

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

IN THE MATTER OF 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

THE HONOURABLE) FRIDAY, THE 27th
JUSTICE OSBORNE) DAY OF JANUARY, 2023

B E T W E E N:

**COSA NOVA FASHIONS LTD., B & M HANDELMAN,
INVESTMENTS LIMITED, COMFORT CAPITAL INC., 593651
ONTARIO LTD., E. MANSON INVESTMENTS LIMITED,
NATME HOLDINGS LTD., FRANCIE STORM, BARSKY
INVESTMENTS LTD., STEPHEN HANDELMAN, ROSEWILL
INVESTMENT CORPORATION, THOMAS BOCK, THE
BANK OF NOVA SCOTIA TRUST COMPANY AND CANADA
INVESTMENT CORPORATION**

Applicants

- and -

THE MIDAS INVESTMENT CORPORATION

Respondent

ORDER

THIS MOTION, made by Rosen Goldberg Inc. in its capacity as court appointed receiver and manager (the “**Receiver**”) of all of the assets, undertakings and properties of the Respondent, The Midas Investment Corporation (“**Midas**”),

for directions and ancillary relief, was heard this day by way of Zoom video conference, at Toronto, Ontario.

UPON READING the Notice of Motion and the Seventh Report of the Receiver dated January 19, 2023 (the “**Seventh Report**”), and the Supplementary Motion Record of the Receiver dated January 25, 2023, the Affidavit of John Kavanagh sworn January 26, 2023, and upon hearing submissions of counsel for the Receiver, counsel for John Kavanagh, Gordon Ullman appearing personally, and Thomas Farrell appearing personally, no one else appearing although properly served as appears from the Affidavit of Hayley Morgan sworn January 20, 2023, filed,

1. **THIS COURT ORDERS** that the time for service and filing of this motion is hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.

2. **THIS COURT ORDERS** that the activities of the Receiver, including the Statement of Receipts and Disbursements as of January 18, 2023, as described in the Seventh Report, are hereby approved and authorized.

3. **THIS COURT ORDERS AND APPROVES** the following distributions in accordance with the Claims Process undertaken pursuant to the Order of Justice Dietrich dated July 11, 2022:

- a) Dickinson Wright LLP: \$62,218.00;
- b) Miller Thomson LLP: \$78,102.00;
- c) Maurice J. Neirinck & Associates: \$452,000.00;
- d) Mills & Mills LLP: \$5,933.00;
- e) Gordon Ullman: \$41,633.00.

4. **THIS COURT ORDERS** that Thomas Farrell shall deliver any materials he intends to rely upon in support of the Dispute Notice delivered December 22, 2022 in connection with the disallowance of his claim by the Receiver by February 10, 2023.

B E T W E E N:

COSA NOVA FASHIONS LTD. et al.
Applicants

-and-

THE MIDAS INVESTMENT CORPORATION
Respondent

Court File No. CV-21-00656398-00CL

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Proceeding commenced at Toronto

ORDER

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