

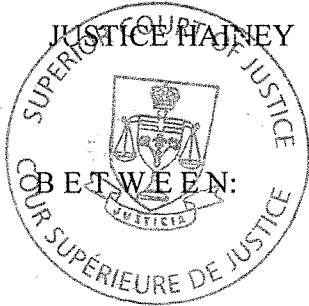
ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

THE HONOURABLE MR.

) THURSDAY, THE 23rd

)
) JUSTICE HAINES

) DAY OF JANUARY, 2020



ECN FINANCIAL INC.

Applicant

- and -

2345760 ONTARIO INC., RANDO DRUGS LTD., 2275518 ONTARIO INC., FAMILY HEALTH PHARMACY WEST INC. formerly known as M. BLACHER DRUGS LTD., 2501380 ONTARIO INC., 2527218 ONTARIO INC., DUMOPHARM INC. and 2527475 ONTARIO INC.

Respondents

ORDER
(Motion re Mahmood Deposit)

THIS MOTION, made by KSV Kofman Inc. (“KSV”) in its capacity as the Court-appointed receiver (in such capacity, the “Receiver”) of the property, assets and undertaking of Rando Drugs Ltd. (“Rando”) and the other Respondents for advice and directions with respect to the release of the Mahmood Deposit (defined below), was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Receiver’s Motion Record, including the Notice of Motion and the first report of the Receiver dated January 16, 2020 (the “**First Report**”), and on hearing the submissions of counsel for the Receiver and those other parties present no one appearing for any

other person on the service list, although properly served as appears from the affidavit of Katie Parent sworn January 16, 2020, filed:

NOTICE AND SERVICE

1. **THIS COURT ORDERS** that the time for service of the Motion Record in respect of this motion and the First Report is hereby abridged and validated so that the motion is properly returnable today, and that further service thereof is hereby dispensed with.

MAHMOOD DEPOSIT

2. **THIS COURT ORDERS AND DIRECTS** the Receiver to authorize the release of the deposit funds being held by RE/MAX West Realty Inc. (“**RE/MAX**”) in the amount of \$400,000.00 (plus any accrued interest) (the “**Mahmood Deposit**”) to the Receiver and Almas Mahmood (“**Mahmood**”) or as she may direct in the following amounts:

- (a) To the Receiver: \$20,000 plus HST in respect of its costs; and
- (b) The balance to Mahmood (the “**Returned Funds**”).

3. **THIS COURT ORDERS** upon receipt of the authorization from the Receiver above, RE/MAX shall forthwith release the Mahmood Deposit and shall be entitled to rely on the Receiver’s authorization without any further liability.

THE WINDSOR COURT APPLICATION AGAINST RANDO

4. **THIS COURT ORDERS** that leave is granted to Almas Mahmood to file a notice of abandonment with prejudice and without costs of its application currently pending before the Ontario Superior Court of Justice in Windsor bearing Court File No. CV-19-27827 (the “**Mahmood Application**”) and the Receiver shall consent to the filing of such notice.

THE TORONTO COURT ACTION BY RANDO

5. **THIS COURT ORDERS** that the Receiver shall forthwith file a notice of discontinuance without costs, of the action currently pending before the Ontario Superior Court of Justice in Toronto bearing Court file No. CV-19-00621535-0000, (the “**Rando Action**”) on

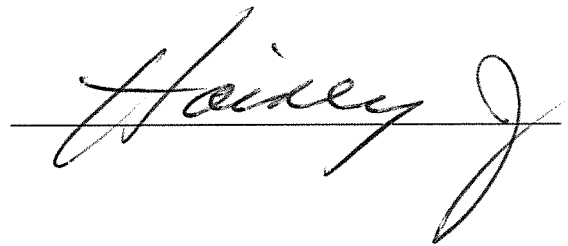
the term that Rando Drugs Ltd. and/or the Receiver may not commence another action for the same subject matter as this action.

RECEIVER'S COSTS

6. **THIS COURT ORDERS** that the Receiver and its counsel shall be entitled to its costs of this matter including reviewing all applicable material, bringing this motion and dismissing the action and application referred to in paragraphs 4 and 5 in an amount of \$20,000 plus HST.

MISCELLANEOUS

7. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or in the United States to give effect to this Order and to assist the Receiver and its agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Receiver, as an officer of this Court, as may be necessary or desirable to give effect to this Order or to assist the Receiver and its agents in carrying out the terms of this Order.

A handwritten signature in cursive script, reading "Hainey J.", is written over a horizontal line.

ENTERED AT / INSCRIT À TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO:

JAN 23 2020

PER / PAR:

A small, handwritten signature or mark, possibly initials, is written above the "PER / PAR:" text.

ECN FINANCIAL INC. and 2345760 ONTARIO INC., et al.

Applicant

Respondents

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST
Proceeding commenced TORONTO

ORDER
(Motion re Mahmood Deposit)

GOLDMAN SLOAN NASH & HABER LLP
480 University Avenue, Suite 1600
Toronto ON M5G 1V2
Fax: 416-597-3370

Jennifer Stam (LSO #46735J)
Tel: 416-597-5017
Email: stam@gsnh.com

Lawyers for the Receiver, KSV Kofman Inc.