

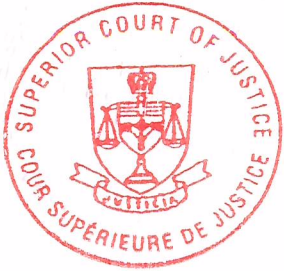
**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

THE HONOURABLE
JUSTICE PENNY

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)
)

TUESDAY, THE 4TH
DAY OF DECEMBER, 2018

BETWEEN:



BUDUCHNIST CREDIT UNION LIMITED

Applicant

- and -

**2321197 ONTARIO INC., CARLO DEMARIA, SANDRA DEMARIA,
2321198 ONTARIO INC., SASI MACH LIMITED and VICAR HOMES LTD.**

Respondents

ORDER

This motion, made by Trade Capital Finance Corporation (“**Trade Capital**”), for an order declaring that Trade Capital is a respondent, compelling the applicant, Buduchnist Credit Union Limited, (“**Applicant**”) to produce Oksana Prociuk for cross-examination on her affidavits, compelling the Applicant to produce the documents requested in Trade Capital’s Request to Inspect dated November 22, 2018 and relevant to the cross-examination of Oksana Prociuk, and for certain other relief as set out in its Notice of Motion, was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the affidavits of Oksana Prociuk dated November 6 and 20, 2018, the affidavit of Carlo Demaria sworn November 11, 2018, the affidavit of Darcy Thompson sworn November 12, 2018, and the affidavit of Grace Ketwaru sworn November , 2018, and on hearing submissions by counsel for the Applicant, counsel for Trade Capital, and counsel for Carlo Demaria, 2321197 Ontario Inc., 2321198 Ontario Inc., and Vicar Homes Ltd., no other person appearing although validly served, for written reasons as to costs released by endorsement dated December 31, 2018,

1. **THIS COURT ORDERS** that Trade Capital Finance Corporation is added as a respondent to this application with the rights of a party to *inter alia* (i) cross-examine the Applicant's affiant and (ii) to request or require documents pursuant to Rules 30.04 and 34.10 of the *Rules of Civil Procedure*.

2. **THIS COURT FURTHER ORDERS** that this application shall continue with the following title of proceeding:

Court File No. CV-18-00608356-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

BETWEEN:

BUDUCHNIST CREDIT UNION LIMITED

Applicant

- and -

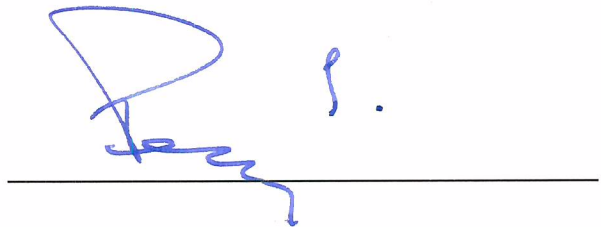
**2321197 ONTARIO INC., CARLO DEMARIA, SANDRA DEMARIA,
2321198 ONTARIO INC., SASI MACH LIMITED, VICAR HOMES LTD., and
TRADE CAPITAL FINANCE CORP.**

Respondents

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


3. **THIS COURT FURTHER ORDERS** that the Applicant produce Oksana Prociuk for cross-examination by Trade Capital on her affidavits sworn November 6, 20, and 30, 2018.

4. **THIS COURT FURTHER ORDERS** that there shall be no order as to costs of this motion as between the Applicant and the moving party Trade Capital Finance Corp.



ENTERED AT / INSCRIT A TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO:

APR 25 2019

PER / PAR: 

BUDUCHNIST CREDIT UNION LIMITED

- and -

2321197 ONTARIO INC., CARLO DEMARIA, SANDRA
DEMARIA, 2321198 ONTARIO INC., SASI MACH LIMITED and
VICAR HOMES LTD.

Applicant

Respondents

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

PROCEEDING COMMENCED AT TORONTO

ORDER

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