



June 19, 2023

Le 19 juin 2023

ORDER
MOTION

ORDONNANCE
REQUÊTE

JOHN AQUINO, 2304288 ONTARIO INC., MARCO CARUSO, GIUSEPPE ANASTASIA A.K.A. JOE ANA AND LUCIA COCCIA A.K.A. LUCIA CANDERLE v. ERNST & YOUNG INC., IN ITS CAPACITY AS COURT-APPOINTED MONITOR OF BONDFIELD CONSTRUCTION COMPANY LIMITED AND KSV KOFMAN INC., IN ITS CAPACITY AS TRUSTEE-IN-BANKRUPTCY OF 1033803 ONTARIO INC. AND 1087507 ONTARIO LIMITED
(Ont.) (40166)

- and between -

LORNE SCOTT, JANET ARSENAULT, JEREMY MITCHELL, JOSÉE BOUCHARD, LE THU NGUYEN, MARK MCKENNA, JUDY MCKENNA, SUSAN MCKILLIP, 1531425 ONTARIO INC., JOE MESSA AND ERNEST TOSTE v. DOYLE SALEWSKI INC. IN ITS CAPACITY AS TRUSTEE IN BANKRUPTCY OF GOLDEN OAKS ENTERPRISES INC. AND JOSEPH GILLES JEAN-CLAUDE LACASSE
(Ont.) (40399)

ROWE J.:

UPON APPLICATION by the Attorney General of Ontario for leave to intervene in the appeals *John Aquino, et al. v. Ernst & Young Inc., in its capacity as Court-Appointed Monitor of Bondfield Construction Company Limited, et al.* (40166) and *Lorne Scott et al. v. Doyle Salewski Inc., in its capacity as Trustee in Bankruptcy of Golden Oaks Enterprises Inc., et al.* (40399);

AND UPON APPLICATION by the Insolvency Institute of Canada for leave to intervene in the appeal *John Aquino, et al. v. Ernst & Young Inc., in its capacity as Court-Appointed Monitor of Bondfield Construction Company Limited, et al.* (40166);

AND THE MATERIAL FILED having been read;

IT IS HEREBY ORDERED THAT:

The motions for leave to intervene are granted and the said interveners shall be entitled to each serve and file a single factum, not to exceed ten (10) pages in length, on or before July 31, 2023.

The said interveners are granted permission to each present oral argument not exceeding five (5) minutes at the hearing of the appeals.

The interveners are not entitled to raise new issues or to adduce further evidence or otherwise to supplement the record of the parties but to confine their submissions to the implications of the Court's determination of the issues raised by the parties.

The appellants, John Aquino, 2304288 Ontario Inc., Marco Caruso, Giuseppe Anastasio a.k.a. Joe Ana and Lucia Coccoa a.k.a. Lucia Canderle are granted permission to serve and file a single factum in reply to both interventions in 40166 not to exceed ten (10) pages in length, on or before August 14, 2023.

The respondents, Ernst & Young Inc., in its capacity as Court-Appointed Monitor of Bondfield Construction Company Limited and KSV Restructuring Inc. in its capacity as Trustee-in-Bankruptcy of 1033803 Ontario Inc. and 1087507 Ontario Limited are granted permission to each serve and file a single factum in reply to both interventions in 40166 not to exceed ten (10) pages in length, on or before August 14, 2023.

The respondents, Doyle Salewski Inc, in its capacity as Trustee in Bankruptcy of Golden Oaks Enterprises Inc. and Joseph Gilles Jean Lacasse are granted permission to serve and file a single factum in reply to the intervention of the Attorney General of Ontario in 40399 not to exceed ten (10) pages in length, on or before August 14, 2023.

The factums in reply are to be directed to points raised in the intervener factums only.

Pursuant to Rule 59(1)(a) of the *Rules of the Supreme Court of Canada*, the interveners shall pay to the appellants and the respondents any additional disbursements resulting from their interventions.

A handwritten signature in black ink that reads "Malcolm Rowe". The signature is written in a cursive, flowing style.

J.S.C.C.
J.C.S.C.