

Estate No.: BK-24-03050418-0031  
Court File No.: BK- 31-3050418

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

IN THE MATTER OF THE NOTICE OF INTENTION TO  
MAKE A PROPOSAL OF THE BODY SHOP CANADA  
LIMITED, IN THE CITY OF TORONTO, IN THE PROVINCE  
OF ONTARIO

**AIDE MEMOIRE OF THE BODY SHOP CANADA LIMITED**

**(Case conference before Justice Osborne on April 24, 2024)**

April 23, 2024

**DAVIES WARD PHILLIPS & VINEBERG LLP**  
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Lawyers for The Body Shop Canada  
Limited

1. The Body Shop Canada Limited (“**TBS Canada**” or the “**Company**”) delivers this aide memoire in respect of the case conference to be held on April 24, 2024.
2. On April 12, 2024, Koskie Minsky LLP served a motion seeking the appointment of representative counsel for terminated Canadian employees of TBS Canada (the “**Representative Counsel Motion**”).
3. On April 15, 2024 Justice Osborne issued an endorsement that he would address the timetable for the Representative Counsel Motion, including the delivery of materials and a hearing date, at a case conference to be heard on April 24, 2024.
4. Commencing April 15, 2024, counsel for Alvarez & Marsal Canada Inc., in its capacity as proposal trustee of TBS Canada (the “**Proposal Trustee**”) made requests of Mr. Andrew Hatnay of Koskie Minsky LLP to propose a timetable for the Representative Counsel Motion.
5. On April 22, 2024, Mr. Hatnay proposed a timetable, which suggested a May 20, 2024 hearing date for the hearing of the Representative Counsel Motion.
6. On April 22, 2023, counsel for the Proposal Trustee and TBS Canada engaged with counsel for certain of the Company’s landlords on the timetable. Due to the availability of certain counsel, the timetable proposed by Mr. Hatnay was not workable.

7. On April 23, 2024, counsel for the Proposal Trusteed provided Mr. Hatnay with the Company's alternative timetable that reflects the input of counsel for the landlords and contemplates that the Representative Counsel Motion will be heard on July 9 or 10, 2024.

8. The respective timetables proposed by Mr. Hatnay and counsel for TBS Canada, are set out below:

<b>Corresponding Event</b>	<b>Moving Party Proposed Date</b>	<b>Company's Proposed Date</b>
Moving Party Motion Record served	April 12, 2024	
Moving Party Supplemental Motion Record	April 23, 2024	No change Record served.
Scheduling Case Conference	April 24, 2024	Date subject to request for extension based on contents of Supplemental Motion Record
Responding/ Company Motion Record due	April 29, 2024	May 10, 2024
Proposal Trustee's Report due		May 15, 2024
Reply Motion Record due (if any)	May 1, 2024	May 22, 2024
Company Stay Extension Motion		May 30 or 31, 2024
Cross Examinations on filed affidavits	May 6-7, 2024	May 27-31, 2024
Proposal Trustee's Supplemental Report due		June 5, 2024
Moving Party Factum due	May 9, 2024	June 14, 2024
Responding Factum due	May 14, 2024	June 28, 2024
Reply Factum due (if any)	May 16, 2024	July 5, 2024
Motion Hearing	May 20, 2024	July 9 or 10, 2024

9. On April 23, 2024 at approximately 6 p.m., Mr. Hatnay advised that TBS Canada's proposed timetable was unacceptable. Mr. Hatnay did not propose any alternate dates.

10. The Company has two key stakeholder groups: its current and former employees and landlords. The timetable proposed by TBS Canada will ensure that both of its key stakeholders will have an opportunity to participate in the Representative Counsel Motion.

11. TBS Canada requests that the Representative Counsel Motion be scheduled in accordance with the timetable proposed by the Company and reflected in paragraph 8 above.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 23rd day of April, 2024.

A handwritten signature in blue ink, consisting of a stylized 'N' followed by a large loop and a horizontal stroke.

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Davies Ward Phillips & Vineberg LLP  
Counsel for The Body Shop Canada  
Limited

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Proceeding commenced at Toronto

**AIDE MEMOIRE**

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