



SUPERIOR COURT OF JUSTICE

COUNSEL SLIP

COURT FILE NO.: CV-23-00708970-00CL DATE: December 12, 2023

NO. ON LIST: 3

TITLE OF PROCEEDING: OTÉRA CAPITAL INC. v. 2495065 ONTARIO INC.

BEFORE JUSTICE: Cavanagh

**PARTICIPANT INFORMATION**

**For Plaintiff, Applicant, Moving Party, Crown:**

Name of Person Appearing	Name of Party	Contact Info
Thomas Gertner , Virginie Gauthier	Otéra Capital Inc.	<a href="mailto:thomas.gertner@gowlingwlg.com">thomas.gertner@gowlingwlg.com</a> , <a href="mailto:virginie.gauthier@gowlingwlg.com">virginie.gauthier@gowlingwlg.com</a>

**For Defendant, Respondent, Responding Party, Defence:**

Name of Person Appearing	Name of Party	Contact Info
Jeff Larry	2495065 Ontario Inc.	<a href="mailto:jeff.larry@paliareroland.com">jeff.larry@paliareroland.com</a>

**For Other, Self-Represented:**

Name of Person Appearing	Name of Party	Contact Info

**ENDORSEMENT OF JUSTICE CAVANAGH:**

The Applicant and the Respondent consent to a receivership order on terms that the Order shall only become effective (without any further Order of this Court) on the earlier of dates in the future, depending on whether

the Respondent's liability, obligations and indebtedness to the Applicant has been repaid or whether the Respondent has entered into a binding agreement that, if completed, will result in repayment in full of its indebtedness to the Applicant.

This order is on consent and will provide certainty to the Applicant and the Respondent. Although I do not regard an Order in this form to follow the usual practice (because the effective date is deferred and whether the Order becomes effective depends on whether, in the future, the Respondent has satisfied conditions, the non-satisfaction of which is to be proven by an affidavit to be served and filed by the Applicant), there is precedent for this form of Order and, in these circumstances, I am satisfied that an Order in this form should be made.

Order to issue in form of Order signed by me today.