

**ONTARIO
SUPERIOR COURT OF JUSTICE
(IN BANKRUPTCY AND INSOLVENCY)**

**IN THE MATTER OF THE NOTICE OF INTENTION TO
MAKE A PROPOSAL OF STAR NAVIGATION SYSTEMS
GROUP LTD.**


**AFFIDAVIT OF SHALLON GARRAFA
(Sworn January 7, 2020)**

I, SHALLON GARRAFA, of the City of Mississauga, in the Regional Municipality of Peel, in the Province of Ontario, **MAKE OATH AND SAY:**

1. I am a legal assistant with the law firm Miller Thomson LLP ("**MT**"), who act as lawyers for Star Navigation Group Ltd., and as such, have knowledge of the matters to which I hereinafter depose. Unless I indicate otherwise, the facts herein are within my personal knowledge and are true. Where I have indicated that I have obtained facts from other sources, I state the source of those facts and verily believe those facts to be true.
2. Attached hereto as **Exhibit "A"** is a true copy of a letter received on January 6, 2020 by Bobby Sachdeva, a partner at MT, from Virginie Gauthiere, a partner at Norton Rose Fulbright LLP ("**NF**"), who acts as a lawyer for Viraf Kapadia.
3. Attached hereto as **Exhibit "B"** is a true copy of an email sent by Bobby Sachdeva to Andrew McCoomb, associate at NF, among others, dated January 2, 2020.
4. Attached hereto as **Exhibit "C"** is a true copy of an email sent by Bobby Sachdeva to Andrew McCoomb, among others, dated December 21, 2019.

5. Attached hereto as **Exhibit "D"** is a true copy of an email sent as a response to Exhibit "A" by Bobby Sachdeva, dated January 6, 2020.

SWORN BEFORE ME at the City of Toronto this
7th day of January, 2020.



A Commissioner for taking Affidavits (or as may be)
Tamra Dolny

} 

SHALLON GARRAFA

This is **Exhibit "A"** referred to in the Affidavit of
SHALLON GARRAFA sworn January 7th, 2020.



Commissioner for Taking Affidavits (or as may be)
Tamra Dotny

January 6, 2020

Sent By E-mail

Bobby Sachdeva
Miller Thomson LLP
100 New Park Place
Suite 700
Vaughan, ON L4K 0H9



Barristers & Solicitors / Patent & Trade-mark Agents

Norton Rose Fulbright Canada LLP
222 Bay Street, Suite 3000, P.O. Box 53
Toronto, Ontario M5K 1E7 Canada

F: +1 416.216.3930
nortonrosefulbright.com

Virginie Gauthier
+1 416.216.4853
virginie.gauthier@nortonrosefulbright.com

Your reference

Our reference
1001086857

Dear Mr. Sachdeva:

Star Navigation Systems Group Ltd.

We are in receipt of your late-served motion record for a hearing on January 8, 2020 and the related late-served proposal trustee report.

We will be opposing the relief sought on your motion and seek a termination of the period of time for Star Navigation Systems Group Ltd. (**Star**) to make a proposal. Our materials will be served as soon as possible in the circumstances.

We note from your materials that your clients are attempting to take actions that are adversely impacting the existing creditors of Star. We expect your clients to refrain from any and all dilutive actions in advance of the January 8 hearing and reserve all our client's rights in this respect. By copy of this letter to the proposal trustee, we ask the proposal trustee to ensure that no action impacting creditors be taken in advance of the hearing.

We take this opportunity to remind you that we were expecting the terms of a proposal from your clients by close of business day on January 3 and no such terms were presented.

Yours very truly,

A handwritten signature in dark ink, appearing to read 'Virginie Gauthier', written over a light blue horizontal line.

Virginie Gauthier
Partner

VG/ls

Copy: Allan Nackan and John Hendriks, *A. Farber & Partners Inc.*, Proposal Trustee

CAN_DMS: \131214432\1

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This is **Exhibit "B"** referred to in the Affidavit of
SHALLON GARRAFA sworn January 7th, 2020.



Commissioner for Taking Affidavits (or as may be)
Tamra Dolny

Garrafa, Shallon

Please consider the environment before printing this email.

Begin forwarded message:

From: "Sachdeva, Bobby" <bsachdeva@millerthomson.com>

Date: January 2, 2020 at 3:48:25 PM EST

To: "andrew.mccomb@nortonrosefulbright.com" <andrew.mccomb@nortonrosefulbright.com>

Cc: "nader.hasan@nortonrosefulbright.com" <nader.hasan@nortonrosefulbright.com>, Walied Soliman <walied.soliman@nortonrosefulbright.com>, "risles@isleslaw.com" <risles@isleslaw.com>, "Iqbal, Asim" <aiqbal@millerthomson.com>

Subject: RE: Star Nav [MTDMS-Legal.FID8729533]

Andrew

Happy New Year. Hope you got some down time over the holidays.

The extension motion is booked for Jan 8th. We will be providing you with our motion materials later today or tomorrow morning.

We will be seeking the 45 day extension and an Admin Charge. We will not be seeking a DIP at this time.

Regards

Bobby

BOBBY H. SACHDEVA
Partner

Miller Thomson LLP
100 New Park Place, Suite 700
Vaughan, Ontario L4K 0H9
Direct Line: +1 905.532.6670
Fax: +1 905.660.0139
Email: bsachdeva@millerthomson.com
millerthomson.com



MILLER THOMSON
AVOCATS | LAWYERS

Please consider the environment before printing this email.

From: Sachdeva, Bobby
Sent: Saturday, December 21, 2019 8:55 AM
To: andrew.mccoomb@nortonrosefulbright.com
Cc: nader.hasan@nortonrosefulbright.com; Walied Soliman <walied.soliman@nortonrosefulbright.com>; risles@isleslaw.com
Subject: Star Nav

Just a heads up that we will be bringing a motion for a 45 day extension of the NOI and for an Order seeking a DIP. Likely, Jan 8, 9 or 10 (8 or 9 preferably)

Will keep you posted.

Regards

Bobby

Sent from my iPhone

BOBBY H. SACHDEVA
Partner

Miller Thomson LLP
100 New Park Place, Suite 700
Vaughan, Ontario L4K 0H9
Direct Line: +1 905.532.6670
Fax: +1 905.660.0139
Email: bsachdeva@millerthomson.com
millerthomson.com



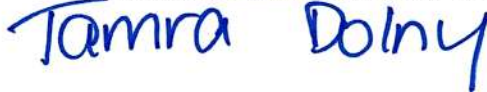
MILLER THOMSON
AVOCATS | LAWYERS

Please consider the environment before printing this email.

This is **Exhibit "C"** referred to in the Affidavit of
SHALLON GARRAFA sworn January 7th, 2020.

A handwritten signature in blue ink, appearing to read "T. Dolny", written over a horizontal line.

Commissioner for Taking Affidavits (or as may be)

A handwritten signature in blue ink, appearing to read "Tamra Dolny", written below the horizontal line.

Garrafa, Shallon

Please consider the environment before printing this email.

Begin forwarded message:

From: "Sachdeva, Bobby" <bsachdeva@millerthomson.com>

Date: December 21, 2019 at 8:54:41 AM EST

To: "andrew.mccomb@nortonrosefulbright.com" <andrew.mccomb@nortonrosefulbright.com>

Cc: "nader.hasan@nortonrosefulbright.com" <nader.hasan@nortonrosefulbright.com>, Walied Soliman <walied.soliman@nortonrosefulbright.com>, "risles@isleslaw.com" <risles@isleslaw.com>

Subject: Star Nav

Just a heads up that we will be bringing a motion for a 45 day extension of the NOI and for an Order seeking a DIP. Likely, Jan 8, 9 or 10 (8 or 9 preferably)

Will keep you posted.

Regards

Bobby

Sent from my iPhone

BOBBY H. SACHDEVA

Partner

Miller Thomson LLP

100 New Park Place, Suite 700

Vaughan, Ontario L4K 0H9

Direct Line: +1 905.532.6670

Fax: +1 905.660.0139

Email: bsachdeva@millerthomson.com

millerthomson.com



MILLER THOMSON
AVOCATS | LAWYERS

Please consider the environment before printing this email.

This is **Exhibit "D"** referred to in the Affidavit of
SHALLON GARRAFA sworn January 7th, 2020.

A handwritten signature in blue ink, appearing to read "T. Dolny", written over a horizontal line.

Commissioner for Taking Affidavits (or as may be)

Tamra Dolny

Please consider the environment before printing this email.

Begin forwarded message:

From: "Sachdeva, Bobby" <bsachdeva@millerthomson.com>

Date: January 6, 2020 at 2:23:23 PM EST

To: "Choi, Peter" <peter.choi@nortonrosefulbright.com>

Cc: "Gauthier, Virginie" <virginie.gauthier@nortonrosefulbright.com>, "Hasan, Nader" <nader.hasan@nortonrosefulbright.com>, "McCoomb, Andrew" <andrew.mccoomb@nortonrosefulbright.com>, "Soliman, Walied" <walied.soliman@nortonrosefulbright.com>, John Hendriks <jhendriks@farbergroupp.com>, Allan Nackan <anackan@farbergroupp.com>, "Iqbal, Asim" <aiqbal@millerthomson.com>, "Dolny, Tamie" <tdolny@millerthomson.com>

Subject: RE: Letter to Bobby Sachdeva - 6 January 2020 [MTDMS-Legal.FID8729533]

Thank you for the email Peter.

It is difficult me to respond to Ms. Gauthier's letter as the allegations made by your client are vague at best. Mr. Kapadia's expectation to have received the terms of a Proposal by January 3, 2020 were simply unrealistic in all of the circumstances.

Your client's intention to seek the termination of the Proposal process and have the Company end up bankrupt is hardly surprising. All of this is simply further evidence of Mr. Kapadia's bad faith in the NOI process and callous disregard for all of the other stakeholders.

Please deliver your responding materials as soon as possible and we will see you in Court on Wednesday morning.

Regards

Bobby

BOBBY H. SACHDEVA

Partner

Miller Thomson LLP

100 New Park Place, Suite 700

Vaughan, Ontario L4K 0H9

Direct Line: +1 905.532.6670

Fax: +1 905.660.0139

Email: bsachdeva@millerthomson.com
millerthomson.com



MILLER THOMSON
AVOCATS | LAWYERS

Please consider the environment before printing this email.

From: Choi, Peter [mailto:peter.choi@nortonrosefulbright.com]

Sent: Monday, January 6, 2020 9:35 AM

To: Sachdeva, Bobby <bsachdeva@millerthomson.com>

Cc: Gauthier, Virginie <virginie.gauthier@nortonrosefulbright.com>; Hasan, Nader

<nader.hasan@nortonrosefulbright.com>; McCoomb, Andrew <andrew.mccoomb@nortonrosefulbright.com>; Soliman,

Walied <walied.soliman@nortonrosefulbright.com>; John Hendriks <jhendriks@farbergroup.com>; Allan Nackan

<anackan@farbergroup.com>

Subject: [****EXT****] Letter to Bobby Sachdeva - 6 January 2020

Mr. Sachdeva,

Please see attached correspondence.

Peter Tae-Min Choi

Associate

Norton Rose Fulbright Canada LLP / S.E.N.C.R.L., s.r.l.

222 Bay Street, Suite 3000, P.O. Box 53, Toronto ON M5K 1E7 Canada

T: +1 416.216.2474 | F: +1 416.216.3930

peter.choi@nortonrosefulbright.com

NORTON ROSE FULBRIGHT

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[EXTERNAL EMAIL / COURRIEL EXTERNE]

**IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF
STAR NAVIGATION SYSTEMS GROUP LTD.**

Estate/Court File No.: 32-2594575

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced in Toronto

AFFIDAVIT OF SHALLON GARRAFA

MILLER THOMSON LLP

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Tel: 905.532.6670
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Lawyers for Star Navigation Systems Group Ltd.