

(Name of Court)

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

Endorsement

(Court office address)

Date

Sept 26/18

Applicant(s): VRBAW CORP JAPANESE Present

Counsel: MANAGEMENT INC et al Present

Duty Counsel

Respondent(s): Present

Counsel: Present

Duty Counsel

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

Factums are required on all motions (two days prior)

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THE MONITOR PROPOSES TO PROVIDE DOCUMENTS TO UCI AS PARENT COMPANY OF THE DEBTORS. UCI IS SUBJECT TO ISRAELI PROCEEDINGS WITH THE FUNCTIONARY HAVING BEEN RECOGNIZED HERE AS UCI'S LEGAL REPRESENTATIVE. UCI IS SIVING MR SASKIN IN ISRAEL. MR SASKIN SEEKS TO REASON THIS MOTION TO ALLOW HIM TO REVIEW THE DOCUMENTS THAT THE MONITOR PROPOSES TO RELEASE TO UCI.

THE MONITOR COMPILED THE DOCUMENTS BY COMPUTER-ASSISTED SEARCHES OF BOTH THE

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DOCTORS' DATABASES AND MR. SAKEN'S EMAIL ACCOUNT THAT HE USES FOR BOTH BUSINESS AND PERSONAL COMMUNICATION. THE DOCUMENT SET THAT HAS BEEN COLLECTED BY THE MONITOR IS, AS ALWAYS, IMPERFECT. IT INCLUDES FULLY ONE-THIRD OF ITS CONTENT BEING DOCUMENTS WITH DATES THAT ARE OUTSIDE THE DATE RANGE SOUGHT. IT INCLUDES PERSONAL EMAILS AND THE SAKEN'S PERSONAL TAX RETURNS. THE MONITOR HAS NO SKIN IN THE ISRAELI PROCEEDINGS AND SHOULD NOT THEREFORE BE SPENDING TIME OR MONEY REFINING THE DOCUMENTS. BY AN ARRANGEMENT TO ALLOW MR. SAKEN TO ROOT AROUND THE BUNDLE AND HOLD ALL PROBLEMS AT BAY HE HAS INCURRED TO CREATE PROFOUND CHALLENGES HERE) IS ALSO AN INAPPROPRIATE, INEFFICIENT PROCESS.

THERE IS NO EVIDENCE OF ANY LEGITIMATE BASIS FOR THIRD PARTIES TO OBJECT TO PRODUCTION OF THEIR CORRESPONDENCE WITH THE DOCTORS, INCLUDING THE SAKEN'S OWN ACTIVITY ON THEIR BEHALF.

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MR SACKIN WAS A LEGITIMATE INTEREST
IN PROTECTING HIS PERSONAL CORRESPONDENCE
THAT DID NOT INVOLVE THE BUSINESS OF
ANY URBANCORP ENTITY FROM DISCLOSURE
FROM HIS G-MAIL ACCOUNT. MR SACKIN
ALSO HAD A ~~LEGITIMATE~~ LEGITIMATE BASIS
TO ~~THE~~ ASSERT HIS PERSONAL LAWYER-
CLIENT PRIVILEGE, IF ANY, OVER DOCUMENTS
PROPOSED TO BE PRODUCED. OF COURSE THERE
IS NO PRIVILEGE AS BETWEEN CLIENTS IN A
JOINT RETAINER, SO HE CANNOT CLAIM
PERSONAL PRIVILEGE FOR DOCUMENTS THAT DEAL
WITH URBANCORP LEGAL ISSUES EVEN IF HE
WAS ~~THE~~ A CO-CLIENT IN A PARTICULAR
RETAINER.

I AGREE WITH MR DAVIS THAT MR
SACKIN IS ENTITLED TO TIME TO REVIEW
THE PROPOSED DOCUMENTS TO IDENTIFY
HIS PERSONAL, NON-URBANCORP DOCUMENTS,
AND ANY DOCUMENTS OVER WHICH HE CLAIMS
LAWYER-CLIENT PRIVILEGE. HE DOES NOT ACT
FOR ANYONE ELSE. NO ONE ELSE CHALLENGES

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THE ORDER SOUGHT. HE CANNOT ASSESS
~~STAY~~ OBJECTIONS FOR OTHERS. AN ANSWER
TO JULY TWENTY IS DUE.

THERE IS LITIGATION IN ISRAEL. IT
PREVENTS ALL PARTIES TO SLOW LITIGATION.
BUT MR SAKHNI'S RIGHTS ALSO NEED TO
BE RECOGNIZED AND WEIGHED IN THE
BALANCE.

I WILL RESOLVE ANY DOCUMENT
ISSUE RAISED BY MR SAKHNI DURING
THE WEEK OF AUGUST 20, 2018 AT A HEARING
TO BE SCHEDULED IF NECESSARY. ~~THE~~
I HAVE ADDED TO THE JUDGE'S DRAFT
REVISED ORDER: "IF THIS COURT ORDERS
THAT ALL documents that meet the Vol's
requests to which no objection under this
order is filed by July 24, 2018, shall
BE PRODUCED TO VOL FORTHWITH
THEREAFTER. ANY DISPUTES AS TO WHETHER
DOCUMENTS ~~ARE~~ OUGHT TO BE DISCLOSED WILL
BE DECIDED SUMMARILY BY ME ~~AT~~ ^{AT}
HEARING TO BE HELD DURING THE WEEK OF
AUGUST 20, 2018 IF NECESSARY."