

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

BETWEEN:

CWB MAXIUM FINANCIAL INC.

Plaintiff

- and -

**1970636 ONTARIO LTD. o/a MT. CROSS PHARMACY, UMAIR NASIM,
SHRIKANT MALHOTRA, 1975193 ONTARIO LTD. dba MTN RX & HEALTH AND
ANGELO KIRKOPOULOS**

Defendants

**SUPPLEMENT TO THE FIRST REPORT OF MSI SPERGEL INC.
IN ITS CAPACITY AS THE COURT-APPOINTED RECEIVER OF
1970636 ONTARIO LTD. o/a MT. CROSS PHARMACY**

July 25, 2018

- 1.0.1 This supplemental report (this **“Supplement”**) is filed by msi Spergel inc. (**“Spergel”**), in its capacity as the Court-appointed receiver (in such capacity, the **“Interim Receiver”**) of 1970636 Ontario Ltd. o/a Mt. Cross Pharmacy (**“Mt. Cross”** or the **“Company”**), as a supplement to the Receiver’s Report to the Court dated July 24, 2018 (the **“Report”**). The purpose of this Supplement is to apprise this Court as to the apparent conduct of 1975193 Ontario Ltd. dba MTN RX & Health (**“MTN RX”**) as it relates to MTN RX contacting the patients/clients of Mt. Cross. Unless otherwise stated, all capitalized terms are defined as in the Report.
- 1.0.2 Pursuant to the endorsement of Honourable Mr. Justice Hainey of the Ontario Superior Court of Justice dated June 28, 2018 (the **“Endorsement”**), 1975193 Ontario Ltd. and its principals, employees and agents were ordered not to contact any patients/clients of Mt. Cross for the purpose of having such patients/clientstransfer their file(s) to 1975193 Ontario Ltd. dba MTN RX. Attached hereto as **Appendix “1”** to this Supplement is the Endorsement.
- 1.0.3 On July 23, 2018, the Receiver was advised by the designated pharmacist at Mt. Cross (the **“Pharmacist”**) that he received a telephone call from a patient who advised that she received a telephone call from the woman who used to work at Mt. Cross and now works at MTN RX advising that MTN RX received a fax for her prescription and will deliver same to her. The patient advised the girl that she obtains her medication from Mt. Cross and will contact Mt. Cross for filling the prescription. A redacted copy of the email dated July 23, 2018 from the Pharmacist is attached hereto as **Appendix “2”** to this Supplement.
- 1.0.4 On July 25, 2018, the Receiver was again advised by the Pharmacist that a patient contacted him and advised that his file was transferred to MTN RX without his permission. The patient further advised that he instructed MTN RX to transfer the file back to Mt. Cross. After multiple failed attempts by the Pharmacist to obtain the transfer of the patient, the Pharmacist had to call the patient again in order to have file transferred back to Mt. Cross. A redacted copy

of the email dated July 25, 2018 from the Pharmacist is attached hereto as **Appendix "3"** to this Supplement.

Dated at Toronto 25th day of July, 2018.

msi Spergel inc.,
solely in its capacity as Court-appointed
Receiver of 1970636 Ontario Ltd. o/a Mt.
Cross Pharmacy and not in its personal
or corporate capacity

Per:

A handwritten signature in black ink, appearing to read "Philip H. Gennis". The signature is written in a cursive style with a large initial "P" and "H".

Philip H. Gennis, J.D., CIRP, LIT
Senior Principal

APPENDIX 1

10:00 AM

H

COUNSEL SLIP

COURT FILE NO CV-18-597922-0001

DATE JUN 28, 2018

NO ON LIST 8

TITLE OF PROCEEDING CWB MAXIMUM FINANCIAL INC. v 1970636 ONTARIO LTD. et al.

COUNSEL FOR: C. MILLS T 416 595-8596 PHONE & FAX NOS
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APPLICANT(S)
PETITIONER(S)

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June 28, 2018

90 Minute hearing scheduled for August 3, 2018. The date has been cleared.

Haining J

The parties shall comply

with the attached
true table.

Hain J

Timetable

June 28, 2018

CWB Maxium Financial Inc. v. 1970636 Ontario Ltd. o/a/ MT. Cross Pharmacy et al.
(CV-18-597922-00CL)

Court Endorsement

- i) responding materials of 1975193 Ontario Ltd. to be served within ten (10) days;
- ii) timetable for reply materials and cross-examinations, if any, exchange of facts, and the hearing of the motion to be agreed upon based on first available Commercial List dates;
- iii) 1975193 Ontario Ltd. shall provide to the Receiver a list of all patient/client names from February 1, 2018 to present, in order for the Receiver to compare with its list of files alleged to have been improperly transferred to MTN RX. The Receiver will hold the patient/client names contained in the list to provided to the Receiver on a confidential basis.
- iv) 1975193 Ontario Ltd. shall not transfer, sell, or encumber any of its assets pending resolution of the motion, mutual agreement, or Court Order.
- v) 1975193 Ontario Ltd and its principals, employees and agents will not contact any patients/clients of Mt Cross to transfer their file(s) to 1975193 Ontario Ltd dba MTN RX; and
- vi) Angelo Kirkopoulos will have no access to the books, records and bank accounts of 1975193 Ontario Ltd dba MTN RX, and will not have any signing authority and will not have access to the pharmacy itself.

*90 Minute hearing
scheduled for
August 3/18*

Hardley J

APPENDIX 2

Mukul Manchanda

From: [REDACTED]
Sent: July 23, 2018 3:06 PM
To: Mukul Manchanda

today I received phone call from one patient her name is [REDACTED] she said she need to repeat her RX during talking she mentioned that the girl used to work here in mount cross pharmacy called her she told her I received fax for your RX and we will deliver to you patient said no I will stay with my pharmacy which is mount cross thx

APPENDIX 3

Mukul Manchanda

From: [REDACTED]
Sent: July 25, 2018 12:49 PM
To: Mukul Manchanda
Subject: TRANSFERE WITHOUT PREMISSION

I have [REDACTED] came to me at June 29/2018 he was not happy cause they transfer his file to MTN RX and health without his permission and he told me he went to the pharmacy and told them he doesn't like it there and he wants to transfer back to mountain cross ph. and asked me to call there and transferee his file back to mountain cross pharmacy I called the pharmacy and pharmacist called [REDACTED] she said she will transfer the file but she took long TIME without transferring the file I called this pharmacist 3 times and she didn't send the file finally I had to call [REDACTED] and telling him to call the pharmacist and tell her to transfer the file and he did 20 minutes after I received the transfer.