

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

B E T W E E N:

**LONDON VALLEY IV INC.,
by its Court-Appointed Receiver and Manager, KSV RESTRUCTURING INC.**

Plaintiff

and -

**BEHZAD PILEHVER also known as BEN PILEHVER also known as BEHZAD
PILEHVAR also known as BEN PILEHVAR also known as BEN PILEVHR, MAHTAB
NALI also known as MAHTAB NALI PILEHVAR also known as MAHTAB PILEHVAR
and 2621598 ONTARIO INC. doing business as NALI AND ASSOCIATES**

Defendants

**AIDE-MÉMOIRE OF THE PLAINTIFF
(Case Conference returnable on September 23, 2025 at 10:00 a.m.)**

1. This aide-mémoire is filed by the Receiver further to the Endorsement of the Honourable Madam Justice J. Dietrich dated September 9, 2025¹ (the “**September 9 Endorsement**”) which adjourned a case conference held on that date to this September 23, 2025 case conference.

Status of the Proceeding and Mareva Orders Issued August 7 and 15, 2025

2. Pursuant to the authority given to the Receiver in the Order (Appointing Receiver) issued by this Court on March 6, 2025² (the “**Appointment Order**”), this action was commenced by the Receiver on August 5, 2025³ on behalf of the Plaintiff, London Valley IV Inc. (“**LV IV**”).

3. On August 7, the Receiver obtained an *ex parte* Order⁴ (the “**August 7 Order**”) granting a *Mareva* injunction as against the Defendants. At a comeback hearing on August 15, Justice J.

¹ September 9 Endorsement, Case Centre, p. [G36](#).

² Appointment Order, Case Centre, p. [A74](#). Paragraph 4(t) of the Appointment Order empowered and authorized the Receiver to trace and follow the proceeds of the LV IV Property which is listed in Schedule “B” to the Appointment Order: see Case Centre, p. [A81](#) (para. 4(t) of the Appointment Order) and [A96](#) (Schedule “B” to Appointment Order).

³ Notice of Action issued August 5, 2025, Case Centre, p. [A1499](#).

⁴ The August 7 Order, Case Centre, p. [G9](#). The August 7 endorsement of Justice Dietrich (the “**August 7th Endorsement**”) pursuant to which the August 7 Order was granted is at Case Centre, p. [G1](#).

Dietrich granted an Order (the “**August 15 Order**”) and accompanying Endorsement⁵ (the “**August 15 Endorsement**”) continuing the August 7 Order.⁶

4. The Defendants, Mahtab Nali and Nali and Associates, remain unresponsive in this proceeding despite having been personally served with the Notice of Action, Statement of Claim and the August 7 and August 15 Orders and endorsements.⁷

5. At the September 9, 2025 case conference, the Defendant Mr. Pilehver was permitted an extension to deliver his sworn statement of assets by September 16, which sworn statement is required by paragraph 5 of the August 7 Order. Justice J. Dietrich directed that aide-mémoires should thereafter be filed by September 19, and that if a motion to vary the August 7 and August 15 Orders is proposed by the Defendants, a suggested schedule for the hearing of that motion should be included in the aide-mémoires. No such motion is proposed by the Defendants.

Delivery of Mr. Pilehver’s Sworn Statement of Assets and Service of Notice of Examination

6. In purported compliance with paragraph 5 of the August 7 Order, Mr. Pilehver delivered a two page sworn statutory declaration (the “**Stat Dec**”) on September 16 without any supporting documents.⁸

7. The Stat Dec fails to comply with paragraph 5 of the August 7 Order. It refers to, among other things: (i) a General Partnership Agreement (the “**GPA**”) pursuant to which Mr. Pilehver

⁵ August 15 Order, Case Centre, p. [G20](#); August 15 Endorsement, Case Centre, p. [G17](#).

⁶ In support of the August 7 and 15 Orders, the Receiver relied upon the Third Report of the Receiver dated August 1, 2025 (the “**Third Report**”), Case Centre, p. [A35](#); the Supplement to the Third Report dated August 5, 2025, Case Centre p. [A1425](#); the Second Supplement to the Third Report dated August 13, 2025, Case Centre p. [A1530](#); and the Factum of the Plaintiff dated August 1, 2025, Case Centre, p. [A1438](#).

⁷ Affidavit of Service of L. Maitman, Case Centre, p. [A1495](#); Affidavit of Service of L. Maitman, Case Centre, pp. [A2271](#) and [A2272](#).

⁸ To abide by the Court’s September 9 Endorsement that aide-mémoires be limited to 3 pages, Mr. Pilehver’s Stat Dec has not been filed as part of this aide-mémoire, but can be made available to the Court at or in advance of the September 23 case conference at the Court’s request.

claims to hold a 25% interest in: (a) certain real properties; and (b) a charge in the amount of \$20MM registered on title to certain other real properties; and (ii) various corporate entities (the “**Entities**”) he claims to own. Mr. Pilehver did not disclose the GPA given it is subject to “confidentiality terms” protecting the identities of the other partners, nor the details of his ownership of the Entities.

8. The Stat Dec also refers to an unspecified quantum of funds held in an unspecified bank account (the “**Unspecified Account**”), yet Mr. Pilehver provided no details regarding same. With respect to his withholding of the details of this account, Mr. Pilehver has asserted paragraph 7 of the August 7 Order, the Ontario *Evidence Act*, the *Canada Evidence Act*, and the *Charter*, none of which excuse Mr. Pilehver from withholding such production.⁹ No motion has been brought by him to excuse such relevant production as required by paragraph 5 of the August 7 Order.

9. The Receiver’s counsel contacted Mr. Pilehver’s counsel on September 18 with the intention of addressing these issues and the scheduling of Mr. Pilehver’s examination in accordance with paragraph 6 of the August 7 Order. Mr. Pilehver’s counsel, Peter Henein, advised that he would be seeking to be removed as Mr. Pilehver’s lawyer of record, and therefore had no instructions to discuss the matter. Mr. Henein indicated that he would attend this case conference to inform the Court of his intention to withdraw, and that he would not be serving an aide-mémoire on behalf of Mr. Pilehver.

10. Given the foregoing, the Receiver served its Notice of Examination for its examination of Mr. Pilehver returnable on September 30, 2025. In advance, the Receiver asks that the Court order Mr. Pilehver to produce to the Receiver: (i) the GPA or a redacted version;¹⁰ and (ii) the nature, value and location of (a) his shareholding interests in the Entities; and (b) the Unspecified Account.

⁹ See, for example, *ACI Brands Inc. v. Pow*, [2014 ONSC 2784](#) at para. 10.

¹⁰ Rules [30.04\(2\)](#) and [30.04\(5\)](#) of the *Rules of Civil Procedure*. The Receiver would accept a redacted version which solely redacts the identity of the partners, while reserving the Receiver’s right to seek an unredacted copy.

All of which is respectfully submitted this 19th day of September, 2025.



Per: _____

AIRD & BERLIS LLP

Barristers and Solicitors

Brookfield Place

181 Bay Street, Suite 1800

Toronto, Ontario M5J 2T9

Mark van Zandvoort (LSO No. 59120U)

Email: mvanzandvoort@airdberlis.com

Kyle Plunkett (LSO No. 61044N)

Email: kplunkett@airdberlis.com

Adrienne Ho (LSO No. 68439N)

Email: aho@airdberlis.com

Calvin Horsten (LSO No. 90418I)

Email: chorsten@airdberlis.com

Lawyers for the Plaintiff

LONDON VALLEY IV INC.,
by its Court-Appointed Receiver and Manager,
KSV RESTRUCTURING INC.
Plaintiff

- and -

BEHZAD PILEHVER et al.

Defendants

Court File No. CV-25-00748799-00CL

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Proceedings commenced at Toronto

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AIRD & BERLIS LLP

Brookfield Place
181 Bay Street, Suite 1800
Toronto, ON M5J 2T9

Mark van Zandvoort (LSO No. 59120U)

Email: mvanzandvoort@airdberlis.com

Kyle Plunkett (LSO No. 61044N)

Email: kplunkett@airdberlis.com

Adrienne Ho (LSO No. 68439N)

Email: aho@airdberlis.com

Calvin Horsten (LSO No. 90418I)

Email: chorsten@airdberlis.com

Lawyers for the Plaintiff