

Superior Court of Justice  
Commercial List

FILE/DIRECTION/ORDER

Castillo  
Plaintiff(s)  
AND  
Xela Enterprises et al  
Defendant(s)

Case Management  Yes  No by Judge: McEwen T

Counsel	Telephone No:	Facsimile No:
<u>See counsel slip</u>		

- Order  Direction for Registrar (No formal order need be taken out)
- Above action transferred to the Commercial List at Toronto (No formal order need be taken out)
- Adjourned to: \_\_\_\_\_
- Time Table approved (as follows):

I held another case conference today with respect to the issue of compliance with my previous orders of Aug 28/20, Oct 27/20 (2 orders) and March 25/21.

The first three orders were granted on consent. The last order resisted from a contested motion and leave to appeal was denied.

March 22  
Date

McEwen T  
Judge's Signature

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## Judges Endorsment Continued

since the granting of the order various disputes concerning compliance have arisen.

I do not propose to describe them, but suffice it to say that the ordered production and ancillary relief have not occurred.

After hearing submissions I have ordered that the following occur:-

- ① Farthworth, Gutierrez will provide the passwords to his devices to Epiq so the images can be fully accessed (see para 3 of Oct 27/20 order re-Devices)
- ② AIS emails contained on their servers will also be provided to Epiq Farthworth
- ③ Subsequently, the protocol contained in my Oct 27/20 order will be followed and specifically para 10

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Judges Endorsment Continued

with respect to Mr Gutierrez accessing the Platform, and not the Receiver or its agents.

As I advised counsel, nothing in this endorsement alters or amends my previous order. I am merely resolving the long-existing deadlock over how the data, emails etc. shall be dealt with.

Costs of this dispute are reserved to a later date

*[Handwritten Signature]*