

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL
NO: 500-22-243490-177

COUR DU QUÉBEC
(Chambre civile)

**SUMMIT NUTRITIONALS
INTERNATIONAL INC.**,
a body politic and corporate
duly incorporated according to
law, having an office at 29
Rockaway Road, Lebanon,
New Jersey 08833

Plaintiff

- Vs -

BIO V PHARMA INC., a body politic
and corporate, duly incorporated
according to law, having an office at
285 rue Kesmark, Dollard des Ormeaux,
Quebec H9B 3J1

Defendant

APPLICATION INTRODUCTIVE OF ACTION AND NOTICE
(ARTICLE 107 N.C.C.P. ET SEQ.)

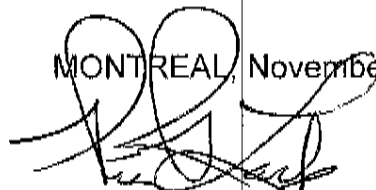
TO ANY ONE OF THE HONOURABLE JUDGES OF THE COUR DU QUÉBEC,
CHAMBRE CIVILE, DISTRICT OF MONTREAL, THE APPLICATION OF PLAINTIFF
RESPECTFULLY REPRESENTS

- 1) **THAT** at the request and for the benefit of Defendant, Plaintiff sold and delivered goods or materials having a value of U.S. \$27,600.00 as appears from two invoices dated 9/18/2017 and purchase order addressed by Defendant to Plaintiff on July 4th, 2017 for U.S. \$27,600.00, the said invoices and purchase order being produced herewith en liasse to avail as though herein recited at length as Exhibit P-1;
- 2) **THAT** based upon the Invoices in question the terms provided by Plaintiff to Defendant were "Net 45", meaning Net 45 days with the shipping date being 9/18/2017;
- 3) **THAT** the total amount due by Defendant to Plaintiff on November 2nd, 2017 was U.S. \$27,600.00;

- 4) **THAT** Defendant failed to pay to Plaintiff any monies upon the Purchase Order in question and Plaintiff's Attorney in Madison, New Jersey wrote a letter to Defendant on November 6th, 2017, a copy of which is produced herewith to avail as though herein recited at length as Exhibit P-2, however, Defendant ignored this request for payment;
- 5) **THAT** on November 17th, 2017 Me Peter R. Lack, the undersigned Attorney for Plaintiff wrote a mise-en-demeure to Defendant and this mise-en-demeure was received by Defendant on November 20th, 2017, a copy of the said mise-en-demeure and proof of delivery being produced herewith en liasse to avail as though herein recited at length as Exhibit P-3;
- 6) **THAT** Defendant has refused to pay to Plaintiff the sum of U.S. \$ 27,600,00 and the said sum is now owing by Defendant to Plaintiff;
- 7) **THAT** Defendant is indebted to Plaintiff in the amount of U.S. \$ 27,600.00 converted to Canadian at the rate of \$ 1.32 aggregating Canadian \$ 36,432.00;
- 8) **THAT** Plaintiff's action against Defendant is well founded in fact and in law.

WHEREFORE Plaintiff prays that by Judgment to be rendered herein, Defendant be condemned to pay to Plaintiff the sum of \$ 36,432.00, together with interest and the additional indemnity as provided for by law from November 20th, 2017, the whole with frais de justice.

MONTREAL, November 27th, 2017



PETER R. LACK
Attorney for Plaintiff

SUMMONS (ARTICLES 145 ET SEQ. N.C.C.P.)**Deposit of an Application in justice**

TAKE NOTICE that Plaintiff has deposited with the Clerk of the Cour du Québec, Chambre civile, District of Montreal the present Application Introductive of Action.

Answer to this demand

You must respond to this demand by writing, personally or by Attorney at the Court House, Cour du Québec, Chambre civile in Montreal, situated at 1 Notre Dame est, Montréal, Québec H2Y 1B6 within **15 days from the service of the present Application** or, if you have no domicile, no residence, no establishment in Quebec within 30 days from the service of the present Application. This answer must be notified to the Attorney representing Plaintiff or if Plaintiff is not represented by an Attorney, to the Plaintiff personally.

Default to answer

If you do not respond within the delay referred to herein, namely, within 15 or 30 days, according to what is applicable, a Judgment by default can be rendered against you without further notice upon the expiration of the delays and you can, according to the circumstances, be held responsible for payment of legal costs (frais de justice).

Content of answer

If you answer, you must indicate your intention to:

negotiate a settlement;

to propose a mediation to resolve the differences;

to defend the application and in the cases as required by the Code of Civil Procedure, to establish to this end, in cooperation with Plaintiff, a case protocol which shall be governed by applicable provisions of this Code. This protocol must be deposited with the Clerk of this Court, within **45 days from the service of the present notice**, or in family matters, of if you have no domicile, no residence, no establishment in Quebec, within three months from service of this notice; to propose the holding of a settlement conference.

This answer must mention your coordinates and if you are represented by an Attorney, the name of the Attorney and his or her coordinates.

Change of Judicial district

You can request the Court to send this application Introductive d'instance to the district where your domicile is situated or in default, your residence or elected domicile or what has been agreed to with Plaintiff.

If your claim is based upon a contract of work, a consumer related contract, or insurance, upon the exercise of a hypothecary right upon an immoveable you must serve the principal residence and state that you are the consumer, the salaried employee, the insured, the beneficiary of a contract of insurance or the hypothecary debtor, you can request that the proceedings be sent to the district where your domicile, residence, or immoveable is situated or also the place of the claim. You must present this demand to the special clerk of the competent territorial district after notifying the other parties and the Court Clerk of the District already seized of these proceedings.

Transfer of demand to the Small Claims Court

If you have the capacity to act as Defendant, following the rules relating to the recovery of the Small Claims Court, you can equally communicate with the Clerk of the Court for this demand which shall be treated according to the rules. If you make this demand, the Court costs of Plaintiff cannot exceed the amount of the costs relating to the recovery of the claim before the Small Claims Court.

Convocation to a Case Management Conference

Within **20 days following the deposit of the case protocol** referred to above, the Court can convoke a case management conference to assure further conduct of the proceedings. In default, the protocol shall be presumed to have been accepted.

Exhibits

In support of its application introductive d'instance Plaintiff invokes the following Exhibits.

EXHIBIT P – 1
en liasse

Two invoices dated 9/18/2017 and
Purchase Order addressed by
Defendant to Plaintiff on July 4th, 2017

EXHIBIT P-2

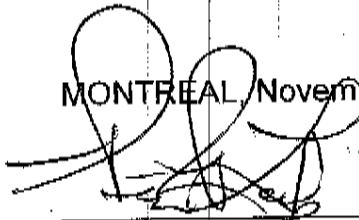
Copy of letter addressed by Plaintiff's Attorney in Madison, New Jersey to Defendant dated November 6th, 2017

EXHIBIT P- 3
en liasse

Copy of mise-en-demeure of November 20th, 2017 addressed by Peter R. Lack to Defendant and proof of receipt thereof.

GOVERN YOURSELVES ACCORDINGLY.

MONTREAL November 27th, 2017



PETER R. LACK
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COUR DU QUÉBEC
(Chambre civile)

DISTRICT OF MONTREAL

SUMMIT NUTRITIONALS INTERNATIONAL
INC.

Plaintiff

- Vs -

BIO V PHARMA INC.

Defendant

APPLICATION INTRODUCTIVE OF ACTION
AND NOTICE (ARTICLE 107 N.C.C.P. ET SEQ.)

NATURE OF ACTION: GOODS SOLD AND DELIVERED

AMOUNT: \$ 36,432.00

ORIGINAL

AL-0393

Me Peter R. LACK

Avocat-Lawyer

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MONTREAL, P.Q. H2Z 1Y7

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