



ONTARIO SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

COUNSEL/ENDORSEMENT SLIP

COURT FILE NO.: CV-25-00743761-00CL

DATE: July 9, 2025

NO. ON LIST: 4

TITLE OF PROCEEDING:

KSV Restructuring Inc., In Its Capacity As Court-Appointed Receiver And Manager Of Productivity Media Inc. and Productivity Media Income Fund ILP, And Not In Its Personal Capacity
v.
MNP LLP

BEFORE: JUSTICE KIMMEL

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party:

Name of Person Appearing	Name of Party	Contact Info
Jeff Larry, Counsel	KSV Restructuring	jeff.larry@paliareroland.com
Bobby Kofman, Receiver	KSV Restructuring	bkofman@ksvadvisory.com

For Defendant, Respondent, Responding Party:

Name of Person Appearing	Name of Party	Contact Info
Adam Casey, Counsel	MNP LLP	acasey@agmlawyers.com
Ken Dekker, Counsel		kdekker@agmlawyers.com

ENDORSEMENT OF JUSTICE KIMMEL:

- [1] This was a case conference convened to address preliminary timetabling of the pleadings and discovery stages of this auditor's negligence claim.

- [2] The plaintiff/Receiver is anxious to move forward with this claim and has been trying to engage with MNP regarding production of its audit files dating back to before the action was commenced. The Receiver proposes a deadline for the defence at the end of August and mid-October for the exchange of productions.
- [3] MNP now has appointed counsel and the process of collecting and reviewing the audit files and other productions is underway. MNP intends to deliver a demand for particulars and request to inspect documents and has now committed to do so by Friday July 18, 2025. The court reminded counsel to keep in mind that the scope of particulars that it is appropriate to request in fraud cases may be narrower than in other cases given the limitations that the plaintiff may be operating under without yet having had access to the defendants' productions.
- [4] The Receiver intends to respond as soon as possible to these demands, likely within a few weeks. With that timing in mind, MNP will advise the Receiver by August 29, 2025 whether it is satisfied with the responses to its demands for purposes of responding to the statement of claim and, if so, when it expects to deliver its responding pleading and any third party claims; or if not, MNP shall advise the Receiver by August 29, 2025 what it considers still to be outstanding with respect to the requested particulars and documents.
- [5] In the meantime, the parties will also work on a discovery plan (the Receiver shall prepare a first draft).
- [6] A further one hour case conference has been scheduled on September 17, 2025 commencing at 11:00 a.m. The purpose of this case conference will be to try to timetable (based on the parties' agreement or with the court's assistance) the remainder of the pleadings and discovery stages. If MNP has identified parties against which/whom it intends to commence third party claims (including any parties that the Receiver has already separately commenced actions against arising out of the same alleged fraud), they should be invited to this case conference.
- [7] Any participating party may deliver and file an Aide Memoire of up to three pages double spaced in advance of the next case conference, to update the court on what has been agreed to and, if not agreed, what the competing proposals are regarding the timetable for pleadings, productions and discoveries. These shall be delivered and uploaded into the appropriate hearing bundle in Case Center by no later than 4:30 p.m. on September 15, 2025.

A handwritten signature in dark ink, appearing to read "Kimmel J.", with a stylized, cursive script.

KIMMEL J.