



This is the 2st affidavit
of J. SCHULTZ in this case
and was made on 10/NOV/2022

NO. S-217202
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

THE BANK OF NOVA SCOTIA

PETITIONER

AND:

COMMUNITY MARINE CONCEPTS LTD., VICTORIA INTERNATIONAL
MARINA LTD., ETERNALAND YUHENG INVESTMENT HOLDING LTD. AND
0736657 B.C. LTD.

RESPONDENTS

AFFIDAVIT

I, JORDAN SCHULTZ, barrister and solicitor, of 20th Floor, 250 Howe Street, Vancouver, British Columbia, SWEAR THAT:

1. I am a partner at Dentons Canada LLP ("**Dentons**"), counsel for Alvarez & Marsal Canada Inc., in its capacity as Receiver for the Respondents (the "**Receiver**") in the within proceedings. As such, I have personal knowledge of the facts herein after deposed to except where stated to be on information and belief, in which case I verily believe them to be true.
2. This affidavit is sworn in support of the application to be made in these proceedings, seeking, among other things, approval of the fees and disbursements of Dentons in its capacity as legal counsel to the Receiver for the period from April 1, 2022 to November 8, 2022, and anticipated fees to complete this matter.
3. This affidavit is supplemental to my first affidavit sworn November 8, 2022 (the "**First Schultz Affidavit**") and addresses the determination of the rates of our billing lawyers.
4. Dentons assesses the hourly rates of its professionals regularly, and at least annually. As noted in my previous affidavit, I am currently the practice group lead of the Vancouver insolvency department at Dentons Canada LLP ("**Dentons**"). As practice group lead, I am

directly involved in reviewing the billing rates for all lawyers in the Vancouver insolvency practice group.

5. An important factor I consider when reviewing rates are the rates charged by lawyers of comparable skill and experience at firms of comparable size in Vancouver.
6. Specifically, when setting the annual budget for the insolvency department and determining the hourly rate of each lawyer in the group, I consider, in conjunction with Dentons' Director of Finance, a survey of thousands of lawyers that provides detailed market data on the hourly rates of lawyers based on size of firm, geographical region, year of call, and practice area.
7. This survey data is often most useful for junior lawyers, in my experience, as the survey includes more results for junior lawyers and there is generally more consistency across the Vancouver market for hourly rates of junior lawyers.
8. Based on this information, I set the hourly rates of all lawyers in the insolvency group at a rate that is consistent with the market standard of a Vancouver lawyer practicing insolvency at a similar year of call. At the same time, we assess our historic discounted rates requested by the clients and other client feedback, which assists us in our determination that the rates are reasonable in the eyes of our clients.
9. I am of the opinion that:
 - (a) the difference in rate between that of a student, associate or partner in the Dentons insolvency group is consistent with market rates;
 - (b) the billing rate of Dentons' insolvency associates is reasonable, as the rates reflect what our clients are willing to pay in the market; and
 - (c) Dentons' insolvency associates add value to our insolvency files that is proportionate to their billing rates, taking on tasks that are necessary to progressing the file, including drafting materials, communicating with clients, participating in strategy and planning for a file, closing transactions, and appearing and speaking in Court. As stated in my previous affidavit, we assign tasks to the appropriate professions who have the necessary skills to complete the tasks and progress the file in a cost efficient manner.

10. While the difference in hourly rate between an associate and a partner at Dentons insolvency is not always significant, I believe the rates of all Dentons insolvency lawyers, both associates and lawyers, are reasonable and consistent with market rates.

SWORN (OR AFFIRMED) BEFORE ME at
Vancouver, BC, on 10/NOV/2022.



A Commissioner for taking Affidavits within
British Columbia



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