

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE
JUSTICE HAINEY

Monday, THE *22*
DAY OF *JUNE*, 2020

B E T W E E N:

KSV KOFMAN INC. in its capacity as Trustee-in-Bankruptcy of 1033803 ONTARIO INC.
and 1087507 ONTARIO LIMITED

Applicant

- and -

JOHN AQUINO, MARCO CARUSO, GIUSEPPE ANASTASIO a.k.a. JOE ANNA, THE
ESTATE OF MICHAEL SOLANO, LUCIA COCCIA a.k.a. LUCIA CANDERLE,
DOMINIC DIPEDE, 2483251 ONTARIO CORP. a.k.a. CLEARWAY HAULAGE,
MMC GENERAL CONTRACTING, MTEC CONSTRUCTION, STRADA HAULAGE,
2104664 ONTARIO INC., and 2304288 ONTARIO INC.

Respondents

ORDER

THIS MOTION, made by the Applicant, KSV KOFMAN INC. in its capacity as Trustee-in-Bankruptcy of 1033803 ONTARIO INC. and 1087507 ONTARIO LIMITED, and not opposed by any party, for an order ordering that the applications bearing court file numbers CV-19-00630908-00CL and CV-20-00636754-00CL be heard together, was heard this day by judicial teleconference via Zoom at Toronto, Ontario.

ON READING the notice of motion and on hearing the submissions of counsel for the Trustee and such other counsel as were present,

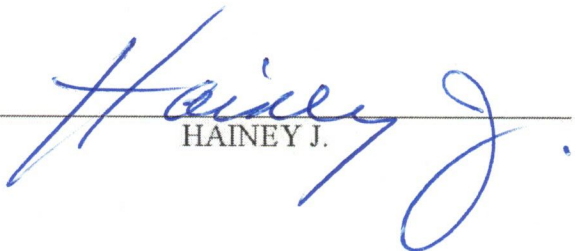
1. THIS COURT ORDERS that the applications bearing Court File Numbers CV-20-00636754-00CL and CV-19-00630980-00CL be heard at the same time;

2. THIS COURT ORDERS that evidence adduced and admitted in one application, unless otherwise objected to by a party, shall be deemed to be evidence in both applications;

(a) If a party chooses to object under this paragraph to the admission of documentary evidence in both applications, that party must do so at the earliest possible opportunity and in any event no later than 14 days following the delivery of reply materials. Following the receipt of an objection, any party may choose to challenge the objection at the hearing or, no later than 10 days after the receipt of the objection, introduce further evidence of similar nature in the objected-to proceeding;

(b) If a party objects to evidence elicited during a cross-examination (testimonial or documentary) being tendered in both applications, that party shall make their objection known during the cross-examination, and provide reasonable opportunity to all other parties to elicit further evidence of a similar nature in the objected-to proceeding, during the relevant cross-examination; and

3. THIS COURT ORDERS that all materials filed in either Application be served on all Applicants and Respondents who have delivered notices of appearance in either of the Applications.


HAINEY J.

KSV KOFMAN INC. in its capacity as Trustee- v.
in-Bankruptcy of 1033803 ONTARIO INC. and
1087507 ONTARIO LIMITED

Applicant

JOHN AQUINO et. al.

Respondents

Court File No. CV-20-00636754-00CL

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Proceeding commenced at TORONTO

ORDER

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