

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

JASTRAM PROPERTIES LTD.

PLAINTIFF

AND:

VIRGINIA MARY TAN, PATRICK ENG TIEN TAN,
MARCUS SOON-KEEN TAN, LETAN INVESTMENTS MANAGEMENT, LETAN 88
ENTERPRISES INC., TLD INVESTMENTS INC., 0994439 B.C. LTD., TJ0700 HOLDINGS
LTD., and TJ132 VENTURES LTD.

DEFENDANTS

Brought under the *Class Proceedings Act*, R.S.B.C. 1996, c. 50

NOTICE OF APPLICATION

Names of Applicant: The Plaintiff, Jastram Properties Ltd.

To: The Defendants

And To: Boale, Wood & Company Ltd., Trustee in Bankruptcy for the
Defendants Virginia Tan and Patrick Tan, and its counsel

TAKE NOTICE that an application will be made by the applicant, Jastram Properties Ltd., to the Case Management Judge, the Honourable Mr. Justice Gomery, at the courthouse at 800 Smithe Street, Vancouver, B.C., on October 1, 2020 at 10:00 a.m. for the orders set out in Part 1 below.

Part 1: ORDERS SOUGHT

1. The Settlement Agreement dated for reference November 3, 2019, attached as Exhibit "A" to the Affidavit #2 of Mark W. Munteer sworn September 3, 2020 in this action (and to be attached as Schedule "A" to the Order), is approved and is incorporated by reference into the Order.

2. This Order, including the Settlement Agreement, is binding upon each Class Member, as defined in the Settlement Agreement.
3. The Plaintiff is granted leave, pursuant to s. 35(1) of the *Class Proceedings Act*, RSBC 1996 c. 50, to discontinue this class proceeding against the Defendant, Marcus Soon-Keen Tan.
4. 0994439 B.C. Ltd. and TLD Investments Inc. shall take whatever corporate steps are necessary to give effect to the transfer of shares in them provided for in paragraph 5(b) of the Settlement Agreement.
5. The parties will be at liberty to apply for further directions with respect to any matters arising under the Agreement, over which this court retains continuing jurisdiction.

Part 2: FACTUAL BASIS

1. The Settlement Agreement is fair, reasonable and in the best interests of the Class, for the reasons set out in Affidavit #2 of Mark W. Munteer sworn on September 3, 2020, at paragraphs 70 to 72.

Part 3: LEGAL BASIS

1. The Plaintiffs rely on sections 35 and 38 of the *Class Proceedings Act*, R.S.B.C. 1996, c. 50.

Part 4: MATERIAL TO BE RELIED ON

1. Affidavit #2 of Mark W. Munteer, sworn September 3, 2020.
2. Affidavit #1 of James P. Blatchford, sworn on November 14, 2018, previously filed and delivered.
3. Affidavit #2 of Stephanie Chan, sworn on January 5, 2018, previously filed and delivered.

4. Affidavit #2 of Stephanie Chan, sworn on November 14, 2018, previously filed and delivered.
5. Affidavit #1 of Kim MacDonald, sworn on March 5, 2019, previously filed and delivered.

The applicants estimate that the application will take ½ day.

The matter is not within the jurisdiction of a master.

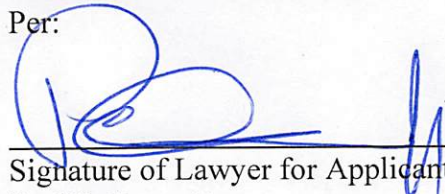
TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this notice of application, you must, within 5 business days after service of this notice of application or, if this application is brought under Rule 9-7, within 8 business days after service of this notice of application:

- (a) file an application response in Form 33,
- (b) file the original of every affidavit, and of every other document, that
 - i. you intend to refer to at the hearing of this application, and
 - ii. has not already been filed in the proceeding, and
- (c) serve on the applicant 2 copies of the following, and on every other party of record one copy of the following:
 - i. a copy of the filed application response;
 - ii. a copy of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;
 - iii. if this application is brought under Rule 9-7, any notice that you are required to give under Rule 9-7(9).

Date: 03/SEP/2020

BENNETT MOUNTEER LLP

Per:



Signature of Lawyer for Applicant
Paul R. Bennett

THIS NOTICE OF APPLICATION was prepared by the law firm of Bennett Mounteer LLP, whose place of business and address for service is #400 – 856 Homer Street, Vancouver, British Columbia, V6B 2W5. Telephone: (604) 639-3680. Fax: (604) 639-3681. Counsel Reference: Paul R. Bennett and Mark W. Mounteer

To be completed by the court only:

Order made

in the terms requested in paragraphs of Part 1 of this notice of application

with the following variations and additional terms:

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Date:.....

Signature of Judge Master

APPENDIX

THIS APPLICATION INVOLVES THE FOLLOWING:

- discovery: comply with demand for documents
- discovery: production of additional documents
- extend oral discovery
- other matter concerning oral discovery
- amend pleadings
- add/change parties
- summary judgment
- summary trial
- service
- mediation
- adjournments
- proceedings at trial
- case plan orders: amend
- case plan orders: other
- experts