

**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

FILING REQUEST

- a. Title of Proceedings, file number (if one already exists), and jurisdiction (judicial region) from which the case originates.

Xela Enterprises Ltd., et al ats. Margarita Castillo, CV-11-9062-00CL, Commercial List, Toronto.

- b. The names and email addresses of representatives of the parties (counsel or self-represented persons).

Chris MacLeod: cmacleod@cambridgellp.com and Joan Kasozi: jkasozi@cambridgellp.com, Counsel for Juan Guillermo Gutierrez

Derek Knoke: dknoke@litigate.com and Monique Jilesen: mjilesen@litigate.com, Counsel for the Receiver

Kyle Plunkett: kplunkett@airdberlis.com and Sam Babe: sbabe@airdberlis.com, Counsel for the Receiver

Sean Zweig ZweigS@bennettjones.com, Jeffery Leon: LeonJ@bennettjones.com and . Jason Woycheshyn, jwoycheshyn@stewartmckelvey.com, Counsel for the Applicant, Margarita Castillo.

Mr. Philip Cho: pcho@weirfoulds.com and Michael C. Ly: mlv@weirfoulds.com, Counsel for Arturo's Technical Services

Katherine Kay: kkay@stikeman.com and Aaron Kreaden: akreaden@stikeman.com, Counsel for for Avicola Group, Juan Luis Bosch Gutierrez, Felipe Antonio Bosch Gutierrez, Dionisio Gutierrez, Mayorga and Juann Jose Gutierrez Moyorga

Kevin Boyce: kevin.boyce@clarkes.com.bb and Shena-Ann Ince: shena-ann.ince@clarkes.com.bb, Barbados Counsel for the Receiver

Mr. Alvaro Almengor: alvaro.almengor@hatstone.com and Carl O'Shea: carl.oshea@hatstone.com, Panama Counsel for the Receiver

Diane Winters: DianeWinters@Justice.gc.ca, Counsel for Canada Revenue Agency Department

- c. **Juan Guillermo Gutierrez is seeking leave to appeal the interlocutory Order of Justice McEwen dated December 1, 2022, *inter alia*, ordering security of costs to be paid by the respondent Juan Guillermo Gutierrez and costs payable by Juan Guillermo Gutierrez**

A Copy of the Order of Justice McEwen is attached.

- d. The estimated time required for the hearing.

The Motion for Leave to Appeal is to be heard in writing.

- e. A brief explanation of any urgency, time sensitivity, or other factors the party wishes the court to take into account in scheduling.

n/a

- f. Whether some or all parties consent to scheduling the matter (**consent is not required**).

No consent has been obtained

- g. Whether the matter was commenced before the suspension of regular court operations in March 2020 or whether this is a new proceeding.

The action was commenced prior to March 2020.

- h. Where parties have agreed on a timetable for the exchange of materials in advance of the hearing request, the proposed agreed timetable should be included.

Moving Party's Proposed Timetable:

The Moving Party (Juan Guillermo Gutierrez) to serve the Motion Record by January 31, 2023 and Factum served 7 days before the hearing date.