

Court File No. CV-22-678525-CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE
JUSTICE CAVANAGH

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WEDNESDAY, THE 31st DAY
DAY OF AUGUST 2023

B E T W E E N:

**NICHOLE STEPHANIE RENDON, KRISTOPHER ARCHER and LAUREN
BETH MACCALLUM**

Plaintiffs

and

**2505243 ONTARIO LIMITED c.o.b. BYPETERANDPAUL.COM, 2592511 ONTARIO
INC. c.o.b. DAVID DUNCAN HOUSE, 1423792 ONTARIO LIMITED c.o.b.
PARAMOUNT, 1327018 ONTARIO LIMITED c.o.b. BELLAGIO, PETER & PAUL'S
MANOR LTD., 1794377 ONTARIO LTD. c.o.b. VUE, 2502373 ONTARIO LTD. c.o.b.
CLUBHOUSE EVENTSPACE, 1895299 ONTARIO LIMITED c.o.b. UNIVERSAL
EVENT SPACE, 2618420 ONTARIO LTD. c.o.b. THE KORTRIGHT EVENTSPACE,
2618420 ONTARIO LTD. c.o.b. BLACK CREEK PIONEER VILLAGE EVENTSPACE,
PETER & PAUL'S BASKETS AND GIFTS INC., 1986912 ONTARIO INC. c.o.b. as
PETER & PAUL'S HOSPITALITY GROUP, PRINCES GATES GP INC. and
PRINCES GATES HOTEL LIMITED PARTNERSHIP**

Defendants

PROCEEDING UNDER the *Class Proceeding Act, 1992*

ORDER

THIS MOTION, made by the Plaintiffs, on consent, for an Order approving the discontinuance of the within action, without costs, and without prejudice, was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the material filed by KSV Restructuring Inc., in its capacity as proposal trustee (the "Proposal Trustee") of 2505243 Ontario Limited (the "Company"), for an order, among other things, establishing a claims procedure for the quantification and resolution of claims of former employees of the Company in the proceeding bearing Court File No. 31-2675288, and on hearing from counsel for the Proposal Trustee, the Company and such other counsel as were present and wished to be heard, no one else appearing although duly served as appears from the affidavit of service, filed.

1. **THIS COURT ORDERS** that the within action be and is hereby discontinued.
2. **THIS COURT ORDERS** that any limitation periods applicable to a cause of action asserted in this proceeding that were suspended on the commencement of this class action shall resume running against every proposed class member on December 31, 2023.
3. **THIS COURT ORDERS** that counsel for the Plaintiffs shall provide notice of the discontinuance by posting the notice and a copy of the order on the Plaintiffs' counsel's website, in the form set out in Schedule "A," and by emailing the notice and a copy of the order to every proposed class member who has contacted Plaintiffs' counsel to express an interest in this proceeding.

SCHEDULE "A"

NOTICE OF DISCONTINUANCE

LEGAL NOTICE

NOTICE OF CLASS ACTION DISCONTINUANCE

Please read this notice carefully. It may affect your legal rights.

To: Former employees who worked for 2505243 Ontario Limited operating as Peter andPaul.com at Hotel X in Toronto, Ontario.

Notice of Dismissal

By order of the Ontario Superior Court of Justice, dated August 31, 2023, the proposed class action, ***Nichole Stephanie Rendon et al. v. 2505243 Ontario Limited c.o.b. bypeterandpaul.com, et al.*** (Ontario Court File No: CV-22-00678525-00CP) has been discontinued. Please read this notice carefully for more information.

The Ontario Superior Court authorized this notice. This is not a solicitation from a lawyer.

What was the proposed class action about?

The proposed class action against 2505243 Ontario Limited c.o.b. bypeterandpaul.com, the operators of Hotel X and a number of allegedly related entities was commenced in the Ontario Superior Court of Justice on March 16, 2022. This proposed class action lawsuit was brought on behalf of all food and beverage employees who were employed at Hotel X until their employment was terminated following the closure of Hotel X in March 2020. The proposed class action was filed to preserve the rights of the former employees to one day obtain damages for their termination.

A second proceeding means the class action is redundant. A reasonable remedy is being sought for you in that second proceeding.

As a result of a different case from the proposed class action, which involves litigation between 2505243 Ontario Limited ("2505243") and Princes Gates GP Inc. in its Capacity as General Partner of Prices Gate Hotel Limited Partnership ("PGH") in which 2505243 established that PGH had breached its agreements with 2505243 relating to Hotel X and had acted in bad faith, a claims process has now been established that will result in over \$2,000,000.00 being distributed to class members who were employed by 2505243 and whose employment was terminated as a result PGH's breaches of its agreements with 2505243 on account of their statutory termination pay entitlements. Once these monies are distributed, we expect that the outcome we were seeking to obtain through the proposed class action will have been achieved. This is why the proposed class action is being discontinued.

If you were employed by 2505243 at Hotel X in March 2020 and your employment was terminated, you will likely hear from a claims administrator in the coming weeks regarding your entitlement to compensation. If you do not hear from the claims administrator before December 31, 2023, you can contact us to assess your eligibility via email at HotelXClassAction@cavalluzzo.com.

What does the discontinuance of the proposed class action mean for you?

Limitation periods for workers to file their own legal action against Peter & Paul's and Hotel X were suspended because of the proposed class action on March 16, 2022. However, since the proposed class action has been dismissed, limitation periods will have resumed running as of December 31, 2023. If there is any time left on any limitation period that applies to you, on the expiry of your limitation period, a right to sue or complain may be extinguished. If you require further information regarding your legal rights, it is recommended that you obtain legal advice from a lawyer of your choice. You are responsible for your own legal fees.

Nichole Stephanie Rendon et al.
Plaintiffs

-and- **2505243 Ontario Limited c.o.b. bypeterandpaul.com, et al.**
Defendants

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**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT
TORONTO

ORDER

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