

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

B E T W E E N :

THE MANUFACTURERS LIFE INSURANCE COMPANY

Applicant

- and -

RIVERSIDE PROFESSIONAL CENTRE INC.

Respondent

APPLICATION UNDER Section 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

**NOTICE OF MOTION
(Returnable JANUARY 7, 2022)**

Lerners LLP, lawyers of record for the Respondent, will make a motion to a judge, on January 7, 2022, at 12:30 pm or as soon after that time as the motion can be heard, at 330 University Ave, Toronto, Ontario.

PROPOSED METHOD OF HEARING: The motion is to be heard:

- In writing under subrule 37.12.1(1) because it is
- In writing as an opposed motion under subrule 37.12.1(4);
- In person;
- By telephone conference;
- By video conference.

at the following location: 330 University Avenue, Toronto, Ontario
Zoom link: <https://lerners-ca.zoom.com/j/69975314696>

THE MOTION IS FOR:

- (a) An Order removing Lerner's LLP as lawyers of record for the Respondent in this proceeding; and
- (b) Such further and other relief as counsel may request and this Honourable Court will permit.

THE GROUNDS FOR THE MOTION ARE:

- (a) Domenico Magisano and Spencer Jones of Lerner's LLP are the lawyers of record for the Respondent in this proceeding;
- (b) The Respondent has entered into Receivership and the court-appointed Receiver has retained new counsel;
- (c) Rules 1.04, 1.05, 15.04, and 37 of the *Rules of Civil Procedure*; and
- (d) Such further and other relief as counsel may request and this Honourable Court will permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

- (a) Affidavit of Spencer Jones sworn December 29, 2021, and the exhibits thereto;
- (b) Pleadings and proceedings herein; and
- (c) Such further and other evidence as counsel may advise and this Honourable Court will permit.

December 29, 2021

LERNERS LLP
225 King Street West, Suite 1500
Toronto, ON M5V 3M2

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

Spencer Jones LS#: 77350U
sjones@lernalers.ca
Tel: 416.601.2358

Lawyers for the Respondent

TO: **Riverside Professional Centre Inc.**
1919 Riverside Drive
Ottawa, ON K1H 7W9

Respondent

AND TO: **MNP Ltd.**
111 Richmond Street West, Suite 300
Toronto, ON M5H 2G4

Sheldon Title
Sheldon.title@mpn.ca

Receiver of the Respondent

AND TO: **FASKEN MARTINEAU DuMOULIN LLP**
Bay Adelaide Centre
333 Bay Street, Suite 2400
P.O. Box 20
Toronto, ON M5H 2T6

Dylan A. Chochla
Tel: 416.868.3425
dchochla@fasken.com

Counsel for the Receiver

AND TO: **MILLER THOMSON LLP**
40 King Street West, Suite 5800
Toronto, ON M5H 3S1

David S. Ward
Tel: 416.595.8631
dward@millerthomson.com

Counsel for the Applicant

THE MANUFACTURERS LIFE
INSURANCE COMPANY
Applicant

and

RIVERSIDE PROFESSIONAL CENTRE INC.
Respondent

Court File No.: CV-21-00668726-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

Proceeding commenced at TORONTO

**NOTICE OF MOTION
(Returnable JANUARY 7, 2022)**

LERNERS LLP
225 King Street West, Suite 1500
Toronto, Ontario M5V 3M2

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

Spencer Jones LS#: 77350U
sjones@lernalers.ca
Tel: 416.601.2358

Lawyers for the Respondent