

Garrafa, Shallon

From: Cavanagh, Justice Peter (SCJ) <Peter.Cavanagh@scj-csj.ca>
Sent: Wednesday, November 25, 2020 11:26 AM
To: Iqbal, Asim; bissell@gsnh.com; Lamek, Edmond; Stewart Thom
Cc: JUS-G-MAG-CSD-Toronto-SCJ Commercial List
Subject: **[**EXT**]** CWB Maxium Financial et al v. 2503338 ONTARIO INC. et al
CV-20-00650853-00CL
Attachments: Order (Add and Remove Respondents)_CV-20-00650853-00CL.pdf; Consent
Receivership Order_CV-20-00650853-00CL.pdf

Counsel:

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Edmond Lamek edmond.lamek@dlapiper.com	Counsel to Respondents
Stewart Thom (sthom@torkinmanes.com)	Counsel to Koll and Frisch

Endorsement:

On consent orders to issue in form of attached orders signed by me. I add the following which counsel have approved.

Consenting Respondents

The consent to the Receivership Order by the Respondents, Bless Hui Pharma Inc., Maple Medi Pharma Inc., River Hill Pharmacy Ltd., St. Mary Theotokos Pharma Inc., Stoney Creek Pharma Inc., Toronto Apothecary Pharma Inc., Westway Holdings Inc., and Olde Walkerville Holdings Inc. (collectively, the “**Consenting Respondents**”) is without prejudice to any rights or defences (if any) of any guarantors of the obligations owing to the Applicants by any of the Consenting Respondents.

JM Westview Pharma Inc. and SJ East Pharma Inc.

The Application against SJ East Pharma Inc. (“**SJ East Pharma**”) and JM Westview Pharma Inc. (“**JM Westview**”) is adjourned until February 1 2021 at (:30 a.m. be fore me on the following terms (the “**Adjournment Terms**”):

- (1) All regularly scheduled payments of the obligations owing by each of SJ East Pharma and JM Westview to the Applicants (as applicable) shall be paid when due and payable;
- (2) On or before January 30, 2021 each of JM Westview and SJ East Pharma shall have entered into a binding agreement of purchase and sale or other form of transaction, which shall be in form and substance satisfactory to the Applicants in its sole discretion, and such transaction shall have closed or be scheduled to close on a later date acceptable to the Applicants in its sole discretion (which shall be no later than February 28, 2021); and
- (3) JM Westview and SJ East Pharma shall be in compliance with the terms of the forbearance agreement to be entered into by the parties.

If SJ East Pharma, JM Westview or both fail to satisfy the Adjournment Terms, SJ East Pharma, JM Westview or both (as applicable) shall be deemed to have consented to the Receivership Order and,

in such a case, the Applicants may obtain a Receivership Order in respect of SJ East Pharma and/or JM Westview (as applicable) at a 9:30 chambers appointment. For greater certainty, SJ East Pharma or JM Westview shall only be deemed to consent to the granting of the Receivership Order upon such entity's failure to satisfy any of the conditions and a default of the Adjournment Terms by either of SJ East Pharma or JM Westview does not constitute a default of the Adjournment Terms by the other.

Resident Medical Group Inc., SJ Colborne Pharma Inc., St. Mary Cooksville Pharma Inc., Abu Seifein Brimley Pharma Inc., Bless Jimmy's Pharma Inc., Bless Pharma Inc., JG Windsor Inc., 4231 Sheppard Avenue East Inc., Jimmy's Group Investors Inc., Jubilee Property Investments Inc., S&J Property Investors Inc. and Toronto Surrey Pharma Inc. (collectively, the "Group 3 Companies")

The Receivership Application in respect of the Group 3 Companies shall be adjourned to allow the parties to negotiate and enter into a forbearance agreement. A chambers appointment is scheduled before me on December 7, 2020 for 30 minutes to either re-schedule the balance of the Receivership Application if the parties cannot finalize a forbearance agreement, or seek any required ancillary relief on consent if the parties finalize the terms of a forbearance agreement.

Entry of the orders signed is dispensed with.

Cavanagh, J.

[EXTERNAL EMAIL / COURRIEL EXTERNE]

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