

June 27, 2016

(Short title of proceeding)

Court File No. CV-16-11439-00CL

June 27/16

The relief is granted on an ex parte basis. I am advised the order will be served on interested parties. The initial court date is June 30/16 for 1/2 hour before Wether - Level I.

DWT

June 30/16

- S. Babe for the applicant
- S. Brotman for the Receiver
- C. Chang for the respondent

The respondent has filed a responding application now addressing three ~~new~~ matters which it believes were inaccurately stated on the affidavit in support of the interim receivership motion which was granted on an ex parte basis. The affidavits raise matters on which the Receiver will report in a subsequent report.

While the issue of the timing of the payment relative to the appointment of the CRO is disputed between the parties, I cannot conclude

ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST  
PROCEEDINGS COMMENCED AT TORONTO

APPLICATION RECORD  
(Application returnable June 27, 2016)

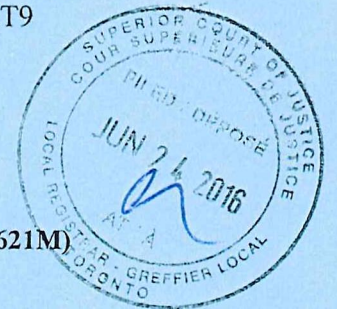
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that the applicant comes before the Court with "unclean hands" on the evidence before the Court.

The applicant seeks a ~~preliminary~~ <sup>final</sup> order regarding the receivership. The respondent ~~do not~~ does not oppose that order. The evidence establishes that, in addition to the default pertaining to the P.M.R. payment to FTI, there are other financial defaults and a performance default of the other Obligors which, given the relationship of the debtor to such Obligors, support the ~~repeal~~ <sup>repealment</sup> appointment of a receiver. Accordingly, order to go in the form attached.

Wilson - Int J.