

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE) TUESDAY, THE 29TH
)
JUSTICE CONWAY) DAY OF NOVEMBER, 2022

B E T W E E N:

(Court Seal)

MARGARITA CASTILLO

Applicant

and

XELA ENTERPRISES LTD., TROPIC INTERNATIONAL LIMITED,
FRESH QUEST INC., 696096 ALBERTA LTD., JUAN GUILLERMO
GUTIERREZ and CARMEN S. GUTIERREZ, Executor of the Estate of
Juan Arturo Gutierrez

Respondents

AND IN THE MATTER OF THE RECEIVERSHIP OF XELA ENTERPRISES LTD.

COSTS ORDER

THIS MOTION for costs, made by KSV Restructuring Inc. (“**KSV**”), in its capacity as the Court-appointed receiver and manager (in such capacity, the “**Receiver**”), without security, of the assets, undertakings, and property of Xela Enterprises Ltd. (“**Xela**”), was heard in writing at Toronto, Ontario.

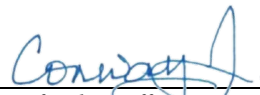
WHEREAS, on June 29, 2022, following a four-day hearing, this Court held Juan Guillermo Gutierrez (“**Mr. Gutierrez**”) in civil contempt for the breach of the Order of McEwen J. dated July 5, 2019 (the “**Appointment Order**”).

WHEREAS, on October 17, 2022, following a half-day hearing, this Court sentenced Mr. Gutierrez to 30 days’ imprisonment as a penalty for civil contempt.

ON READING the costs submissions of the Receiver, the responding costs submissions of Mr. Gutierrez, the reply costs submissions of the Receiver, and both parties’ bill of costs.

1. **THIS COURT ORDERS** that, within 30 days of this Order, Mr. Gutierrez shall pay the Receiver and its counsel \$563,485.00, inclusive of disbursements and taxes.

THIS ORDER BEARS INTEREST at the rate of 4.0% per year commencing on December 29, 2022.



(Signature of judge, officer or registrar)

MARGARITA CASTILLO
Applicant

-and- XELA ENTERPRISE LTD. et al.
Respondents

Court File No. CV-11-9062-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
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PROCEEDING COMMENCED AT TORONTO

COSTS ORDER

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