



ONTARIO SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

COUNSEL/ENDORSEMENT SLIP

COURT FILE NO.: BK-24-03038619-0031

DATE: June 11, 2024

NO. ON LIST: 1

TITLE OF PROCEEDING: IN THE MATTER OF THE PROPOSAL OF BRR LOGISTICS LIMITED
BEFORE: JUSTICE CONWAY

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party:

Name of Person Appearing	Name of Party	Contact Info
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For Defendant, Respondent, Responding Party:

Name of Person Appearing	Name of Party	Contact Info

For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info
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ENDORSEMENT OF JUSTICE CONWAY:

[1] This motion by Wal-Mart Canada Corp. (“Walmart”) for a sealing order returned to me after the attendance on May 29, 2024.

- [2] Walmart has taken the court's direction and significantly reduced the scope of the sealing order. It no longer seeks to seal the exhibits in their entirety. Rather, it now seeks to seal only very limited commercially sensitive information that consists of negotiated terms, the disclosure of which could impair its negotiating position with other suppliers.
- [3] I am now satisfied that the requested order meets the test for a sealing order set out in *Sierra Club of Canada v. Canada (Minister of Finance)*, 2002 SCC 41, and subsequently recast in *Sherman Estate v. Donovan*, 2021 SCC 25. These materials were filed with the court in connection with a bilateral dispute between BRR Logistics Limited (“**BRR**”) and Walmart. That dispute has now settled. As noted, the redactions are very limited and minor. Their disclosure poses a serious risk to the important public interest of enabling businesses to seek competitive terms in their contract negotiations. In terms of proportionality, the benefits of protecting this commercially sensitive information outweigh the negative effects given that the bilateral dispute between BRR and Walmart has settled.
- [4] Order to go as signed by me and attached to this Endorsement. This order is effective from today's date and is enforceable without the need for entry and filing. The order provides that the existing redacted materials filed with the court will be replaced with the much more limited redacted materials.
- [5] Further, **I direct counsel for Walmart to file a hard copy of the confidential sealed exhibits with the Commercial List office in a sealed envelope with a copy of the order and this endorsement.**

A handwritten signature in blue ink, appearing to read "Conway J.", is located at the bottom left of the page.