

KSV KOFMAN INC. in its capacity as Receiver and Manager of  
Certain Property of Scollard Development Corporation, et al.  
Plaintiff

JOHN DAVIES et al.

Defendants

Court File No: CV-17-11822-00CL

July 17/17

July 17/17

ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)

PROCEEDING COMMENCED AT  
TORONTO

MOTION RECORD  
(Motion for an Extension of the *Mareva* Injunction -  
Returnable July 17, 2017)  
Volume I of II

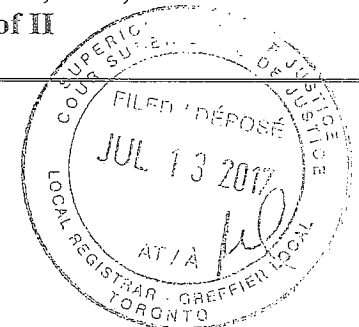
BENNETT JONES LLP  
3400 One First Canadian Place  
P.O. Box 130  
Toronto ON M5X 1A4

Sean Zweig (LSUC#573071)  
Phone: (416) 777-6254  
Email: zweigs@bennettjones.com

Jonathan Bell (LSUC#55457P)  
Phone: (416) 777-6511  
Email: bellj@bennettjones.com

Facsimile: (416) 863-1716

Lawyers for the Plaintiff



For kindred attached, order to go.  
Despite the Orders set out in the  
attached exhibit Mrs Davies is  
authorised and ~~allowed~~ allowed  
to access all spend up to an  
aggregate amount of \$25,000  
to return counsel and sustain brief  
for the return period.

*[Handwritten signature]*

Superior Court of Justice

(Name of Court)

at 393 University Avenue, 10th Floor, Toronto, Ontario

M5G 1E6

(Court office address)

Endorsement



Date	Applicant(s):	KSV KOFMAN Inc. et al.	<input type="checkbox"/>	Present
	<del>Counsel:</del>		<input type="checkbox"/>	Present
			<input type="checkbox"/>	Duty Counsel
	Respondent(s):	<del>REAL</del> JOHN DAVIES et al.	<input type="checkbox"/>	Present
	<del>Counsel:</del>		<input type="checkbox"/>	Present
			<input type="checkbox"/>	Duty Counsel
	<input type="checkbox"/> Order to go in accordance with minutes of settlement or consent filed.			
<p>THE COURT PREVIOUSLY FOUND A SUFFICIENTLY STRONG PRIMA FACIE CASE EXISTS AGAINST THE DEFENDANTS TO JUSTIFY EXTRAORDINARY PRETRIAL INJUNCTIVE RELIEF ISSUING AGAINST THEM. A VERY SUBSTANTIAL AMOUNT OF MONEY INVESTED BY PUBLIC SHAREHOLDERS APPEARS TO HAVE BE MISAPPROPRIATED AT FIRST BLUSH. WHETHER THAT CONCLUSION CHANGES AS THE MATTER PROCEEDS WILL BE DETERMINED AT A LATER DATE.</p> <p>THE Δs CONSENT TO A BRIEF CONTINUATION OF THE MAREVA INJUNCTION WITH NO ADMISSION THAT IT IS PROPER BUT MERELY TO ALLOW FOR A SCHEDULED, EFFICIENT HEARING &amp; PROCESS FOR HIS INTENDED MOTION TO SET THE INJUNCTION ASIDE. THE CONSENT THEREFORE IS WROLLY WITHOUT PREJUDICE TO THE Δs</p>				

1/2

Superior Court of Justice

(Name of Court)

at 393 University Avenue, 10th Floor, Toronto, Ontario  
M5G 1E6

(Court office address)

2

Endorsement

Date	Applicant(s):	<input type="checkbox"/>	Present
	Counsel:	<input type="checkbox"/>	Present
		<input type="checkbox"/>	Duty Counsel
	Respondent(s):	<input type="checkbox"/>	Present
	Counsel:	<input type="checkbox"/>	Present
		<input type="checkbox"/>	Duty Counsel

Order to go in accordance with minutes of settlement or consent filed.

IT CANNOT BE USED TO ANSWER ANY LATER  
ADJUSTMENTS THAT THEY MAKE.

THE RECEIVER ASKS TO EXTEND THE ORDER  
TO JUSTINA DAVIES PERSONALLY AND SHE AND  
TWO OTHERS AS TRUSTEES. THE RECEIVER HAS  
DEMONSTRATED THAT FUNDS FROM THE PUBLIC  
INVESTORS THAT ARE SUBJECT TO THE CLAIMS  
AGAINST US WE GIVEN TO MRS DAVIES AND  
ALL 3 TRUSTEES. AMONG OTHER THINGS,  
ALLEGEDLY MISAPPROPRIATED FUNDS ARE  
ADMITTED BY JOHN DAVIES TO HAVE BEEN  
USED TO BUY AND RENOVATE THE HOME IN  
ARIZONA THAT WAS PURCHASED THROUGH THE  
AZ. TRUST.

THE TRUST HAS A CLEAR CLAIM UNDER  
ONTARIO LAW TO OWNERSHIP OF AN

15

Superior Court of Justice

(Name of Court)

at 393 University Avenue, 10th Floor, Toronto, Ontario  
M5G 1E6

(Court office address)

Endorsement



Date	Applicant(s): .....	<input type="checkbox"/> Present
	Counsel: .....	<input type="checkbox"/> Present <input type="checkbox"/> Duty Counsel
	Respondent(s): .....	<input type="checkbox"/> Present
	Counsel: .....	<input type="checkbox"/> Present <input type="checkbox"/> Duty Counsel

Order to go in accordance with minutes of settlement or consent filed.

INTEREST IN PROPERTY PURCHASES WITH FUNDS IT PROVES AT TRIAL WERE MISAPPROPRIATED AND USED IN NON-ARMY'S LENGTHY TRANSACTIONS SUCH AS FUNDING ONE'S SPOUSE OR HOME.

I AM SATISFIED THAT DESPITE THE DAVIES UNDERTAKING TO HOLD THE AS PROPERTY, AN ORDER SHOULD ISSUE AS SOUGHT BY THE RELIEVER. THE COURT CANNOT PROTECT PUBLIC INVESTORS' ~~SHAREHOLDERS'~~ INTERESTS BY ACCEPTING THE WORDS OF SOMEONE WHO IS ALLEGED TO HAVE MISAPPROPRIATED AND HIDDEN MILLIONS OR TENS OF MILLIONS OF INVESTORS' MONEY. BUT IN LIGHT OF THE OFFER OF THE UNDERTAKING, I AM SATISFIED THAT THE BALANCE OF CONVENIENCE SUPPORTS THE ORDER SOUGHT. THERE IS A REAL RISK OF DISSIPATION OF

Superior Court of Justice

(Name of Court)

at 393 University Avenue, 10th Floor, Toronto, Ontario  
M5G 1E6

(Court office address)

Endorsement

4

Date	Applicant(s): _____	<input type="checkbox"/> Present
	Counsel: _____	<input type="checkbox"/> Present <input type="checkbox"/> Duty Counsel
	Respondent(s): _____	<input type="checkbox"/> Present
	Counsel: _____	<input type="checkbox"/> Present <input type="checkbox"/> Duty Counsel
<input type="checkbox"/> Order to go in accordance with minutes of settlement or consent filed.		
<p>ASSETS BY MRS. DAVIES AND THE TRUSTS. THEY ARE ALL UNDER MR. DAVIES CONTROL TO A GREATER OR LESSER EXTENT. MR. DAVIES SAYS HE HAS NO BANK ACCOUNT. HIS PERSONAL EXPENSES COME FROM THE CORPORATE Δ OR FROM FUNDS GIVEN BY THAT COMPANY TO MRS. DAVIES. Δ SHE IS BUT A FUNNEL THROUGH WHICH INVESTOR FUNDS ARE POURED AS PART OF THE LAUNDERING CYCLES OF CORPORATE SATITIES AND TRUSTS LINKS UP TO PROTECT AND HIDE POTENTIALLY ILL-GOTTEN <del>AND</del> FUNDS. MRS. DAVIES ALSO IN CONCERT WITH MR. DAVIES IN RESPONSE TO THEIR MORTGAGE'S SUPPORTS ENFORCEMENT EFFORTS AND RE-LISTING THEIR Toronto HOME DESPITE THIS COURT'S ORDER. MR. DAVIES SAYS THE REMEDY IS TOO LATE AS HE HAS</p>		

5

Superior Court of Justice

(Name of Court)

at 393 University Avenue, 10th Floor, Toronto, Ontario  
M5G 1E6

(Court office address)

Endorsement

5

Date	Applicant(s): .....	<input type="checkbox"/> Present
	Counsel: .....	<input type="checkbox"/> Present <input type="checkbox"/> Duty Counsel
	Respondent(s): .....	<input type="checkbox"/> Present
	Counsel: .....	<input type="checkbox"/> Present <input type="checkbox"/> Duty Counsel

Order to go in accordance with minutes of settlement or consent filed.

NO ASSETS LEFT. PERHAPS IT IS NOT TOO LATE TO FIND ~~IT'S~~ FUNDS (OR PROVED) WITH MRS DAVIES AND THE TRUSTS TO WHICH THEY WERE TITLED. MRS DAVIES ASKS HOW HER FAMILY IS TO SUSTAIN ITSELF. IF THIS IS A REFERENCE TO FUNDS THAT ORIGINATED WITH PUBLIC INVESTORS SUBJECT TO THIS ACTION, THE ANSWER IS THAT THE COURT WILL RESPOND TO REASONABLE REQUESTS FOR ACCESS TO FUNDS ON MRS. DAVIES PROVIDING FULL DISCLOSURE. SHE ALSO MAY HAVE SOME PERSONAL EMPLOYMENT FUNDS THAT SHE MIGHT BE ABLE TO SHOW ARE ENTIRELY INDEPENDENT OF IT'S CLAIMS.

THIS IS NOT A CASE FOR AN UNDERTAKING ON DAMAGES. IT ACTS FOR PUBLIC INVESTORS WHOSE FUNDS ARE MISSING. IF ~~IT'S~~ LEFT

Superior Court of Justice

(Name of Court)

at 393 University Avenue, 10th Floor, Toronto, Ontario

MSG 1E6

(Court office address)

Endorsement

6

Page

Date

THEMSELVES VULNERABLE TO EVEN SUCH  
EXTRAORDINARY RELIEF. AS A MATTER  
OF COURSE, THEN THEY HAVE TO BEAR THE  
RISK OF COSTS INCURRED DURING THE ENSUING  
INVESTIGATION OF THE IT'S STRONG PRIMA  
FACTE CASE.

ORDERS SIGNED AS ABOVE, THE  
COURT RESPECTFULLY REQUESTS THE AID  
AND RECOGNITION BY THE STATE ~~AND~~  
COURTS OF ARIZONA AND THE FEDERAL  
DISTRICT COURTS IN THAT STATE AS THIS  
COURT STANDS READY TO RECOGNIZE  
OUR NEIGHBOUR'S ORDERS AND PROBLEMS.

