



**Supplement to the Fifth Report of  
KSV Restructuring Inc.,  
as Receiver and Manager of  
Xela Enterprises Ltd.**

**March 7, 2022**

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COURT FILE NO.: CV-11-9062-00CL

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

**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**

**AND IN THE MATTER OF THE RECEIVERSHIP OF XELA ENTERPRISES LTD.**

**SUPPLEMENT TO THE FIFTH REPORT OF KSV RESTRUCTURING INC.**

**MARCH 7, 2022**

## **1.0 Introduction and Purpose**

1. This report (the “Supplemental Report”) supplements the Fifth Report of the Receiver dated February 28, 2022 (the “Fifth Report”).
2. Capitalized terms used but not defined in this Supplemental Report have the meaning provided to them in the Fifth Report.
3. The purposes of the Supplemental Report are to provide the Court with an update since the March 2, 2022 case conference in these proceedings, particularly:
  - a) the status of funding from Mr. Volgemut; and
  - b) the continuing non-compliance by Juan Guillermo and ATS of the order issued in these proceedings on March 25, 2021 (the “March 25<sup>th</sup> Order”), as well as subsequent related orders and endorsements, including most recently on March 2, 2022 (the “March 2<sup>nd</sup> Endorsement”), a copy of which is attached as Appendix “A”.

## 1.1 Restrictions

1. This Report is subject to the restrictions provided in the Fifth Report.

## 2.0 Funding

1. On March 1, 2022, Cambridge sent the Receiver's counsel, Lenczner Slaght, the following email explaining why they had not yet received the wire which Cambridge advised was initiated by Mr. Volgemut on February 15, 2022, and advising of a new wire that had been initiated that day.

*Monique-*

*We have now found what the problem with the delivery of funds is and have rectified it.*

*I had provided a Canadian dollar trust account to Mr. Volgemut. He transferred USD and did not request that it be converted to Canadian funds prior to sending the funds. As a result, the receiving bank returned the funds to Mr. Volgemut. He has today resent the funds in USD and I have provided him with a USD trust account.*

*He will send the new SWIFT number when he receives it from his bank.*

*I regret that this has delayed the receipt of funds.*

*Regards,*

*Chris*

A copy of this email is provided in Appendix "B".

2. Within an hour of receiving the above email from Cambridge, Lenczner Slaght sent Cambridge the following email.

*Chris,*

*Please provide us with evidence that US dollars were sent and returned. Also, please advise when you realized that the US dollars were returned, and how you came to learn this?*

*Thank you.*

*Derek*

A copy of this email is provided in Appendix "C".

3. Later that afternoon, Lenczner Slaght sent a follow-up email to Cambridge.

*Hi Chris –*

*Please provide us with the information requested from Derek today so that we can consider our position for tomorrow. You can appreciate that in the circumstances, we can't accept the funds are coming when we have been told that repeatedly over several months.*

*Just by way of notice to you, the delay in receiving these funds has resulted in substantial thrown away costs and we will be seeking direction from the Court in that regard.*

*Thank you,*

*Monique Jilesen*

A copy of this email is provided in Appendix "D". Cambridge advised as follows:

*Derek-*

*I have asked Mr. Volgemut for documentation that the funds were sent and returned. I was advised by Mr. Volgemut yesterday of the return of funds and the reason for it. I then proceeded to ensure he had a USD account to send the funds to and he confirmed today that they had been sent and that a swift code would follow.*

*Regards,*

*Chris*

A copy of this email is provided in Appendix "E".

4. Just prior to the case conference on March 2, 2022, Cambridge sent the following email to the Receiver and Lenczner Slaght, together with a wire confirmation evidencing that a wire had been initiated on March 2, 2022 (the "March 2<sup>nd</sup> Wire").

*Good morning,*

*Please find attached the swift code confirming the transfer of funds to the Cambridge LLP account.*

*Best regards,*

***N. Joan Kasozi***  
*Associate*

A copy of this email and the attached wire confirmation is provided in Appendix “F”.

5. By March 4, 2022, the Receiver had not received confirmation from Cambridge that they had received the March 2<sup>nd</sup> Wire. Accordingly, the Receiver asked Cambridge for an update. Cambridge responded:

*I have not. I was waiting until the end of the day to reply to Monique as I hoped to be able to report I had the funds.*

*Regards,*

*Chris*

A copy of this email is provided in Appendix “G”.

6. As of the date of this Supplemental Report, the Receiver has not received confirmation that Cambridge has received the March 2<sup>nd</sup> Wire.

### **3.0 Compliance with March 25<sup>th</sup> Order**

1. Immediately following the hearing on March 2, 2022, Lenczner Slaght sent the following email to Cambridge and WeirFoulds in respect of the March 25<sup>th</sup> Order.

*Chris and Phillip,*

*Further to our attendance this morning and the endorsement of Justice McEwen, please immediately, and in accordance with the Orders of the Court:*

- (i) *Provide the password(s) to Mr. Gutierrez’ devices;*
- (ii) *Provide the Receiver with an electronic copy of the emails of Mr. Gutierrez maintained by ATS to the date of the Order, together with any passwords used to secure the emails.*

*Please advise when you will comply. We expect to have them from you no later than the end of the day on Friday.*

*Monique*

A copy of this email is provided in Appendix “H”.

2. As of the afternoon of March 4, 2022, neither Cambridge nor WeirFoulds had replied to the March 2<sup>nd</sup> Email. Accordingly, Lenczner Slaght sent the email below to Cambridge and WeirFoulds.

*Hi Chris and Phillip,*

*Just following up on my note below, from which I have received no response. If I do not have the information below from you today, we will ask Justice McEwen for an urgent attendance next week.*

*Monique*

A copy of this email is provided in Appendix "I".

3. Just over an hour later Cambridge responded to Lenczner Slaght's email with the following email.

*Monique-*

*Juan is considering an Appeal of the endorsement of Justice McEwan [sic] based on the receiver obtaining his emails prior to a contempt motion.*

*I will need a few days to firm up those instructions when Brian Greenspan returns from overseas.*

*Regards,*

*Chris*

A copy of this email is provided in Appendix "J".

4. As of the date of this Supplemental Report, WeirFoulds has not responded to the Receiver's request that it comply with the March 25<sup>th</sup> Order.

\* \* \*

All of which is respectfully submitted,

*KSV Restructuring Inc.*

**KSV RESTRUCTURING INC.,  
SOLELY IN ITS CAPACITY AS RECEIVER AND MANAGER OF  
XELA ENTERPRISES LTD. AND  
NOT IN ITS PERSONAL OR CORPORATE CAPACITY**

## **Appendix “A”**



Court File Number: CU-11-9062-00CL

Superior Court of Justice  
Commercial List

FILE/DIRECTION/ORDER

In the matter of Xela Enterprises Ltd.  
Plaintiff(s)

AND

Defendant(s)

Case Management  Yes  No by Judge: McBwen

Counsel	Telephone No:	Facsimile No:
(see counsel slip)		

- 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):

The scheduled motion did not proceed. Instead a case conference was held.

The long anticipated Funds from Mr. Volgenant have still not arrived. This matter must move along for this reason and a number of other reasons set out in the Receiver's fifth report (see in

2 March 22  
Date

McBwen  
Judge's Signature

Additional Pages two

Superior Court of Justice  
Commercial List

**FILE/DIRECTION/ORDER**

Judges Endorsment Continued

particular page 3 para 3; pp 13-14).

Undertaking, any outstanding, are to be answered immediately. Productions are to be made to the Receiver and its counsel on an "eyes only" basis and not distributed before any issues concerning privilege are agreed upon or determined by this Court

The contempt hearing is now scheduled to be heard May 30, 2022

*[Signature]*

## **Appendix “B”**

**From:** Chris Macleod <[cmacleod@cambridgellp.com](mailto:cmacleod@cambridgellp.com)>

**Sent:** Tuesday, March 1, 2022 12:22 PM

**To:** Derek Knoke <[dknoke@litigate.com](mailto:dknoke@litigate.com)>; Monique Jilesen <[mjilesen@litigate.com](mailto:mjilesen@litigate.com)>; Brian Greenspan <[bhg@15bedford.com](mailto:bhg@15bedford.com)>; Joan Kasozi <[jkasozi@cambridgellp.com](mailto:jkasozi@cambridgellp.com)>; Michael Ly <[mly@weirfoulds.com](mailto:mly@weirfoulds.com)>; Philip Cho <[pcho@weirfoulds.com](mailto:pcho@weirfoulds.com)>

**Subject:** Update on transfer of funds

**EXTERNAL MESSAGE**

Monique-

We have now found what the problem with the delivery of funds is and have rectified it.

I had provided a Canadian dollar trust account to Mr. Volgemut. He transferred USD and did not request that it be converted to Canadian funds prior to sending the funds. As a result, the receiving bank returned the funds to Mr. Volgemut. He has today resent the funds in USD and I have provided him with a USD trust account.

He will send the new SWIFT number when he receives it from his bank.

I regret that this has delayed the receipt of funds.

Regards,

Chris

**Chris Macleod**

Partner, Cross-Border Litigation & Business Litigation Groups

**CAMBRIDGE LLP**

333 Adelaide Street West, 4<sup>th</sup> Floor

Toronto, ON, M5V 1R5

Phone: (416) 477 7007 Ext. 303

Direct: (647) 346 6696

Email: [cmacleod@cambridgellp.com](mailto:cmacleod@cambridgellp.com)

Website: [www.cambridgellp.com](http://www.cambridgellp.com)



## **Appendix “C”**

**From:** Derek Knoke <[dknoke@litigate.com](mailto:dknoke@litigate.com)>

**Sent:** March 1, 2022 1:11 PM

**To:** Chris Macleod <[cmacleod@cambridgellp.com](mailto:cmacleod@cambridgellp.com)>; Monique Jilesen <[mjilesen@litigate.com](mailto:mjilesen@litigate.com)>; Brian Greenspan <[bhg@15bedford.com](mailto:bhg@15bedford.com)>; Joan Kasozi <[jkasozi@cambridgellp.com](mailto:jkasozi@cambridgellp.com)>; Michael Ly <[mly@weirfoulds.com](mailto:mly@weirfoulds.com)>; Philip Cho <[pcho@weirfoulds.com](mailto:pcho@weirfoulds.com)>

**Subject:** RE: Update on transfer of funds [DM-LSDOCS.FID727411]

Chris,

Please provide us with evidence that US dollars were sent and returned. Also, please advise when you realized that the US dollars were returned, and how you came to learn this?

Thank you.

Derek

**From:** Chris Macleod <[cmacleod@cambridgellp.com](mailto:cmacleod@cambridgellp.com)>

**Sent:** Tuesday, March 1, 2022 12:22 PM

**To:** Derek Knoke <[dknoke@litigate.com](mailto:dknoke@litigate.com)>; Monique Jilesen <[mjilesen@litigate.com](mailto:mjilesen@litigate.com)>; Brian Greenspan <[bhg@15bedford.com](mailto:bhg@15bedford.com)>; Joan Kasozi <[jkasozi@cambridgellp.com](mailto:jkasozi@cambridgellp.com)>; Michael Ly <[mly@weirfoulds.com](mailto:mly@weirfoulds.com)>; Philip Cho <[pcho@weirfoulds.com](mailto:pcho@weirfoulds.com)>

**Subject:** Update on transfer of funds

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He will send the new SWIFT number when he receives it from his bank.

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Regards,

Chris

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Phone: (416) 477 7007 Ext. 303  
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Email: [cmacleod@cambridgellp.com](mailto:cmacleod@cambridgellp.com)  
Website: [www.cambridgellp.com](http://www.cambridgellp.com)



## **Appendix “D”**



**From:** Monique Jilesen <[mjilesen@litigate.com](mailto:mjilesen@litigate.com)>  
**Sent:** March 1, 2022 4:23 PM  
**To:** Derek Knoke <[dknoke@litigate.com](mailto:dknoke@litigate.com)>; Chris Macleod <[cmacleod@cambridgellp.com](mailto:cmacleod@cambridgellp.com)>; Brian Greenspan <[bhg@15bedford.com](mailto:bhg@15bedford.com)>; Joan Kasozi <[jkasozi@cambridgellp.com](mailto:jkasozi@cambridgellp.com)>; Michael Ly <[mly@weirfoulds.com](mailto:mly@weirfoulds.com)>; Philip Cho <[pcho@weirfoulds.com](mailto:pcho@weirfoulds.com)>  
**Cc:** Bobby Kofman <[bkofman@ksvadvisory.com](mailto:bkofman@ksvadvisory.com)>; Noah Goldstein <[ngoldstein@ksvadvisory.com](mailto:ngoldstein@ksvadvisory.com)>  
**Subject:** RE: Update on transfer of funds [DM-LSDOCS.FID727411]

Hi Chris –

Please provide us with the information requested from Derek today so that we can consider our position for tomorrow. You can appreciate that in the circumstances, we can't accept the funds are coming when we have been told that repeatedly over several months.

Just by way of notice to you, the delay in receiving these funds has resulted in substantial thrown away costs and we will be seeking direction from the Court in that regard.

Thank you,

Monique Jilesen

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**Sent:** Tuesday, March 1, 2022 1:11 PM  
**To:** Chris Macleod <[cmacleod@cambridgellp.com](mailto:cmacleod@cambridgellp.com)>; Monique Jilesen <[mjilesen@litigate.com](mailto:mjilesen@litigate.com)>; Brian Greenspan <[bhg@15bedford.com](mailto:bhg@15bedford.com)>; Joan Kasozi <[jkasozi@cambridgellp.com](mailto:jkasozi@cambridgellp.com)>; Michael Ly <[mly@weirfoulds.com](mailto:mly@weirfoulds.com)>; Philip Cho <[pcho@weirfoulds.com](mailto:pcho@weirfoulds.com)>  
**Subject:** RE: Update on transfer of funds [DM-LSDOCS.FID727411]

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Thank you.

Derek

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**Sent:** Tuesday, March 1, 2022 12:22 PM  
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**Subject:** Update on transfer of funds

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Regards,

Chris

**Chris Macleod**

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**CAMBRIDGE LLP**

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Email: [cmacleod@cambridgellp.com](mailto:cmacleod@cambridgellp.com)

Website: [www.cambridgellp.com](http://www.cambridgellp.com)



## **Appendix “E”**

**From:** Chris Macleod <[cmacleod@cambridgellp.com](mailto:cmacleod@cambridgellp.com)>

**Sent:** March 1, 2022 6:04 PM

**To:** Derek Knoke <[dknoke@litigate.com](mailto:dknoke@litigate.com)>; Monique Jilesen <[mjilesen@litigate.com](mailto:mjilesen@litigate.com)>; Brian Greenspan <[bhg@15bedford.com](mailto:bhg@15bedford.com)>; Joan Kasozi <[jkasozi@cambridgellp.com](mailto:jkasozi@cambridgellp.com)>; Michael Ly <[mly@weirfoulds.com](mailto:mly@weirfoulds.com)>; Philip Cho <[pcho@weirfoulds.com](mailto:pcho@weirfoulds.com)>

**Subject:** Re: Update on transfer of funds [DM-LSDOCS.FID727411]

Derek-

I have asked Mr. Volgemut for documentation that the funds were sent and returned. I was advised by Mr. Volgemut yesterday of the return of funds and the reason for it. I then proceeded to ensure he had a USD account to send the funds to and he confirmed today that they had been sent and that a swift code would follow.

Regards,  
Chris

**From:** Derek Knoke <[dknoke@litigate.com](mailto:dknoke@litigate.com)>

**Date:** Tuesday, March 1, 2022 at 1:11 PM

**To:** Chris MacLeod <[cmacleod@cambridgellp.com](mailto:cmacleod@cambridgellp.com)>, Monique Jilesen <[mjilesen@litigate.com](mailto:mjilesen@litigate.com)>, Brian Greenspan <[bhg@15bedford.com](mailto:bhg@15bedford.com)>, Joan Kasozi <[jkasozi@cambridgellp.com](mailto:jkasozi@cambridgellp.com)>, Michael Ly <[mly@weirfoulds.com](mailto:mly@weirfoulds.com)>, Philip Cho <[pcho@weirfoulds.com](mailto:pcho@weirfoulds.com)>

**Subject:** RE: Update on transfer of funds [DM-LSDOCS.FID727411]

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**Sent:** Tuesday, March 1, 2022 12:22 PM

**To:** Derek Knoke <[dknoke@litigate.com](mailto:dknoke@litigate.com)>; Monique Jilesen <[mjilesen@litigate.com](mailto:mjilesen@litigate.com)>; Brian Greenspan <[bhg@15bedford.com](mailto:bhg@15bedford.com)>; Joan Kasozi <[jkasozi@cambridgellp.com](mailto:jkasozi@cambridgellp.com)>; Michael Ly <[mly@weirfoulds.com](mailto:mly@weirfoulds.com)>; Philip Cho <[pcho@weirfoulds.com](mailto:pcho@weirfoulds.com)>

**Subject:** Update on transfer of funds

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Partner, Cross-Border Litigation & Business Litigation Groups

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Website: [www.cambridgellp.com](http://www.cambridgellp.com)



CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

## **Appendix “F”**

**From:** Joan Kasozi <[jkasozi@cambridgellp.com](mailto:jkasozi@cambridgellp.com)>  
**Sent:** Wednesday, March 2, 2022 8:45 AM  
**To:** Chris Macleod <[cmacleod@cambridgellp.com](mailto:cmacleod@cambridgellp.com)>; Derek Knoke <[dknoke@litigate.com](mailto:dknoke@litigate.com)>; Monique Jilesen <[mjilesen@litigate.com](mailto:mjilesen@litigate.com)>; Brian Greenspan <[bhg@15bedford.com](mailto:bhg@15bedford.com)>; Michael Ly <[mly@weirfoulds.com](mailto:mly@weirfoulds.com)>; Philip Cho <[pcho@weirfoulds.com](mailto:pcho@weirfoulds.com)>  
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**N. Joan Kasozi**  
Associate

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Website: [www.cambridgellp.com](http://www.cambridgellp.com)



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**Sent:** Tuesday, March 1, 2022 12:22 PM

**To:** Derek Knoke <[dknoke@litigate.com](mailto:dknoke@litigate.com)>; Monique Jilesen <[mjilesen@litigate.com](mailto:mjilesen@litigate.com)>; Brian Greenspan <[bhg@15bedford.com](mailto:bhg@15bedford.com)>; Joan Kasozi <[jkasozi@cambridgellp.com](mailto:jkasozi@cambridgellp.com)>; Michael Ly <[mly@weirfoulds.com](mailto:mly@weirfoulds.com)>; Philip Cho <[pcho@weirfoulds.com](mailto:pcho@weirfoulds.com)>

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Chris

**Chris Macleod**

Partner, Cross-Border Litigation & Business Litigation Groups

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----- Instance Type and Transmission -----  
Notification (Transmission) of Original sent to SWIFT (ACK)  
Network Delivery Status : Network Ack  
Priority/Delivery : Normal  
Message Input Reference : 220326BGLIBWGAXXX5279550317

----- Message Header -----  
Swift Input : Fin 103 Single Customer Credit Transfer

Sender BGLIBWGXXXX  
BANK GABORONE LIMITED  
GABORONE BW  
Receiver SCBLUS33XXX  
STANDARD CHARTERED BANK  
NEW YORK, NY US

UETR : 13228752-leb2-4325-8dba-2b8e82451296

----- Message Text -----

20: Sender's Reference  
TOS 270 1622464  
23B: Bank Operation Code  
CRED  
32A: Val Dte/Curr/Interbank Settled Amt  
Date : 02 March 2022  
Currency : USD (US DOLLAR)  
Amount : #4,240,000.00#  
33B: Currency/Instructed Amount  
Currency : USD (US DOLLAR)  
Amount : #4,240,000.00#  
50K: Ordering Customer-Name & Address

57A: Account With Institution - FI BIC  
ROYAL BANK OF CANADA  
59 WILSON ST W ANCASTER CANADA  
59: Beneficiary Customer-Name & Address  
/4001194  
CAMBRIDGE LLP  
3027 UNIT 204 BURLINGTON  
HARVESTER RD, CANADA  
70: Remittance Information  
71A: Details of Charges  
OUR

----- Message Trailer -----

(CHK: E990E1476F6E)  
PRE Signature: MAC-Equivalent

----- Interventions -----

Category : Network Report  
Creation Time : 02/03/22 16:16:07  
Application : SWIFT Interface  
Operator : SYSTEM

## **Appendix “G”**

**From:** Chris Macleod <[cmacleod@cambridgellp.com](mailto:cmacleod@cambridgellp.com)>

**Sent:** March 4, 2022 6:27 PM

**To:** Bobby Kofman <[bkofman@ksvadvisory.com](mailto:bkofman@ksvadvisory.com)>; Monique Jilesen <[mjilesen@litigate.com](mailto:mjilesen@litigate.com)>; Joan Kasozi <[jkasozi@cambridgellp.com](mailto:jkasozi@cambridgellp.com)>; Philip Cho <[pcho@weirfoulds.com](mailto:pcho@weirfoulds.com)>; [mly@weirfoulds.com](mailto:mly@weirfoulds.com)

**Cc:** Derek Knoke <[dknoke@litigate.com](mailto:dknoke@litigate.com)>; Noah Goldstein <[ngoldstein@ksvadvisory.com](mailto:ngoldstein@ksvadvisory.com)>

**Subject:** Re: Xela [DM-LSDOCS.FID727411]

I have not. I was waiting until the end of the day to reply to Monique as I hoped to be able to report I had the funds.

Regards,  
Chris

**From:** "[bkofman@ksvadvisory.com](mailto:bkofman@ksvadvisory.com)" <[bkofman@ksvadvisory.com](mailto:bkofman@ksvadvisory.com)>

**Date:** Friday, March 4, 2022 at 6:11 PM

**To:** Chris MacLeod <[cmacleod@cambridgellp.com](mailto:cmacleod@cambridgellp.com)>, Monique Jilesen <[mjilesen@litigate.com](mailto:mjilesen@litigate.com)>, Joan Kasozi <[jkasozi@cambridgellp.com](mailto:jkasozi@cambridgellp.com)>, Philip Cho <[pcho@weirfoulds.com](mailto:pcho@weirfoulds.com)>, "[mly@weirfoulds.com](mailto:mly@weirfoulds.com)" <[mly@weirfoulds.com](mailto:mly@weirfoulds.com)>

**Cc:** Derek Knoke <[dknoke@litigate.com](mailto:dknoke@litigate.com)>, "[ngoldstein@ksvadvisory.com](mailto:ngoldstein@ksvadvisory.com)" <[ngoldstein@ksvadvisory.com](mailto:ngoldstein@ksvadvisory.com)>

**Subject:** RE: Xela [DM-LSDOCS.FID727411]

Chris,

On a different note, have you received the wire from Mr. Volgemut?

Regards,

Bobby



**Bobby Kofman**  
President and Managing Director

T 416.932.6228

M 647.282.6228

W [www.ksvadvisory.com](http://www.ksvadvisory.com)

**From:** Chris Macleod <[cmacleod@cambridgellp.com](mailto:cmacleod@cambridgellp.com)>

**Sent:** March 4, 2022 6:02 PM

**To:** Monique Jilesen <[mjilesen@litigate.com](mailto:mjilesen@litigate.com)>; Joan Kasozi <[jkasozi@cambridgellp.com](mailto:jkasozi@cambridgellp.com)>; Philip Cho <[pcho@weirfoulds.com](mailto:pcho@weirfoulds.com)>; [mly@weirfoulds.com](mailto:mly@weirfoulds.com)

**Cc:** Derek Knoke <[dknoke@litigate.com](mailto:dknoke@litigate.com)>; Bobby Kofman <[bkofman@ksvadvisory.com](mailto:bkofman@ksvadvisory.com)>; Noah Goldstein <[ngoldstein@ksvadvisory.com](mailto:ngoldstein@ksvadvisory.com)>

**Subject:** Re: Xela [DM-LSDOCS.FID727411]

Monique-

Juan is considering an Appeal of the endorsement of Justice McEwan based on the receiver obtaining his emails prior to a contempt motion.

I will need a few days to firm up those instructions when Brian Greenspan returns from overseas.

Regards,  
Chris

**From:** Monique Jilesen <[mjilesen@litigate.com](mailto:mjilesen@litigate.com)>  
**Date:** Friday, March 4, 2022 at 8:55 AM  
**To:** Chris MacLeod <[cmacleod@cambridgellp.com](mailto:cmacleod@cambridgellp.com)>, Joan Kasozi <[jkasozi@cambridgellp.com](mailto:jkasozi@cambridgellp.com)>, Philip Cho <[pcho@weirfoulds.com](mailto:pcho@weirfoulds.com)>, "[mly@weirfoulds.com](mailto:mly@weirfoulds.com)" <[mly@weirfoulds.com](mailto:mly@weirfoulds.com)>  
**Cc:** Derek Knoke <[dknoke@litigate.com](mailto:dknoke@litigate.com)>, "[bkofman@ksvadvisory.com](mailto:bkofman@ksvadvisory.com)" <[bkofman@ksvadvisory.com](mailto:bkofman@ksvadvisory.com)>, "[ngoldstein@ksvadvisory.com](mailto:ngoldstein@ksvadvisory.com)" <[ngoldstein@ksvadvisory.com](mailto:ngoldstein@ksvadvisory.com)>  
**Subject:** RE: Xela [DM-LSDOCS.FID727411]

Hi Chris and Phillip,

Just following up on my note below, from which I have received no response. If I do not have the information below from you today, we will ask Justice McEwen for an urgent attendance next week.

Monique

**From:** Monique Jilesen  
**Sent:** Wednesday, March 2, 2022 12:06 PM  
**To:** Chris Macleod <[cmacleod@cambridgellp.com](mailto:cmacleod@cambridgellp.com)>; Joan Kasozi <[jkasozi@cambridgellp.com](mailto:jkasozi@cambridgellp.com)>; Philip Cho <[pcho@weirfoulds.com](mailto:pcho@weirfoulds.com)>; [mly@weirfoulds.com](mailto:mly@weirfoulds.com)  
**Cc:** Derek Knoke <[DKnoke@litigate.com](mailto:DKnoke@litigate.com)>; Bobby Kofman ([bkofman@ksvadvisory.com](mailto:bkofman@ksvadvisory.com)) <[bkofman@ksvadvisory.com](mailto:bkofman@ksvadvisory.com)>; Noah Goldstein <[ngoldstein@ksvadvisory.com](mailto:ngoldstein@ksvadvisory.com)>  
**Subject:** Xela

Chris and Phillip,

Further to our attendance this morning and the endorsement of Justice McEwen, please immediately, and in accordance with the Orders of the Court:

- (i) Provide the password(s) to Mr. Gutierrez' devices;
- (ii) Provide the Receiver with an electronic copy of the emails of Mr. Gutierrez maintained by ATS to the date of the Order, together with any passwords used to secure the emails.

Please advise when you will comply. We expect to have them from you no later than the end of the day on Friday

Monique



Monique Jilesen\*

*pronouns: she/her*  
mjilesen@litigate.com

130 Adelaide St W  
Suite 2600  
Toronto, ON  
Canada M5H 3P5  
[www.litigate.com](http://www.litigate.com)

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## **Appendix “H”**

**From:** Monique Jilesen <[mjilesen@litigate.com](mailto:mjilesen@litigate.com)>

**Sent:** March 2, 2022 12:06 PM

**To:** Chris Macleod <[cmacleod@cambridgellp.com](mailto:cmacleod@cambridgellp.com)>; Joan Kasozi <[jkasozi@cambridgellp.com](mailto:jkasozi@cambridgellp.com)>; Philip Cho <[pcho@weirfoulds.com](mailto:pcho@weirfoulds.com)>; [mly@weirfoulds.com](mailto:mly@weirfoulds.com)

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Monique



Monique Jilesen\*

*pronouns: she/her*  
[mjilesen@litigate.com](mailto:mjilesen@litigate.com)

130 Adelaide St W  
Suite 2600  
Toronto, ON  
Canada M5H 3P5  
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## **Appendix “I”**

**From:** Monique Jilesen <[mjilesen@litigate.com](mailto:mjilesen@litigate.com)>

**Sent:** March 4, 2022 8:55 AM

**To:** Chris Macleod <[cmacleod@cambridgellp.com](mailto:cmacleod@cambridgellp.com)>; Joan Kasozi <[jkasozi@cambridgellp.com](mailto:jkasozi@cambridgellp.com)>; Philip Cho <[pcho@weirfoulds.com](mailto:pcho@weirfoulds.com)>; [mly@weirfoulds.com](mailto:mly@weirfoulds.com)

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**Subject:** Xela

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## **Appendix “J”**

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**Sent:** March 4, 2022 6:02 PM  
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**Cc:** Derek Knoke <[dknoke@litigate.com](mailto:dknoke@litigate.com)>, "[bkofman@ksvadvisory.com](mailto:bkofman@ksvadvisory.com)" <[bkofman@ksvadvisory.com](mailto:bkofman@ksvadvisory.com)>, "[ngoldstein@ksvadvisory.com](mailto:ngoldstein@ksvadvisory.com)" <[ngoldstein@ksvadvisory.com](mailto:ngoldstein@ksvadvisory.com)>  
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**Cc:** Derek Knoke <[DKnoke@litigate.com](mailto:DKnoke@litigate.com)>; Bobby Kofman ([bkofman@ksvadvisory.com](mailto:bkofman@ksvadvisory.com)) <[bkofman@ksvadvisory.com](mailto:bkofman@ksvadvisory.com)>; Noah Goldstein <[ngoldstein@ksvadvisory.com](mailto:ngoldstein@ksvadvisory.com)>  
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