



Court File No. CV-23-00700695-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

THE HONOURABLE
MADAM JUSTICE STEELE

) THURSDAY, THE 24TH DAY
) OF APRIL, 2025

B E T W E E N:

(Court Seal)

MARSHALLZEHR GROUP INC.

Applicant

and

LA PUE INTERNATIONAL INC.

Respondent

APPLICATION UNDER SUBSECTION 243(1) OF THE *BANKRUPTCY AND
INSOLVENCY ACT*, R.S.C. 1985, c.B-3, AS AMENDED, AND SECTION 101 OF
THE *COURTS OF JUSTICE ACT*, R.S.O. 1990, c.C.43, AS AMENDED

ORDER

THIS MOTION, made by Buttcon Limited, a lien claimant, for an order temporarily lifting the stay of proceedings for the limited purpose of setting down certain claims in the Lien Proceedings (defined below) and for an order with respect to the set down requirements under the *Construction Act*, R.S.O.1990, c. C.30 as amended, was read this day at 330 University Avenue, Toronto, Ontario.

ON READING the Consent of the parties, filed,

1. **THIS COURT ORDERS** that the stay of proceedings provided by the Order of the Honourable Mr. Justice Cavanagh dated October 19, 2023 (the “**Receivership Order**”) is hereby lifted for the sole purpose of and to the extent of the relief granted in this order.

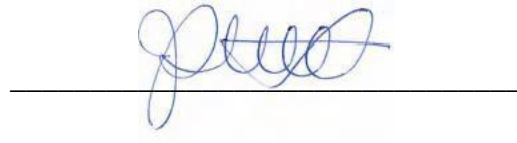
2. **THIS COURT ORDERS** that in order to avoid the adverse implications of the two-year limitation period under the *Construction Act* R.S.O. 1990, c. C.30 as amended (“**Act**”), the lien proceedings listed in the attached **Schedule “A”** (“**Lien Proceedings**”) shall be deemed to have been set down for trial in accordance with section 37 of the *Act*, the trial of the Lien Proceedings shall be listed for trial in Welland, Ontario but shall not be called for trial until this matter has been pre-tried or further order or direction by this Honourable Court, and, in respect of matters related to *MarshallZehr Group Inc. v. La Pue International Inc.*, Court File No. CV-23-00700695-00CL, and the trial date to be fixed by this Honourable Court on dates to be agreed upon by this Honourable Court and counsel for the parties.

3. **THIS COURT ORDERS** that Trial Records need not be filed in the Lien Proceedings until so ordered by this Honourable Court or as agreed by counsel for the parties.

4. **THIS COURT ORDERS** that the Lien Proceedings are hereby set down for trial without prejudice to the parties’ rights to engage in the delivery of pleadings, and the process of production,

discovery and interlocutory motions in accordance with the *Rules of Civil Procedure* and/or the *Act*.

5. **THIS COURT ORDERS** that a copy of this Order may be filed in the court file of each of the Lien Proceedings.

A handwritten signature in blue ink is positioned above a solid horizontal line. The signature is stylized and appears to be a cursive representation of a name, possibly "J. H. H.". The line extends across the width of the signature.

Schedule “A” – List of Lien Claimants

Lien Claimant	Lien Amount	Court File No.
Buttcon Limited	\$8,205,941.87	CV-23-00014422-0000
Astro Excavating Inc.	\$494,853.95	CV-22-00060943-0000
TT Galbraith Electric Ltd.	\$23,278	N/A
Kada Group Inc.	\$841,498.31	CV-23-00014434-0000
Kada Group Inc.	\$123,734.28	CV-23-00014434-0000
HC Matcon Inc.	\$3,673,337.03	CV-23-00014365-0000
HC Matcon Inc.	\$43,630.39	CV-23-00014466-0000
HC Matcon Inc.	\$9,938.58	CV-23-00014673-0000

**MARSHALLZEHR GROUP INC.
v. LA PUE INTERNATIONAL INC.**

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(COMMERCIAL LIST)
PROCEEDING COMMENCED AT TORONTO

O R D E R

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