

File Number: 41111

**IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL OF QUEBEC)**

BETWEEN:

S.N.

**APPLICANT
(Applicant)**

AND:

**ROBERT GERALD MILLER
and
FUTURE ELECTRONICS INC.**

**RESPONDENTS
(Respondents)**

-and-

**ALONIM INVESTMENTS INC.
ROBMILCO HOLDINGS LTD.
MULTIFORM PROPERTIES INC.
4306805 CANADA INC.
11172247 CANADA INC.
RODNEY MILLER**

**IMPLEADED PARTIES
(Impleaded Parties)**

**NOTICE OF MOTION TO EXPEDITE APPLICATION FOR LEAVE TO APPEAL
(S.N., APPLICANT)**

Pursuant to Rule 47 of the *Rules of the Supreme Court of Canada*

TAKE NOTICE that S.N., the Applicant in the matter of *S.N. v. Robert Gerald Miller, et al.* (File Number 41111) hereby applies to a Judge of this Honourable Court, pursuant to Rule 47 of the *Rules of the Supreme Court of Canada*, SOR/2002-156, as amended, for an Order:

1. Expediting the Applicant S.N.'s Application for Leave to Appeal; and

2. Such further or other orders as this Honourable Court deems appropriate.

AND FURTHER TAKE NOTICE that the Motion shall be made on the following grounds:

1. The present proceeding requests that a *Mareva* injunction be ordered in favour of the Applicant and the Class¹ (currently consisting of 47 underage female alleged victims) in an amount of \$200 million against the Respondents Robert G. Miller and Future Electronics Inc. as well as the Impleaded Parties (Respondent Miller's son Rodney and corporate entities owned by Respondent Miller).
2. The *Mareva* injunction is based on the fear that the Respondents are attempting to evade an eventual judgment by hiding, dissipating, and removing assets from the jurisdiction. The risk that the recovery of the claim is in jeopardy can also be inferred from the circumstances and a *Mareva* injunction is necessary to protect the court system from abuse and is also warranted on equitable grounds.
3. As set forth in the Applicant's Memorandum of Argument, the evidence demonstrates:
 - a) Respondent Miller's whereabouts are unknown – the Applicant's bailiff has been unable to serve him on numerous occasions from March 2023 to December 2023, as Respondent Miller does not appear to be living at his residence in Westmount, Quebec;
 - b) After the class action was filed, Respondent Miller transferred his residential home, valued at \$9.5 million, to his son Rodney Miller for \$1;
 - c) After the class action was filed, Respondent Miller put his main asset, Respondent Future Electronics up for sale;
 - d) If any of the above facts appear neutral, they become suspicious because of Respondent Miller's prior "persistent or characterized dishonest conduct", namely:
 - i. Hiding the title of his primary residence behind a corporate veil;

¹ "All persons who, while under the age of 18 years, performed sexual services in exchange for consideration with and/or were victims of sexual exploitation and/or were victims of sexual interference by Robert G. Miller or any other group to be determined by the Court;"

- ii. Hiding ownership of his 2 other properties behind a *prête-nom*;
 - iii. Allegedly committing criminal acts in violation of ss. 286.1 (obtaining sexual services for consideration), 153 (sexual exploitation), and 151 (sexual interference) of the *Criminal Code*; and
 - iv. Allegedly giving out a false business card with a fake name (“Bob Adams”) to his alleged victims.
4. On September 14, 2023, Respondent Future Electronics issued a press release stating that the Taiwanese company WT Microelectronics Co., Ltd. “has entered into a definitive agreement to acquire 100% of the shares of Future Electronics for an enterprise value of US\$3.8 billion in an all-cash transaction ... **and is expected to close in the first half of 2024**, subject to customary closing conditions including the receipt of required regulatory approvals.”²
 5. If the transaction closes, Respondent Miller can direct the buyer, Taiwanese company WT Microelectronics, to pay the purchase price of US\$3.8 billion anywhere in the world and to any one of his corporate entities – and, if the Applicant’s fear of not being able to recover is justified, the dissipation will be realized, and there is no going back. The Class will never be compensated, even once they obtain judgment.
 6. The precise timing of the transaction remains unknown, but it will no doubt happen soon, as we are in “the first half of 2024”.
 7. The Applicant has tried to act quickly throughout, but has dealt with delays inherent in the judicial system and has also, so far, not been successful in having her *Mareva* injunction granted.
 8. The *Mareva* Motion was filed on October 22, 2023; it was presented on November 17, 2023; judgment by the Superior Court rejecting the *Mareva* injunction was rendered on November 27, 2023; leave to appeal was filed on December 8, 2023; the motion for permission to appeal was heard on January 8, 2024; judgment by the Court of Appeal rejecting leave was

² Exhibit MA-6, page 82 of the Applicant’s Memorandum of Argument.

rendered on January 10, 2024; leave to the Supreme Court of Canada was filed on February 8, 2024.

9. Serious irreparable harm will inure to the Applicant if the sale of Respondent Future Electronics is completed prior to this Honourable Court issuing its decision on the Application for Leave to Appeal or before a judgment on the merits should this Honourable Court decide to grant leave to appeal.

10. Such further and other grounds as counsel may advise and this Court may permit.

Dated at Montreal, Quebec, this 4th day of March, 2024.



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NOTICE TO THE RESPONDENT TO THE MOTION: A respondent to the motion may serve and file a response to this motion within 10 days after service of the motion. If no response is filed within that time, the motion will be submitted for consideration to a judge or the Registrar, as the case may be.

If the motion is served and filed with the application for leave to appeal, then the Respondent may serve and file the response to the motion with the response to the application for leave to appeal.