

From: Conway, Madam Justice Barbara (SCJ) <Barbara.Conway@scj-csj.ca>
Sent: June 1, 2020 11:33 AM
To: George Benchetrit <george@chaitons.com>; Grossman, Barbara <barbara.grossman@dentons.com>; Alexander Melfi <amelfi@grllp.com>; Carey, Peter <pcarey@loonix.com>; David Sieradzki <dsieradzki@ksvadvisory.com>
Cc: JUS-G-MAG-CSD-Toronto-SCJ Commercial List <MAG.CSD.To.SCJCom@ontario.ca>
Subject: BCUL v. 2321197 Ontario Inc. et al - Court File No. CV-18-00608356-00CL
Importance: High

Due to the COVID-19 crisis, I held a case conference on the above matter today by Zoom videoconference call. This case conference was held in accordance with: (a) the Consolidated Notice to the Profession, Litigants, Accused Persons, Public and the Media issued by Chief Justice Morawetz on May 13, 2020; and (b) the Changes to Commercial List operations in light of COVID-19 developed by the Commercial List judges in consultation with the Commercial List Users Committee, as updated. The videoconference facilities were arranged by Chaitons LLP. The case conference materials were sent to me by email.

This email constitutes my endorsement of today's date and is to be placed in the court file. The following participants were on the videoconference call:

George Benchetrit george@chaitons.com	CHAITONS LLP <i>Lawyers for KSV Kofman Inc., in its capacity as Court-Appointed Receiver</i>
Barbara Grossman barbara.grossman@dentons.com	DENTONS CANADA LLP <i>Lawyers for Buduchnist Credit Union Limited</i>
Alexander Melfi amelfi@grllp.com	GARDINER ROBERTS LLP <i>Lawyers for 2321197 Ontario Inc., Carlo DeMaria, 2321198 Ontario Inc., and Vicar Homes Ltd.</i>
Peter W.G. Carey pcarey@loonix.com	LOOPSTRA NIXON LLP <i>Lawyers for the Respondent, Trade Capital Finance Corporation</i>
David Sieradzki dsieradzki@ksvadvisory.com	KSV KOFMAN INC. <i>Court-Appointed Receiver</i>

Mr. DeMaria has retained new counsel, Mr. Melfi, since the attendance before me on March 13, 2020. He wishes to bring a motion to set aside or stay the receivership with respect to the Woodland property. The Receiver seeks to move forward with its motion to approve a sale process for the property. I provide the following directions with respect to this matter:

- Counsel are to work out a protocol for the marketing of the property, on a WITHOUT PREJUDICE BASIS. However, the protocol will not take effect now. It will await the outcome of the two motions (see below) and will only take effect if the Receiver is successful on its motion. If Mr. DeMaria is successful on his motion, the protocol will be

moot. In my view, that strikes a reasonable balance at this point. The parties will know what the terms of the protocol are, if it does take effect, but whether or not it becomes operational will depend on the outcome of the two motions.

- Counsel are working out the terms of the protocol to be turned into a consent order.
- I have scheduled a continuing case conference on **June 4th at 1 p.m.** to finalize the protocol and associated order.
- The two motions are scheduled for **August 12, 2020 at 10 a.m. before me, 3 hours (confirmed with CL office)**. Counsel are to work out a timetable for the steps leading up to the motions. If there are any issues with this timetable, I will address them at the case conference on June 4th.
- There has apparently been an issue with Ms. DeMaria's email address and materials have bounced back from that email address. However, Mr. Melfi acknowledged that she and Mr. DeMaria are married and live in the house together so today's attendance would likely have come to her attention. She is self-represented and did not attend today's case conference. It is critical that a proper email address for Ms. DeMaria be provided to all counsel forthwith. A copy of this endorsement is to be provided to her and she is to be advised specifically of the June 4th case conference so that she can attend if she wishes to do so.

A handwritten signature in blue ink, appearing to read "Conway J.", with a stylized flourish at the end.

Superior Court of Justice (Toronto)