

Court File No.

**ONTARIO
COURT OF JUSTICE
(CENTRAL SOUTH REGION)**

THE HONOURABLE MR.)
JUSTICE LEITCH)

WEDNESDAY, THE 16TH
DAY OF JANUARY, 2019

IN THE MATTER OF an Application by msi Spergel, Inc., in its capacity as the pursuant to Section 490(15) of the *Criminal Code* for an Order permitting the Applicant to examine detained property

BETWEEN:

(Court Seal)

HER MAJESTY THE QUEEN

and

UMAIR NASIM

**ORDER
(CRIMINAL CODE, S. 490(15))**

UPON THE APPLICATION made on the 16th day of January, 2019 by solicitor of record on behalf of the Applicant, msi Spergel inc., in its capacity as court-appointed Receiver of the properties, assets and undertakings of 1970636 Ontario Ltd. o/a Mt. Cross Pharmacy (the “Receiver”), for an Order under s. 490(15) of the *Criminal Code* permitting the Receiver to examine and reproduce certain documents detained by the Royal Canadian Mounted Police (“RCMP”) pursuant to the execution of certain search warrants;


AND UPON reading the Application dated November 30, 2018;

AND UPON BEING ADVISED that the Crown consents to this Application and Umair Nasim does not oppose the Application;

AND UPON BEING SATISFIED that the Applicant has an interest in those detained documents and property, and that it is desirable for the administration of justice and necessary to the duty of the Applicant as court-appointed Receiver that the Applicant should have copies of the same;

1. **THIS COURT ORDERS** that the Receiver be permitted to examine and reproduce any documents, client records, prescription information, books, documents, securities, contracts, orders, billing privileges, corporate and accounting records, and any other papers, records and information of any kind related to the business or affairs of 1970636 Ontario Ltd. o/a Mt. Cross Pharmacy, and any computer programs, computer tapes, computer disks, or other data storage media containing any such information seized by the RCMP in connection with the criminal proceedings of Umair Nasim, including without limitation any information or documentation seized by the RCMP pursuant to the Warrant to Search attached as Schedule "A" hereto.
2. **THIS COURT ORDERS** that the reproduction of the documents referred to in paragraph 1 of this Order shall be conducted at the Applicant's reasonable expense.

DATED at the City of Hamilton, Ontario on the ^{16th} ___ day of JANUARY, 2018


Justice of the Ontario Court of Justice

ANTHONY F. LEITCH

NOTICE

Section 490(15) of the *Criminal Code* provides:

(15) Where anything is detained pursuant to subsections (1) to (3.1), a judge of a superior court of criminal jurisdiction, a judge as defined in section 552 or a provincial court judge may, on summary application on behalf of a person who has an interest in what is detained, after three clear days' notice to the Attorney General, order that the person by or on whose behalf the application is made be permitted to examine anything so detained.

SCHEDULE A
SEE ATTACHED

**ONTARIO COURT OF JUSTICE
(Central West Region)**

IN THE MATTER OF an application for a Search Warrant pursuant to section 487(1) of the *Criminal Code*.

AND IN THE MATTER OF an application for an Assistance Order, pursuant to section 487.02 of the *Criminal Code*.

WARRANT TO SEARCH

TO: Marcel McLennan or any Peace Officers in the Province of Ontario assisting him:

WHEREAS it appears on the oath of Marcel McLennan, a Peace Officer and a member of the Royal Canadian Mounted Police (RCMP) in the Province of Ontario;

THAT there are reasonable grounds to believe that the Named Offences have been committed, as set out in Appendix B (see attached Appendix B).

AND THAT there are reasonable grounds to believe that the Named Items listed in Appendix A (see attached Appendix A), subject to the Terms and Conditions stated there in, will afford evidence of the Named Offences listed in Appendix B.

AND THAT there are reasonable grounds to believe that the Named Items listed in Appendix A or some part of them, are located at Mt Cross Pharmacy located at 503 Concession Street, Hamilton, Ontario and the office of Angelo Kirkopoulos at Mt Cross Pharmacy (Mt Cross Pharmacy).

THIS IS THEREFORE, to authorize and require you or any Peace Officers in the Province of Ontario assisting you and between the hours of 8:00 a.m. on the 16th day of May, 2018, to 4:00 p.m. on the 16th day of May, 2018, to enter into Mt Cross Pharmacy and to search for and seize the Named Items and bring them before me or some other Justice, or submit a Report to Justice in writing in respect of anything seized.

IT IS ORDERED THAT, pursuant to section 487.02 of the *Criminal Code*, any employee of the Ontario College of Pharmacists and Health Canada shall provide all necessary assistance that is reasonably required to implement this order. This includes personnel to assist in the search and seizure of the Named Items in the Business, for the purpose of giving effect to this search warrant.

DATED this 14 day of May, 2018 at the City of Hamilton in the Province of Ontario.


A Justice of the Peace in and for the Province of Ontario

APPENDIX A

Things to be Seized

1. All electronic and paper generated records for any transactions related to controlled substances required to be kept by the *Narcotic Control Regulations (NCR)*, *Food and Drug Regulations (FDR)* and *Benzodiazepines and Other Targeted Substances Regulations (BOTSR)*, including receiving, dispensing, inventory, prescription files and transport, for Mt Cross Pharmacy and MTN RX and Health Clinic;
2. Vehicle ownership, registration, insurance documents and repair and maintenance documents related to a Black 2014 Land rover Range Rover, Vehicle Identification Number: SALGV2TF5EA167685 and Ontario license CCWZ130;
3. Personal records including debt lists, calendars and address memo books;
4. Financial documents including money transfer records, banking slips, debit and credit receipts, deposit and withdrawal information slips, cheques, bank drafts, statements, credit card statements, mortgage applications and documents, loan application and related documents, bank account records and safety deposit box keys;
5. Invoices, receipts, appraisals, floor and building plans, names lists and documents related to construction, purchase and rental agreements, insurance policies and documents, land title documents, records of ownership for land and property, real estate documents, offers to purchase and sale, mortgages, property tax records, cancelled cheques, payment schedules and keys;
6. Records of ownership demonstrating the acquisition and disposal of assets;
7. Tax records, income tax returns, employment records and resumes; and
8. Computers, digital storage devices and smart phones.

Terms and Conditions

9. The electronic and paper generated records for any transactions related to controlled substances required to be kept by the *NCR, FDR* and *BOTSR*, including receiving, dispensing, inventory, prescription files and transport, for Mt Cross Pharmacy and MTN RX and Health Clinic, shall be limited to the period of June 26th, 2017, up until the date of the execution of the attached warrant.
10. The items in paragraph one are specific to Mt Cross Pharmacy.
11. The items in paragraphs 2-8 are specific to the office of Angelo Kirkopoulos at Mt Cross Pharmacy and includes the items in paragraph 1.
12. The items in paragraphs 4-7 shall be limited to the period of January 1st, 2015, up until the date of the execution of the attached warrant.
13. The documents in paragraphs 3-7 relate to Angelo Kirkopoulos and companies associated to him.

Appendix B

Offences

1. Sections 30, 42 and 43 of the *Narcotic Control Regulations*;
2. Sections G.03.001(1), G.03.012 and G.03.013 of the *Food and Drug Regulations*; and
3. Sections 7(1)(b) and 50 of the *Benzodiazepines and Other Targeted Substances Regulations*;

thereby committing offences contrary to Section 46 of the *Controlled Drugs and Substances Act*; and
4. Possess a Substance for the Purpose of Trafficking to wit: Fentanyl, contrary to Section 5(2) of the *Controlled Drugs and Substances Act*;
5. Possess a Substance for the Purpose of Trafficking to wit: Oxycodone, contrary to Section 5(2) of the *Controlled Drugs and Substances Act*;
6. Possession of Proceeds of Property knowing that all or part of the proceeds of the property was obtained by the commission in Canada of an offence punishable by indictment, contrary to Section 354(1)(a) of the *Criminal Code*; and
7. Laundering the Proceeds of Crime contrary to Section 462.31(1) of the *Criminal Code*.

HER MAJESTY THE QUEEN
Applicant

-and- UMAIR NASIM

Court File No.

**ONTARIO
COURT OF JUSTICE
(TORONTO REGION)**

PROCEEDING COMMENCED AT
TORONTO

ORDER

PALLET VALO LLP

Lawyers & Trade-Mark Agents
77 City Centre Drive, West Tower
Suite 300
Mississauga, Ontario L5B 1M5

JOHN RUSSO (LSO # 42112D)

Tel: (905) 273-3300 ext: 282
Fax: (905) 273-6920
Email: jrusso@pallettvalo.com

DINA MILIVOJEVIC (LSO # 64521U)

Tel: (905) 273-3300 ext: 283
Fax: (905) 273-6920
Email: dmilivojevic@pallettvalo.com

Lawyers for the Receiver, msi Spergel inc.