

Superior Court of Justice  
Commercial List

FILE/DIRECTION/ORDER

In the MATTER OF A PLAN OF  
Plaintiff(s)

AND

Compromise of FORME Development Group  
Defendant(s)  
INC.

Case Management  Yes  No by Judge: \_\_\_\_\_

Counsel	Telephone No:	Facsimile No:
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CHRIS BESANT	416-865-6600	416-865-6636

- Order  Direction for Registrar (No formal order need be taken out)
- Above action transferred to the Commercial List at Toronto (No formal order need be taken out)

Adjourned to: \_\_\_\_\_ COSTS DECISION

Time Table approved (as follows): \_\_\_\_\_

① On February 20, 2020 I granted  
 the Monitor's Motion for an  
 order annulling assignments into  
 bankruptcy that had been made  
 on January 28, 2020 by The  
 April 20, 2020

Date

Judge's Signature

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Judges Endorsment Continued

found Non-Applicants in respect of which Mike Wong is the controlling and directing mind.

② The Monitor seeks its partial indemnity costs of the motion in the amount of \$25,000 against Mr Wong in his personal capacity.



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## Judges Endorsment Continued

③ In granting the Monitor's motion I concluded that the assignments would "no valid purpose" and, if not annulled, would "stay the Court-approved claims process at the expense of creditors and the Court will not accomplish anything already achieved"



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by these unique and heavily negotiated CAA proceedings.”

④ Mr Wong was responsible for the Non-Applicants making the assignments in the first place and for directing them to oppose the Motions which sought to annul them.



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## Judges Endorsment Continued

⑤ These actions by Mr Wong were clearly an abuse of the bankruptcy process and of this court's process. As a result I have concluded that he is personally responsible for the costs of this Motion because he is the controlling



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mind of The Non-Applicants  
and directed them to  
close the bankruptcy  
process and the court  
process for a wrongful  
or collateral purpose.

⑥ I do not accept  
Mr Bevan's submission  
that costs should be  
awarded against The Non



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applicant, but not Mr  
Wong for these reasons.

⑦ Mr Bennett concedes that  
costs should be awarded

to the Monitor in the

amount of \$25,000. I

agree that an all-inclusive

costs award on a partial

indemnity basis of \$25,000

is fair and reasonable



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and ought to have been  
within the reasonable  
contemplation of Mr. Wong.

⑧ I agree with Mr. Berault's  
submission as to why  
costs of this motion  
should not be awarded  
to The Fedina Group.  
However, I note that  
on April 15, 2020 I granted



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Ferina's related motion  
against Mr Wang. It is,  
of course, open to Ferina  
Group to seek its costs of  
that motion against Mr.  
Wang.

⑨ Mike Wang is ordered to pay  
\$25,000 in costs to the Plaintiff  
within 15 days.

Harvey J

April 20, 2020