



ONTARIO SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

COUNSEL/ENDORSEMENT SLIP

COURT FILE NO.: CV-23-00700695-00CL

DATE: April 15, 2025

NO. ON LIST: 4

TITLE OF PROCEEDING: Marshallzehr Group Inc. v. La Pue International Inc. et al.

BEFORE: Justice Steele

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party:

Name of Person Appearing	Name of Party	Contact Info
Harvey Chaiton	Marshallzehr Group Inc.	harvey@chaitons.com

For Defendant, Respondent, Responding Party:

Name of Person Appearing	Name of Party	Contact Info
Fernando Souza	Buttcon Ltd.	fsouza@lawtoronto.com
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Andrew Beney	HC Matcon Inc., Lien Claimant	beney@paveylaw.com
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ENDORSEMENT OF JUSTICE STEELE:

[1] Case conference held via Zoom on April 15, 2025.

[2] The Receiver yesterday engaged a cost consultant to assess the lien claims and the work performed at the Real Property. The cost consultant's report is expected within a month.

- [3] The Receiver proposed the following process for the holdback issue, which the court accepts:
- a. After finalizing its review, the Receiver will issue notices to the lien claimants of the Receiver's conclusions as to the total quantum of the holdback (the "Lien Notices").
 - b. Each lien claimant shall have 14 days from the issuance of the Lien Notices to advise the Receiver if it accepts the Receiver's assessment, or objects to it, giving the factual and legal basis for such objection.
 - c. If a lien claimant delivers an objection, the lien claimant(s) and the Receiver can schedule a 9:30 appointment to determine the manner in which these issues will be resolved.
 - d. If the sole issue to be determined is the allocation of the holdback among the lien claimants, that issue may be referred to an Associate Judge.
- [4] In addition to the holdback issue, there is the priority issue. Marshallzehr has brought a motion on this issue, but it has not yet been re-scheduled. The concern was a risk of conflicting factual findings. The Receiver indicated that once the holdback issue has been addressed, relevant facts will also become known and the priorities motion may proceed.
- [5] The priorities motion is scheduled for **September 26, 2025 (full day)**. If the parties are unable to agree upon a schedule for delivery of materials, they may schedule a case conference before me through the Commercial List Office.

