROTON <u>MANAGEMENT</u> INC. CLINIQUE MÉDICALE ELNA CHÂTEAUGUAY INC. CLINIQUE MÉTRO-MEDIC CENTRE- VILLE INC. 9248-5994 QUÉBEC INC. (ELNA PIERREFONDS) <u>CRÉA-MED</u> CLINIQUE DE MÉDECINE PRIVÉE INC. <u>GBMC MEDICAL OFFICE</u> <u>MANAGEMENT INC.</u> OMNI-MED STILLVIEW INC. ELNA ROCKLAND MANAGEMENT INC. ELNA ROCKLAND CLINIC INC. ELNA CLINIQUE A INC. ELNA GROUP INC. (ELNA COSMETICS) ELNA ANTI-AGING INC. CLINIQUE MÉDICALE ELNA DÉCARIE INC. ELNA PLUS DÉCARIE SQUARE INC. ELNA MENTAL HEALTH INC. ELNA TECHNOLOGIES INC. MONTREAL PERFUSION <u>CENTRE</u> INC. GESTION ELNA 1 INC. CLINIQUE PRIVAMED INC. M-HEALTH SOLUTIONS INC. 1000224328 ONTARIO INC. CDL LABORATORIES INC. 11247603 CANADA INC. 7159099 CANADA INC. CDL CARDIOLOGY INC. ELNA ACQUISITIONS INC. MEDICENTRES CANADA INC. 9472-1024 QUÉBEC INC. GESTION PRIVAMED INC.</p>	
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IMPLEADED PARTIES	COUNSEL
LAURENT AMRAM	Mtre ADAM SPIRO <i>(Spiegel Ryan)</i>
RAYMOND CHABOT INC.	Mtre MARC-ÉTIENNE BOUCHER Mtre AMÉLIE LEHOULLIER <i>(McCarthy Tétrault)</i>

DESCRIPTION: **Application for leave to appeal from a judgment terminating the proceeding rendered on December 17, 2024 by the Honourable Martin F. Sheehan of the Superior Court, District of Montreal (Section 13 and 14 *Companies' Creditors Arrangement Act* and art. 357 *C.p.c.*).**

Clerk at the hearing: Mélanie Camiré	Courtroom: RC-18
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HEARING

10:31 Commencement of the hearing. Identification of counsel.

Preliminary comments.

10:32 Submissions by Mtre Sorek.

11:03 Recess of the hearing.

11:25 Resumption of the hearing.

The judge addresses to Mtre Sorek.

11:27 Continuation of the submissions by Mtre Sorek.

11:42 Submissions by Mtre Kravtsov.

12:03 Recess of the hearing.

12:04 Resumption of the hearing.

Submissions by Mtre Boucher.

12:11 Reply by Mtre Sorek.

12:19 Recess of the hearing.

12:38 Resumption of the hearing.

BY THE JUDGE: Judgment – see page 5.

12:38 Conclusion of the hearing.



Mélanie Camiré, Clerk at the hearing

JUDGMENT

[1] The applicant is seeking leave to appeal from an Amended and Restated Initial Order issued by the Superior Court on December 17, 2024¹ that stays a personal claim from the applicant until February 12, 2025.

[2] The Court made the following observations on the Amram Stay:

[66] The Amram Stay will be maintained, it will cover personal claims by certain creditors listed in Schedule B to the ARIO and it will be in place until February 12, 2025.


[67] This being said, nothing mentioned in the present ARIO judgement should be considered to limit the right of creditors to ask the Amram Stay should be further limited or even eliminated if it is considered no longer appropriate.

[3] Without expressing any opinion on the Court's decision or the merit of the leave application, I believe that in the circumstances, I should not grant leave from an interim order which will lapse on February 12, 2025.

THEREFORE, THE UNDERSIGNED:

[4] **DENIES** the application for leave to appeal;

[5] **THE WHOLE**, with legal costs.



GUY COURNOYER, J.A.

¹ Arrangement relatif à Elna Medical Group Inc./Groupe médical[e] Elna inc., 2024 QCCS 4612.