

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

THE HONOURABLE  
JUSTICE McEWEN

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)  
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WEDNESDAY, THE 28<sup>TH</sup>  
DAY OF JULY, 2021

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**, 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. (the “**Company**”) was heard virtually on March 22, 2021 via the Zoom videoconferencing platform by judicial videoconference at Toronto, Ontario due to the COVID-19 crisis.

**WHEREAS** on March 25, 2021, this Court granted the Receiver's motion and made an Order expanding the Receiver's investigative powers and ordering Juan Guillermo Gutierrez ("**Juan Guillermo**") and Arturo's Technical Services Ltd. ("**ATS**") to comply with prior Court Orders,

**AND WHEREAS**, on March 25, 2021, this Court invited submissions on costs,

**ON READING** the cost submissions of the Receiver, the responding cost submissions of Juan Guillermo and ATS, and the reply cost submissions of the Receiver,

1. **THIS COURT ORDERS** that, within 60 days of this Order, Juan Guillermo shall pay the Receiver and its counsel the following fees:
  - a. Lenczner Slaght LLP: \$50,000 plus HST; and
  - b. KSV: \$30,000 plus HST.
  
2. **THIS COURT ORDERS** that, within 60 days of this Order, ATS shall pay the Receiver and its counsel the following fees:
  - a. Lenczner Slaght LLP: \$30,000 plus HST; and
  - b. KSV: \$15,000 plus HST.
  
3. **THIS COURT ORDERS** that, within 60 days of this Order, Juan Guillermo and ATS, on a joint and several basis, shall pay the Receiver and its counsel the following fees:
  - a. Lenczner Slaght LLP: \$15,000 plus HST;
  - b. KSV: \$7,500 plus HST; and

- c. Hatstone Abogados: \$7,500 plus HST.
4. **THIS COURT ORDERS** that, within 60 days of this Order, Juan Guillermo and ATS, on a joint and several basis, shall pay the Receiver \$13,964.93, with Juan Guillermo paying 67% and ATS paying 33%.

**THIS ORDER BEARS INTEREST** at the rate of 2.0% per year commencing on September 27, 2021.



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*(Signature of judge, officer or registrar)*

MARGARTIA CASTILLO et al.  
Applicants

-and- XELA ENTERPRISE LTD. et al.  
Respondents

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

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)**

PROCEEDING COMMENCED AT TORONTO

**COSTS ORDER**

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