

Court File No. CV-23-00004031-0000

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

PEAKHILL CAPITAL INC.

Applicant

and

1000093910 ONTARIO INC.

Respondent

**IN THE MATTER OF AN APPLICATION UNDER SUBSECTION 243(1) OF THE  
BANKRUPTCY AND INSOLVENCY ACT, R.S.C. 1985, c. B-3, AS AMENDED, AND  
SECTION 101 OF THE COURTS OF JUSTICE ACT, R.S.O. 1990, c. C. 43, AS AMENDED**

**AFFIDAVIT OF ANTHONY MARCUCCI  
(SWORN JUNE 28, 2024)**

I, Anthony Marcucci, of the City of Vaughan, in the Regional Municipality of York, in the Province of Ontario, **MAKE OATH AND SAY:**

1. I provide this affidavit on an urgent basis for the assistance of the Court in respect of the Debtor's last-minute motion to redeem.

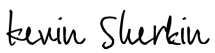
**Prejudice Suffered So far caused by the Debtor**

2. We have been waiting months and the inability to move into the space has caused our firm to have to turn away \$5.6 million dollars of work where it would have contributed \$2,000,000 of contribution margin to our business. We cannot take on the work because we do not have a space to complete the work and was relying upon closing this building to do so. Had we been told months ago; were we not the successful bidder is one thing, however we were the successful bidder and have been patiently waiting to close so we can move in. Should we not be able to close it will likely take 6 months if not longer to deal with other space assuming that it is even

-2-

available which it is not and we will have to turn away even more work further impacting our business further likely equal to or more than the amounts above.

**SWORN** by Anthony Marcucci of the City of Vaughan, in the Regional Municipality of York, before me at the City of Toronto, in the Province of Ontario, on June 28, 2024, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

DocuSigned by:  
  
035BE5EE77D849F...

Commissioner for Taking Oaths  
(as my be)

**KEVIN D. SHERKIN (LSO#: 27099B)**

DocuSigned by:  
  
113EBAC319124DC

**Anthony Marcucci**

RCP-E 4D (February 1, 2021)

PEAKHILL CAPITAL INC. et al.  
Applicants

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**ONTARIO  
SUPERIOR COURT OF JUSTICE**

Proceeding Commenced at NEWMARKET

**AFFIDAVIT OF ANTHONY MARCUCCI  
(SWORN JUNE 11, 2024)**

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Lawyers for the Intervener, 2557904 Ontario Inc.

RCP-F 4C (September 1, 2020)