

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

BETWEEN:

ERNST & YOUNG INC., in its capacity as Court-Appointed Monitor
of Bondfield Construction Company Limited

Applicant

- and -

JOHN AQUINO, MARCO CARUSO, GIUSEPPE ANASTASIO a.k.a. JOE ANA,
LUCIA COCCIA a.k.a. LUCIA CANDERLE, THE ESTATE OF MICHAEL SOLANO,
GIOVANNI ANTHONY SIRACUSA a.k.a. JOHN SIRACUSA,
2483251 ONTARIO CORP. a.k.a. CLEARWAY HAULAGE,
2420595 ONTARIO LTD. a.k.a. STRADA HAULAGE, 2304288 ONTARIO INC.,
2466601 ONTARIO INC. a.k.a. MMC CONTRACTING,
2420570 ONTARIO LTD. a.k.a. MTEC CONSTRUCTION,
TIME PASSION, INC. and RCO GENERAL CONTRACTING LTD.

Respondents

Endorsement

August 26 2020

At a case conference held today in the above noted matter, I provided the following directions:

1. With respect to cross-examination of parties to this Application:
 - a. John Aquino shall not attend in person at the cross-examination of any other parties or witnesses in connection with this Application. Mr. Aquino shall be permitted to attend such examinations remotely provided that Mr. Aquino's camera shall remain off if a video conference function is used.
 - b. All other parties to this Application shall be permitted to attend in person at the examinations of any other parties or witnesses, subject to compliance with applicable COVID-19 requirements.
2. The Application has been scheduled to be heard on September 14, September 15 and (if required) September 16 before Justice Dietrich. The parties are directed to coordinate a case conference with Justice Dietrich regarding the logistics for the hearing of this matter and in particular the format and location.
3. Matters regarding funding for criminal counsel to John Aquino remain under reserve and further submissions in connection with this matter will not be heard at this time.

4. Submissions regarding John Aquino's request for Minutes of Settlement between the Monitor and Domenic Dipede shall be heard at a case conference scheduled before me on August 28th. I am informed that Mr. Dipede's counsel is scheduled to be in attendance at that case conference. I am advised that in light of the settlement, the Monitor and Trustee no longer intend to cross-examine Domenic DiPede. Any requests by John Aquino to cross-examine Domenic DiPede shall be addressed to his counsel and any dispute shall be heard by me at the same case conference.
5. I am advised that Steven Aquino has sworn an affidavit in this Application that includes certain information that is currently the subject of a sealing order of Justice Conway. This affidavit may be provided by the Monitor to the parties to this Application, to the Trustee in Bankruptcy of the Forma-Con entities, the parties to the Trustee's companion Application, to Zurich Insurance and Bridging Finance provided that such parties execute non-disclosure agreements to maintain the confidentiality of this affidavit. This direction does not vary the sealing order previously made by Justice Conway and is subject to any further order that may be made by Justice Conway regarding this matter.

August 26, 2020

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