

Superior Court of Justice
HAMILTON

Court File Number/Numéro de dossier du greffe
CV-24-00088321-0000
Bank of Montreal v. 11977636 CANADA INC et
al

Civil Endorsement Sheet/Page d'inscription

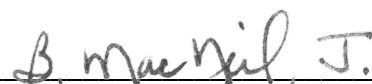
DATE: 02/10/2025

Moving Party: Receiver, msi Spergel Inc. – Trevor Pringle
Counsel: D. Afroz

Plaintiff(s)/Applicant(s): Bank of Montreal
Counsel: M. Lici and A. Bernicchia-Freeman

Defendant(s)/Respondent(s): 11977636 CANADA INC.
Counsel: A. Misir

1. Motion made by court-appointed Receiver, msi Spergel Inc., for approval of a sale transaction order, approval of a distribution and discharge order, and related relief.
2. The Bank of Montreal consented to the motion.
3. The Respondent, 11977636 Canada Inc., did not file any responding materials. However, its counsel, Mr. Misir, made submissions requesting that the court not approve the relief sought by sub-paragraphs 2(b) through (f) of the Notice of Motion respecting the claimed fees and disbursements but, instead, order an assessment of same. After hearing the submissions of counsel for the parties and counsel for the Receiver, for oral reasons given at the hearing, I declined to grant the requested assessment relief. Since no responding materials had been filed, there was no evidence before the court to support a finding that the fees and disbursements being claimed were not fair and reasonable in the circumstances.
4. Based on the record before me and the submissions of counsel, for oral reasons given at the hearing, motion granted.
5. Orders to go in accordance with the draft Approval and Vesting Order and draft Distribution and Discharge Order as submitted (i.e., emailed to the Registrar), and signed.



MacNEIL J.