

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

THE HONOURABLE

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THURSDAY, THE 1<sup>ST</sup>

JUSTICE HAINEY

DAY OF NOVEMBER, 2018

BETWEEN:

THE TORONTO-DOMINION BANK

Applicant

- and -

BOSS LOGO PRINT & GRAPHICS INC.

Respondent

APPLICATION UNDER SUBSECTION 243(1) OF THE *BANKRUPTCY AND  
INSOLVENCY ACT*, R.S.C. 1985, c. B-3, AS AMENDED AND SECTION 101 OF THE  
*COURTS OF JUSTICE ACT*, R.S.O. 1990, c. C.43, AS AMENDED

**AMENDING ORDER  
EX-PARTE  
(re expansion of receiver's powers)**

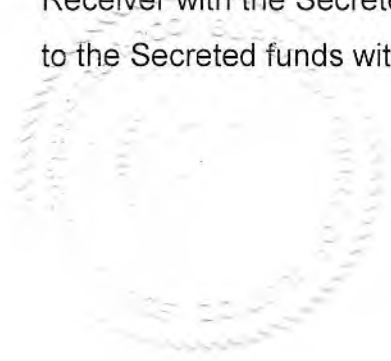
THIS MOTION, made *ex parte* by MNP Ltd. in its capacity as the Court-appointed receiver (the "**Receiver**") of the undertaking, property and assets of Boss Logo Print & Graphics (the "**Debtor**"), for an order expanding the Receiver's powers, was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Motion Record of the Receiver dated October 30, 2018, including the Second Report dated October 30, 2018 to the First Report of the Receiver to the Court, and the attachments thereto (the "**Second Report**"), and on hearing the submissions of counsel for the Receiver:



1. THIS COURT ORDERS that paragraph 3 of the Order of Justice Hainey, dated October 31, 2018, *ex-parte*, for the expansion of Receiver's Powers, as attached at Schedule "A" hereto, be amended, *nunc pro tunc*, as follows:

THIS COURT GRANTS AN ORDER authorizing the Receiver to register a Charge/Mortgage of Land on title to the property legally described as PT LT 5, CON 8, PICKERING PT 6, 40RD23 CITY OF PICKERING being the whole of PIN 26394-0058 (LT), and municipally known as 3050 Concession 8, Ashburn, Ontario (the "**Kapil Property**"), in the principal amount of \$352,544.83 (the "**Secreted Funds**") and an Order requiring Kapil to either: (i) provide the Receiver with the Secreted Funds; or (ii) serve a responding affidavit with respect to the Secreted funds within ten (10) days of said Order.



*Hailey J*

ENTERED AT / INSCRIT À TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO:

NOV 01 2018

PER / PAR: *mlh*

SCHEDULE "A"

Court File No.: CV-18-00605297-00CL

ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)

THE HONOURABLE

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WEDNESDAY, THE 31ST

JUSTICE

*HAINES*

DAY OF OCTOBER, 2018

BETWEEN:

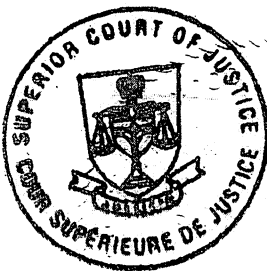
THE TORONTO-DOMINION BANK

Applicant

- and -

BOSS LOGO PRINT & GRAPHICS INC.

Respondent



APPLICATION UNDER SUBSECTION 243(1) OF THE *BANKRUPTCY AND INSOLVENCY ACT*, R.S.C. 1985, c. B-3, AS AMENDED AND SECTION 101 OF THE *COURTS OF JUSTICE ACT*, R.S.O. 1990, c. C.43, AS AMENDED

ORDER  
*EX-PARTE*  
(re expansion of receiver's powers)

THIS MOTION, made *ex parte* by MNP Ltd. in its capacity as the Court-appointed receiver (the "Receiver") of the undertaking, property and assets of Boss Logo Print & Graphics (the "Debtor"), for an order expanding the Receiver's powers, was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Motion Record of the Receiver dated October 30, 2018, including the Second Report dated October 30, 2018 to the First Report of the Receiver to the Court, and the attachments thereto (the "Second Report"), and on hearing the submissions of counsel for the Receiver:

**A. SERVICE**

1. THIS COURT ORDERS that service of this Motion Record is dispensed with and this motion is properly brought as an *ex parte* motion pursuant to Rule 37.07(2) of the *Rules of Civil Procedure*, RRO 1990 Reg 194.

**B. EXPANSION OF RECEIVER'S POWERS**

2. THIS COURT ORDERS AND DECLARES that the Receiver's powers are hereby expanded, in order to fully investigate the disposition of the Debtor's assets, including, but not limited to the nature and uses of the Secreted Funds (as defined herein).

3. THIS COURT GRANTS AN ORDER authorizing the Receiver to register a lien on title to the Kapil Property in the principal amount of \$352,544.83 (the "Secreted Funds") and an Order requiring Kapil to either: (i) provide the Receiver with the Secreted Funds; or (ii) serve a responding affidavit with respect to the Secreted Funds within ten (10) days of said Order.

4. THIS COURT ORDERS that Canadian Imperial Bank of Commerce ("CIBC") is hereby authorized and directed, pursuant to section 7(3)(c) of the *Personal Information Protection and Electronic Documents Act*, RSC 2000, c 5 ("PIPEDA"), to provide the Receiver the banking and related information listed in the Receiver's letter dated October 2, 2018, including, but not limited to, bank statements and cancelled cheques for the Kapil Account (as defined in the Second Report).

5. THIS COURT ORDERS that CIBC is hereby authorized and directed to answer any questions and provide additional information requested with respect to matters listed in paragraph 4, above, or other accounts held by Kapil at CIBC.

6. THIS COURT ORDERS that Fibernetics Corp. is hereby authorized and directed, pursuant to section 7(3)(c) of PIPEDA, to provide the Receiver with the customer name and contact information associated with the Telephone Numbers (as defined in the Second Report).

7. THIS COURT ORDERS AND DIRECTS Kapil and the PB Operators (as defined below), are hereby authorized and directed, pursuant to section 7(3)(c) of PIPEDA, to

disclose all customer information, revenues, orders, invoices, bank statements and related information to the Receiver by no later than 10 days from the date of the Order.

8. THIS COURT ORDERS that the Receiver shall not publicly disclose or disseminate any of the information received in paragraphs 4 to 7 above, absent a further Court Order.

9. THIS COURT AUTHORIZES the Receiver and its counsel to issue and serve upon Kapil Notice of Examination requiring Kapil attend an examination at a court reporter's office on three (3) business days' notice to answer all questions relating to the business and operations of the Debtor.

**C. PB WEBSITE**

10. THIS COURT ORDERS that Kapil and/or the owners, controllers, operators or other individuals or entities (the "PB Operators") with care and control of the PB Website and/or the Backup PB Website (as those terms are defined in the Second Report and collectively referred to as the "PB Websites") immediately cease and desist from using the Debtor's source codes, board schematics, or other website related information relating to the Debtor's website, including but not limited to web page design elements, colour schemes, type styles and interactive elements.

11. THIS COURT ORDERS that Kapil and/or the PB Operators cease and desist from using the Debtor's name, logo or other marks on the PB Websites.

12. THIS COURT ORDERS that Kapil and/or the PB Operators cease and desist from using any of the Debtor's data that was copied, from back-up copies or otherwise, including but not limited to customer names, addresses, phone numbers, email addresses, usernames, passwords, account details job history and invoices.

13. THIS COURT ORDERS that Kapil and/or the PB Operators shall deliver to the Receiver a list of customers that have purchased products from the PB Websites and the invoices and amounts from these purchases;

14. THIS COURT ORDERS that Kapil and/or the PB Operators shall comply with paragraphs 10 to 13, above, within 7 days of receiving a copy of such Order;

15. THIS COURT ORDERS that the Receiver shall not publicly disclose or disseminate the customer lists provided at paragraphs 13, above, absent a further Court Order.

16. THIS COURT ORDERS that the Receiver is authorized to commence contempt proceedings against Kapil if he fails to comply with paragraphs 7, and 9 to 14, above.

**E. SEALING**

17. THIS COURT ORDERS AND DECLARES that Confidential Appendices "1" to "3" to the Second Report are hereby sealed until further order of this court.

**D. APPROVAL OF SECOND REPORT AND ACTIVITIES**

18. THIS COURT ORDERS AND DECLARES that the Second Report and the Receiver's activities as set out in the Second Report are hereby approved, provided, however, that only the Receiver, in its personal capacity and only with respect to its own personal liability, shall be entitled to rely upon or utilize in any way such approvals.

A handwritten signature in black ink, appearing to read "Jamie J.", is written over a horizontal line.

ENTERED AT / INSCRIT À TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO:

OCT 31 2018

PER/PAR: RW

THE TORONTO-DOMINION  
BANK and  
Applicant

BOSS LOGO PRINT &  
GRAPHICS INC.  
Respondent

Court File No.: CV-18-00605297-00CL

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

Proceeding commenced at Toronto

**ORDER  
EX PARTE  
(re expansion of receiver's powers)**

LERNERS LLP  
130 Adelaide Street West, Suite 2400  
Toronto, ON M5H 3P5

Domenico Magisano LS#: 45725E  
dmagisano@lernalers.ca  
Tel: 416.601.4121 / Fax: 416.601.4123

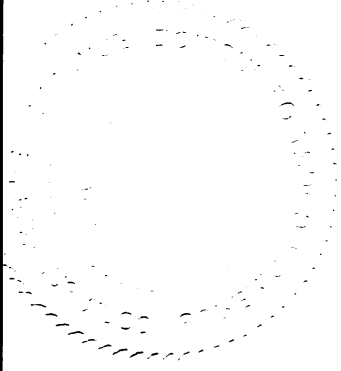
Emily Y. Fan LS#: 59788H  
efan@lernalers.ca  
Tel: 416.601.2390 / Fax: 416.867.2452

Lawyers for the MNP Ltd., in its capacity as  
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& Graphics Inc.

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LERNERS LLP  
130 Adelaide Street West, Suite 2400  
Toronto, ON M5H 3P5

Domenico Magisano LS#: 45725E  
dmagisano@lerner.ca  
Tel: 416.601.4121 / Fax: 416.601.4123

Emily Y. Fan LS#: 59788H  
efan@lerner.ca  
Tel: 416.601.2390 / Fax: 416.867.2452

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