

Superior Court of Justice
Commercial List

FILE/DIRECTION/ORDER

Castillo Plaintiff(s)
AND
Xda et al Defendant(s)

Case Management Yes No by Judge: McEwen

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 conducted another case conference in this matter on May 20/22. Counsel agreed on the form and content of the order concerning my March 25/22 endorsement. I signed the order and provided it to counsel that day. The Receiver also sought an order/endorsement confirming its

25 May 22
Date

McEwen
Judge's Signature

Additional Pages Four

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Judges Endorsement Continued

authority to review documents in accordance with the terms of my March 25/21 order. Normally such an endorsement would be unnecessary, but given Mr Gutierrez's Counsel's correspondence to the Receiver that access to the data (by the Receiver) on the Blue Servers would "suggest intentional misconduct" I am prepared to grant the endorsement to provide clarity that this is not the case.

My orders of March 25/21 and March 25/22 are clear and unequivocal. They must be complied with.

Mr Gutierrez also sought that further language be incorporated into the two orders and I declined to do so. The order

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Judges Endorsment Continued

resulted from contested hearings I am not prepared to allow for revisions as Mr Gutierrez seeks today and has in the past.

No new legitimate concerns have been raised and the concerns could have been raised at the hearings (or sought an appeal).

lastly, Mr. Gutierrez seeks to schedule a motion to replace the Receiver. I advised the parties that once the Commercial List schedule was finalized for the fall a date would be set.

Upon reflection, however, I question whether the motion should be allowed to proceed whilst Mr Gutierrez has not complied with the aforementioned two orders.

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Judges Endorsment Continued

I am not convinced this is proper in the circumstances of the case.

I wish to hear submissions on this point at a further 30 minute case conference.

The parties will obtain a date from the Commercial List office.

In the interim, the issue of the motion to replace the Receiver will not, in any way, affect or impede the Receiver's powers.

[Signature]

COUNSEL SLIP

COURT FILE

NO.: CV 11009062 CL

May 202022

DATE: _____

NO. ON LIST _____

TITLE OF
PROCEEDING

Castillo v Xela etal

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JUDICIAL NOTES: