

CANADA

COURT OF APPEAL

PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL

S.C. No: 500-11-049737-154

C.A.:

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

BLUBERI GAMING TECHNOLOGIES INC.

and

BLUBERI GROUP INC.

and

BLUBERI USA, INC.

Debtors/Respondents

and

ERNST & YOUNG INC.

Monitor

and

CALLIDUS CAPITAL CORPORATION

Petitioner/Appellant

and

**THE REGISTRAR OF THE REGISTER OF
PERSONAL AND MOVABLE REAL RIGHTS**
having its registered office at 1, Notre-Dame Street
Est, Suite 7.07, Montréal (Québec) H2Y 1B6

Impleaded Party

NOTICE OF APPEAL
OF CALLIDUS CAPITAL CORPORATION
(Article 352 C.C.P.)
Dated July 13, 2016

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1. The Appellant appeals a judgment of the Superior Court, rendered on June 23, 2016, by the Honourable Jean-François Michaud J.S.C., of the Commercial Division, District of Montreal, No 500-11-049737-154 (the "Judgment");

2. The hearing was held on June 22, 2016 and lasted one (1) day;
3. Two (2) motions were presentable on June 22, 2016, namely the (1) *Application for Approval of a Limited Claims process with Regard to Priority Claims* and (2) *Application for the Issuance of an Approval and Vesting Order and for Extension of the Stay of Proceedings*;
4. The Judgment grants the *Application for the Issuance of an Approval and Vesting Order and for Extension of the Stay of Proceedings* and orders the following:

[35] **DECLARES** and **ORDERS** that any and all forms of interest, costs, penalties, fees or other additional amounts shall cease to accrue and be accounted for as of and from the Risk Shifting Date, as such terms is defined in the APA.

5. For the reasons further exposed in its *Application for Leave to Appeal*, Appellant claims that the Honourable first instance judge erred in fact and in law when he used his discretionary powers under the *Companies' Creditors Arrangement Act* to declare at paragraph 35 that Callidus' claim would cease to accrue interest as of the Risk Shifting Date (as that term is defined and explained in Appellant's *Application for Leave to Appeal*);
6. Appellant Callidus Capital Corporation seeks to obtain the removal of paragraph 35 for the reasons further exposed in its *Application for Leave to Appeal* and will pray this Honourable Court of Appeal to :
 - a) **GRANT** the appeal;
 - b) **ORDER** that paragraph 35 the judgment rendered by the Honourable Jean-François Michaud J.S.C. on June 23, 2016 in file 500-11-049737-154 be removed and that said judgment otherwise remain unchanged;
 - c) **THE WHOLE** with costs against Respondents;

Notice of this Notice of Appeal is given to the lawyers of the Respondents Bluberi Gaming Technologies Inc., Bluberi Group Inc. and Bluberi USA, Inc., Mtres Ari Y. Sorek and Roger P. Simard, and to the lawyers of the Monitor Ernst & Young Inc., Mtres Joseph Reynaud and Jean Fontaine as well as to the Service List.

Within 10 days after notification, the Respondent and the Impleaded Parties must file a representation statement giving the name and contact information of the lawyer representing them or, if they are not represented, a statement indicating as much. If an application for leave to appeal is attached to the Notice of Appeal, the Impleaded Parties are only required to file such a statement within 10 days after the judgment granting leave or after the date the judge takes note of the filing of the notice of appeal (Section 358, para. 2 C.C.P.).

Montreal, July 13, 2016



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No: 500-11-049737-154
No.:

**SUPERIOR COURT
(COMMERCIAL DIVISION)
DISTRICT OF MONTRÉAL**

**IN THE MATTER OF THE PLAN OF COMPROMISE OR
ARRANGEMENT OF:**

BLUBERI GAMING TECHNOLOGIES INC.

and

BLUBERI GROUP INC.

and

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and

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CALLIDUS CAPITAL CORPORATION

Petitioner

**NOTICE OF APPEAL OF CALLIDUS
CAPITAL CORPORATION
(Article 352 C.C.P.)**

ORIGINAL

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