

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE) THURSDAY, THE 29TH
JUSTICE MCVEY) DAY OF AUGUST, 2024

B E T W E E N:

CWB MAXIUM FINANCIAL INC.

APPLICANT

AND

**MEDICAL ARTS DISPENSARY OF OTTAWA (2003) LTD., TOTAL HEALTH
PHARMACY INC., GHADA SANDRA MOHSEN GERGES AND SHERIF GERGES**

RESPONDENTS

**ORDER
(Ancillary Relief)**

THIS MOTION, made by MNP Ltd. (“MNP”) in its capacity as the Court-appointed receiver (the “**Receiver**”) over all of the assets, undertakings and properties of Medical Arts Dispensary of Ottawa (2003) Ltd. (the “**Debtor**”), acquired for, or used in relation to a business carried on by the Debtor, for an order, *inter alia*:

- a) approving the Asset Purchase Agreement dated July 19, 2024 (the “**Purchase Agreement**”) executed by Joseph Saad and Maged Daoud, in trust for Medical Arts Pharmacy Dispensary of Ottawa Inc. (the “**Purchaser**”) and the Receiver as vendor, and authorizing the Receiver to complete the transaction for the purchase and sale of

- the Purchased Assets (as defined in the Purchase Agreement) as contemplated therein (the “**Transaction**”);
- b) authorizing the Receiver to take all steps necessary to complete the Transaction and vesting the Debtor’s right, title and interest in the Purchased Assets to the Purchaser free and clear of all claims and encumbrances upon closing of the Transaction;
 - c) approving the sealing of confidential appendices “1” and “2” to the First Report of the Receiver dated August 22, 2024;
 - d) approving the First Report and the Receiver’s activities described therein;
 - e) approving the Receiver’s Interim Statement of Receipts and Disbursements;
 - f) approving the fees and disbursements of the Receiver and its counsel, Chaitons LLP; and
 - g) approving the distributions described in the First Report.

was heard this day by judicial videoconference in Ottawa, Ontario.

ON READING the First Report and on hearing the submissions of counsel for the Receiver, and such other counsel in attendance at the motion, as shown on the Participant Information Form, filed:

1. **THIS COURT ORDERS** that the First Report and the conduct and activities of the Receiver as set out therein, be and 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 approval.

2. **THIS COURT ORDERS** that the fees and disbursements of the Receiver and Chaitons, as set out in the First Report, the Affidavit of John Haralovich sworn August 20, 2024 and the Affidavit of David Im sworn August 20, 2024, are hereby approved.

3. **THIS COURT ORDERS** that Sherif Gerges, as sole officer and director of the Debtor, immediately comply with the Receiver's request for information regarding the intercompany receivable described in the First Report, and provide or cause to be provided all book and records of the Debtor, including but not limited to accountant prepared financial statements and corporate income tax returns along with accountant prepared financial statements, corporate income tax returns for every company with outstanding debts to the Debtor.

Justice K. McVey

Justice K. McVey

Issuance on August 30, 2024

CWB MAXIUM FINANCIAL INC.

Applicant

-and-

MEDICAL ARTS DISPENSARY OF OTTAWA (2003) LTD. et
al.

Respondents

Court File No. CV-24-00095422-0000

ONTARIO
SUPERIOR COURT OF JUSTICE
Proceedings commenced at OTTAWA

ORDER
(ANCILLARY RELIEF)

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**Lawyers for MNP Ltd., in its capacity as
Court-Appointed Receiver**