



SUPERIOR COURT OF JUSTICE
COUNSEL/ENDORSEMENT SLIP

COURT FILE

NO.: CV-21-663051-00CL

DATE: September 28, 2022

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TITLE OF PROCEEDING **KINGSETT MORTGAGE CORPORATION v SUNRISE ACQUISITIONS (HWY 7) INC**
BEFORE MR. JUSTICE OSBORNE

NAMES OF COUNSEL AND PARTY:

APPLICANT(S) KINGSETT MORTGAGE CORPORATION PHONE _____
 PLAINTIFF EMAIL _____

NAMES OF COUNSEL AND PARTY:

DEFENDANT(S): PHONE _____
 RESPONDENT(S): SARA MOSADEQ COUNSEL FOR SUNRISE ACQUISITIONS (HWY 7) INC
 DEFENDANT(S) EMAIL sara@rarlitigation.com
 RESPONDENT(S) PHONE _____
EMAIL _____

NAMES OF COUNSEL AND OTHER PARTIES:

JOSHUA FOSTER COUNSEL FOR KSV RESTRUCTURING INC PHONE _____
fosterj@bennettjones.com
 JOSEPH BLINICK COUNSEL FOR KSV RESTRUCTURING INC blinickj@bennettjones.com
 INC & MARY PATERSON COUNSEL FOR MORTGAGE ADMINSTRATORS INC & NOAH GOLDSTEIN COUNSEL FOR KSV RESTRUCTURING INC EMAILS mpaterson@osler.com
ngoldstein@kvadvisory.com
EMAIL _____
EMAIL _____

ENDORSEMENT OF OSBORNE, J.

[1] This motion was scheduled to be heard on December 9, 2022 for a full day pursuant to a timetable, made on consent of the parties, all as ordered by Justice McEwen on July 26, 2022.

[2] Among other things, the timetable required responding materials to be delivered by September 16. That was not done. Counsel for the Respondents today seeks an adjournment of the motion on the basis that it only recently retained an expert, MNP, to respond to the motion and the report of MNP is not yet complete.

[3] There is a dispute about when the key issues on the motion became centrally relevant and contested, although the materials of the moving parties were delivered to the Respondents last year.

[4] The December 9, 2022 date is vacated. The motion will be heard for a full day on December 20, 2022, commencing at 10 AM. All responding materials, including any evidence from the expert for the Respondents, MNP, as well as any evidence relating to other issues including the authenticity of an electronic mail message apparently in issue, shall be delivered by October 18, 2021. Counsel for the Respondents confirms that this will allow sufficient time for the responding record to be complete. In the circumstances, that date for delivery of responding materials is peremptory on the Respondents.

[5] All counsel have confirmed their availability for the motion hearing date of December 9.

Osborne, J.