

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

**ONTARIO
SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)**

B E T W E E N:

MARGARITA CASTILLO

Applicant

and

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

Respondents

AFFIDAVIT OF SERVICE

I, Nanda Singh, of the City of Brampton, in the Regional Municipality of Peel, MAKE
OATH AND SAY:

1. I am a Law Clerk with the law firm of Cambridge LLP, lawyers for the Respondents and, as such, have knowledge of the following matters.
2. I served the Applicant, Margarita Castillo, with the Notice of Motion on behalf of the Respondent Juan Guillermo Gutierrez, dated December 16, 2022 by sending a copy by e-mail to leonj@bennettjones.com on December 16, 2022 to Mr. Jeffrey S. Leon, the lawyer for the Applicant, at the law firm of Bennett Jones LLP, Barristers and Solicitors.

3. I served the Applicant, Margarita Castillo, with the Notice of Motion on behalf of the Respondent Juan Guillermo Gutierrez, dated December 16, 2022 by sending a copy by e-mail to jwoycheshyn@stewartmckelvey.com on December 16, 2022 to Mr. Jason Woycheshyn, the co-counsel for the Applicant at the law firm of Stewart McKelvey.

4. I served Receiver, with the Notice of Motion on behalf of the Respondent Juan Guillermo Gutierrez, dated December 16, 2022 by sending a copy by e-mail on December 16, 2022 to dknoke@litigate.com to Mr. Derek Knoke, the lawyer for the Receiver at the law firm of Lenzner Slaght Royce Smith Griffin LLP.

5. I served Arturo's Technical Services Inc., with the Notice of Motion on behalf of the Respondent Juan Guillermo Gutierrez, dated December 16, 2022 by sending a copy by e-mail on December 16, 2022 to pcho@weirfoulds.com to Mr. Philip Cho, the lawyer for Arturo's Technical Services Inc. at the law firm of Weirfoulds LLP.

6. I served the Receiver with the Notice of Motion on behalf of the Respondent Juan Guillermo Gutierrez, dated December 16, 2022 by sending a copy by e-mail on December 16, 2022 to kplunkett@airdberlis.com to Kyle Plunkett, the lawyer for the receiver at the law firm of Aird & Berlis LLP.

7. I served the Receiver with the Notice of Motion on behalf of the Respondent Juan Guillermo Gutierrez, dated December 16, 2022 by sending a copy by e-mail on December 16, 2022 to kevin.boyce@clarkes.com.bb to Kevin Boyce, the Barbados lawyer for the receiver at the law firm of Clarke Gittens Farmer.

8. I served the Receiver with the Notice of Motion on behalf of the Respondent Juan Guillermo Gutierrez, dated March 30, 2022 by sending a copy by e-mail on December 16, 2022 to alvaro.almengor@hatstone.com to Alvaro Almengor, the Panama lawyer for the receiver at the law firm of Hatstone Group.

9. I served Juan Guillermo Gutierrez with the Notice of Motion on behalf of the Respondent Juan Guillermo Gutierrez, dated December 16, 2022 by sending a copy by e-mail on December 16, 2022 to bhg@15bedford.com to Brian H. Greenspan at the law firm of Greenspan Humphrey Weinstein LLP.

10. I served Avicola Group and each Juan Luis Bosch Gutierrez, Felipe Antonio Bosch Gutierrez, Dionisio Gutierrez, Mayorga and Juann Jose Gutierrez Moyorga, with the Notice of Motion on behalf of the Respondent Juan Guillermo Gutierrez, dated December 16, 2022 by sending a copy by e-mail to akreaden@stikeman.com on December 16, 2022 to Mr. Aaron Kreaden at the law firm of Stikeman Elliott LLP.

11. I served Canada Revenue Agency with the Notice of Motion on behalf of the Respondent Juan Guillermo Gutierrez, dated December 16, 2022 by sending a copy by e-mail on December 16, 2022 to Diane.Winters@justice.gc.ca, to Diane Winters, the lawyer for Canada Revenue Agency at the Department of Justice.

12. A copy of my email to counsel attaching the Notice of Motion on behalf of the Respondent Juan Guillermo Gutierrez, dated December 16, 2022 is attached to my Affidavit of Service as **Exhibit A**.

SWORN by Nanda Singh of the City of Brampton, in the Regional Municipality of Peel, before me at the City of Toronto, in the Province of Ontario, on December 16, 2022 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

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Commissioner for Taking Affidavits
(or as may be)

N. JOAN KASOZI (LSO# 70332Q)



NANDA SINGH

This is Exhibit "A" referred to in the Affidavit of Nanda Singh sworn by Nanda Singh of the City of Brampton, in the Regional Municipality of Peel, before me at the City of Toronto, in the Province of Ontario, on December 16, 2022 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

N. JOAN KASOZI (LSO# 70332Q)

Kieran Verboven

From: Joan Kasozi
Sent: December 20, 2022 2:24 PM
To: Kieran Verboven
Subject: FW: Margarita Castillo v. Xela Enterprises Ltd., et al; Court file no. CV-11-9062-00CL
Attachments: Notice of Motion-Respondent-JGutierrez-16-Dec-2022.pdf

From: Nanda Singh <nsingh@cambridgellp.com>

Sent: December 16, 2022 1:14 PM

To: 'Bobby Kofman (bkofman@ksvadvisory.com)' <bkofman@ksvadvisory.com>; 'Noah Goldstein (ngoldstein@ksvadvisory.com)' <ngoldstein@ksvadvisory.com>; 'Peter Griffin' <pgriffin@litigate.com>; 'Monique Jilesen' <mjilesen@litigate.com>; 'kplunkett@airdberlis.com' <kplunkett@airdberlis.com>; 'sbabe@airdberlis.com' <sbabe@airdberlis.com>; 'kevin.boyce@clarkes.com.bb' <kevin.boyce@clarkes.com.bb>; 'shena-ann.ince@clarkes.com.bb' <shena-ann.ince@clarkes.com.bb>; 'alvaro.almengor@hatstone.com' <alvaro.almengor@hatstone.com>; 'carl.oshea@hatstone.com' <carl.oshea@hatstone.com>; 'leonj@bennettjones.com' <leonj@bennettjones.com>; 'zweigs@bennettjones.com' <zweigs@bennettjones.com>; 'bortolinw@bennettjones.com' <bortolinw@bennettjones.com>; 'jwoycheshyn@stewartmckelvey.com' <jwoycheshyn@stewartmckelvey.com>; Joan Kasozi <jkasoz@cambridgellp.com>; 'bhg@15bedford.com' <bhg@15bedford.com>; 'mmb@15bedford.com' <mmb@15bedford.com>; 'Diane.Winters@justice.gc.ca' <Diane.Winters@justice.gc.ca>; 'KKay@stikeman.com' <KKay@stikeman.com>; 'AKreaden@stikeman.com' <AKreaden@stikeman.com>; 'hwafaei@stikeman.com' <hwafaei@stikeman.com>; 'robert.madden@alexandriabancorp.com' <robert.madden@alexandriabancorp.com>; 'Debbie.McDonald@alexandriatrust.com' <Debbie.McDonald@alexandriatrust.com>; 'steven.groeneveld@ontario.ca' <steven.groeneveld@ontario.ca>; 'maclaw@bellnet.ca' <maclaw@bellnet.ca>; 'pdoig@bdtinvestments.com' <pdoig@bdtinvestments.com>; 'pcho@weirfoulds.com' <pcho@weirfoulds.com>; 'mly@weirfoulds.com' <mly@weirfoulds.com>; 'jcngrimas@gmail.com' <jcngrimas@gmail.com>; 'lopezalfaro@afra.com' <lopezalfaro@afra.com>; 'harald.johannessen1951@gmail.com' <harald.johannessen1951@gmail.com>; 'H_Johannessen@granadavalley.com' <H_Johannessen@granadavalley.com>; 'cal@calshields.com' <cal@calshields.com>; 'Cc: Grace Tsakas' <gtsakas@litigate.com>; 'Adam Davis' <adavis@litigate.com>; 'Tanya Ross' <tross@litigate.com>; 'Alanna Perkins' <aperkins@litigate.com>

Cc: Chris Macleod <cmacleod@cambridgellp.com>; Joan Kasozi <jkasoz@cambridgellp.com>

Subject: Margarita Castillo v. Xela Enterprises Ltd., et al; Court file no. CV-11-9062-00CL

To the Service List

Dear Sir/Madam:

I attach a Notice of Motion which is hereby served upon you in accordance with the *Rules of Civil Procedure*.

Yours very truly

Nanda Singh

Law Clerk

CAMBRIDGE LLP

333 Adelaide Street West, 4th Floor

Toronto, ON, M5V 1R5

Phone: (416) 477 7007 ext. 203

Email: nsingh@cambridgellp.com
Website: www.cambridgellp.com



MARGARITA CASTILLO
Applicant

-and-
Respondents

XELA ENTERPRISES LTD. et al.

Court File No. 189/22

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

PROCEEDING COMMENCED AT
TORONTO

AFFIDAVIT OF SERVICE

CAMBRIDGE LLP

333 Adelaide Street West
4th Floor
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M5V 1R5

Christopher MacLeod (LSO# 45723M)

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N. Joan Kasozi (LSO# 70332Q)

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Tel: 416.477.7007

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Lawyers for the Respondent
Juan Guillermo Gutierrez