



SUPERIOR COURT OF JUSTICE
COUNSEL SLIP/ENDORSEMENT

COURT FILE NO.: CV-21-00657656-00CL

DATE: JUNE 20 2022

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TITLE OF
PROCEEDING

THE TORONTO-DOMINION BANK v. BRAD DUBY PROFESSIONAL
CORPORATION

BEFORE MR. JUSTICE OSBORNE

NAMES OF COUNSEL AND PARTY: KYLE PLUNKETT

APPLICANT(S)

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APPLICANT(S) *TD BANK*

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NAMES OF COUNSEL AND PARTY:

DEFENDANT(S)

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RESPONDENT(S)

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**NAMES OF COUNSEL AND OTHER PARTIES: 1. TIM HOGAN
SHAHEN ALEXANIAN, A SOMOGYI, NERGIZ SINJARI, ADAM
FEDERICO, SAVANNAH CHORNEY, ELAINE PERITZ,
MATTHEW LEM**

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1. *MNP LTD (Receiver)*

ENDORSEMENT OF OSBORNE, J.

[1] Counsel present at this case conference included the following:

Timothy C. Hogan thogan@harrisonpensa.com	HARRISON PENSA LLP <i>Lawyers for the Receiver, MNP Ltd.</i>
Kyle Plunkett kplunkett@airdberlis.com	AIRD & BERLIS LLP <i>Lawyers for the Applicant, The Toronto-Dominion Bank</i>
Matthew Lem Matthew.Lem@mnp.ca	MNP LTD. <i>Receiver</i>
Elaine Peritz eperitz@jaffeperitz.com	JAFFE PERITZ LLP <i>Lawyers for Bridgepoint Financial Services, secured creditor</i>
Adam Di Federico AFederic@lso.ca	LAW SOCIETY OF ONTARIO <i>Lawyers for Law Society of Ontario</i>
Adam A. Somogyi adam@slglegal.ca	SOMOGYI LAW GROUP <i>New Counsel</i>
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Shahen A. Alexanian shahen@mklegal.ca	MK LEGAL SERVICES PROFESSIONAL CORPORATION <i>New Counsel</i>
Paul Adam p.adam@wiselaw.net	WISE LAW <i>New Counsel</i>
Alissa Winicki alissa@rvlaw.ca	RV LAW <i>New Counsel</i>

[2] This was a Case Conference scheduled at the request of MNP Ltd. in its capacity as Court-appointed Receiver of the Property [as defined in the Appointment Order] of the Respondent, Brad Dube Professional Corporation. The purpose of the Case Conference was to schedule a motion for approval of the First Report of the Receiver, it's activities and fees, seek direction with respect to a proposed sliding fee structure for carriage of the files of the Respondent assumed by new counsel, and for related relief.

[3] The Law Society was served with the materials related to this case conference and its counsel, Mr. Di Federico, was present in Court. All New Counsel, as that term is defined in the materials [those new counsel taking over carriage of matters on which the respondent professional corporation had been acting] were also served with the materials related to this Case Conference. Some but not all were present in court.

[4] On the consent of all parties present, this motion is scheduled for a two-hour appointment before any judge of the Commercial List on October 13, 2022 commencing at 10:00 AM.

[5] Pre-motion materials shall be served and delivered in accordance with the timetable set out below, also on the consent of all parties present:

1. Receiver's Motion record served by June 29, 2022;
2. Responding materials served by September 15, 2022;
3. Receiver's Reply materials (if any) and Receiver's Factum served by September 22, 2022;
4. Responding Facta served by September 29, 2022; and,
5. Receiver's Reply Factum (if any) served by October 6, 2022.

[6] This scheduling Endorsement is without prejudice to the right of any party on the substantive issues to be determined at the motion. Counsel for all parties are going to work cooperatively towards agreeing on a consent protocol for the sharing of relevant information relating to fees and disbursements while protecting privilege as appropriate.

[7] Counsel for the Receiver will serve a copy of this Endorsement on counsel for all parties.

[8] No costs sought or awarded regarding this Case Conference.

Olson, J.