



COURT FILE NUMBER **1401-04781**

COURT **COURT OF QUEEN'S BENCH OF ALBERTA**

JUDICIAL CENTRE **Calgary**

PLAINTIFFS **HARDIE & KELLY INC., IN ITS
CAPACITY AS TRUSTEE IN
BANKRUPTCY OF ASSISTIVE
FINANCIAL CORP.**

DEFENDANTS **RANDY SCHIFFNER, SLADE SCHIFFNER,
BRANDON SCHIFFNER, ELAYNE
SCHIFFNER, CAMERON SCHIFFNER
AND BRANDI SCHIFFNER**

DOCUMENT **REPLY TO DEFENCE OF RANDY
SCHIFFNER, SLADE
SCHIFFNER, BRANDON
SCHIFFNER AND ELAYNE
SCHIFFNER**

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This is the Reply of the Plaintiff, Hardie & Kelly Inc. in its capacity as Trustee in Bankruptcy of Assistive Financial Corp. to the Statement of Defence filed by the Defendants, Randy Schiffner, Slade Schiffner, Brandon Schiffner and Elayne Schiffner on May 26, 2014.

Statement of facts relied on:

1. The Plaintiff adopts the same defined terms as in the Amended Statement of Claim.

2. The Trustee admits the facts contained in paragraphs 4, 5, 9, 13, 39, 40, 41 and 91 in the Statement of Defence of Randy Schiffner, Slade Schiffner, Brandon Schiffner and Elayne Schiffner.
3. The Trustee denies all the remaining allegations contained in such Statement of Defence.

Any matters that defeat the defence of the defendants:

4. In specific response to paragraphs 92-97, the Trustee responds and states that:
 - (a) The Trustee has made all reasonable efforts to recover the property and assets of Assistive, having regard to the financial constraints and realities of the bankrupt estate;
 - (b) Because of the financial constraints aforesaid, the Trustee has to prioritize its recovery efforts on behalf of the bankrupt estate;
 - (c) The prospects of recovering any funds on behalf of the bankrupt estate against the CCAA Applicants and the directors and officers of the CSF Enterprise, weighed against the likely expense and complexities of doing so, and taking into account the funds available for litigation in the bankrupt estate, do not justify the present active pursuit of such claims by the Trustee; and
 - (d) The efforts by the Trustee for recoveries against RTF are ongoing, but also constrained by a lack of available funds and questionable prospects of actual recovery on behalf of the bankrupt estate.

Remedy sought:

5. The Trustee persists in its claim for relief set out in the Amended Statement of Claim.

NOTE

This reply may only make admissions or respond to matters raised for the first time in the statement of defence (Rules 3.33(2)(b) and 13.10).