

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

THE HONOURABLE )  
JUSTICE CONWAY ) WEDNESDAY, THE 17<sup>TH</sup>  
DAY OF OCTOBER, 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.

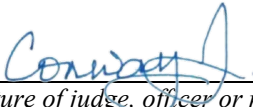
**CONTEMPT ORDER - PENALTY**

**THIS PENALTY HEARING**, made by KSV Restructuring Inc., 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., seeking a term of imprisonment for Juan Guillermo Gutierrez (“**Mr. Gutierrez**”), was heard at the courthouse at 361 University Avenue, 2<sup>nd</sup> Floor, Toronto, ON M5G 1T3 on September 22, 2022.

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

**ON READING** the Notice of Motion of the Receiver and upon hearing the evidence of Robert Kofman, Carl O’Shea, and Juan Guillermo Gutierrez and upon the reading the exhibits marked, and hearing the submissions of the lawyers for the parties.

1. **THIS COURT ORDERS** that Mr. Gutierrez be imprisoned for a period of 30 days.

  
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(Signature of judge, officer or registrar)

MARGARTIA 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

**CONTEMPT ORDER - PENALTY**

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