

**ONTARIO
SUPERIOR COURT OF JUSTICE
(Commercial List)**

THE HONOURABLE

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WEDNESDAY, THE

)

JUSTICE PENNY

)

13th DAY OF JANUARY, 2016

**IN THE MATTER OF THE *BANKRUPTCY AND INSOLVENCY ACT*,
R.S.C. 1992, c. 27, s.2, AS AMENDED
AND IN THE MATTER OF CERTAIN PROCEEDINGS TAKEN IN THE ISLE OF MAN WITH
RESPECT TO BANNERS BROKER INTERNATIONAL LIMITED**

**APPLICATION OF MILES ANDREW BENHAM AND PAUL ROBERT APPLETON, IN THEIR
CAPACITY AS JOINT LIQUIDATORS OF BANNERS BROKER INTERNATIONAL LIMITED,
UNDER PART XIII OF THE *BANKRUPTCY AND INSOLVENCY ACT* (CROSS-BORDER
INSOLVENCIES)**



ORDER

(Production of Banking Records)

THIS MOTION, made by Paul Robert Appleton and Miles Andrew Benham in their capacity as Joint Liquidators and Foreign Representatives (the “**Joint Liquidators**”) of Banners Broker International Limited (“**BBIL**”), and msi Spergel inc., in its capacity as receiver of BBIL and investigatory receiver of (i) 2087360 Ontario Incorporated o/a Local Management Services; (ii) Parrot Marketing Inc. (formerly o/a “8264554 Canada Limited”); (iii) 2341620 Ontario Corporation; (iv) Stellar Point Inc. (formerly o/a “7250037 Canada Inc.” and “Bannersbroker Limited”); (v) Dixit Holdings Inc. (formerly o/a “8163871 Canada Limited”); (vi) 8643989 Canada Inc. o/a Dixit Consortium Inc.; (vii) Dreamscape Ventures Ltd.; and (viii) any other entity operating under the business names “Bannersbroker”, “Banners Broker”, “Bannersbroker Limited”, “Bannersmobile”, “BannersMobile” or “Banners Broker Belize” (the “**Receiver**”) for a *Norwich* order

compelling the Canadian Imperial Bank of Commerce ("**CIBC**") and the Royal Bank of Canada ("**RBC**", with CIBC, collectively, the "**Financial Institutions**") to provide copies of the TOI Records (defined below) and Visa Records (defined below) to the Receiver was heard this day at the Court House at 330 University Avenue, Toronto, Ontario.

ON READING the notice of motion dated January 8, 2016, the Fourth Report of the Receiver, dated January 8, 2016 (the "**Fourth Report**"), and the affidavit of service of Erin Craddock sworn January 8, 2016, and on hearing submissions from counsel for the Receiver and the Joint Liquidators:

Service

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

Financial Records

2. **THIS COURT ORDERS**, with reference to the transactions of interest listed in Schedule "A" of this Order ("**CIBC TOI**"), that CIBC provide copies of transaction details within its possession sufficient for the Receiver to identify the account number and holder to whom the funds were sent ("**CIBC TOI Records**").

3. **THIS COURT ORDERS**, with reference to the transactions of interest listed in Schedule "B" of this Order ("**RBC TOI**"), that RBC provide copies of transaction details within its possession sufficient for the Receiver to identify the account number and holder to whom the funds were sent ("**RBC TOI Records**, with CIBC TOI Records, the "**TOI Records**").

4. **THIS COURT ORDERS** that the Financial Institutions produce such TOI Records to the Receiver within 30 days of the date of this Order, unless otherwise agreed to by the Receiver.

Visa Statements

5. **THIS COURT ORDERS** that CIBC shall produce to the Receiver account statements for the VISA credit card accounts bearing numbers [REDACTED], [REDACTED], and [REDACTED] for the time periods specified in Schedule "C" to this Order.

6. **THIS COURT ORDERS** that CIBC produce the Visa Records within 30 days of the date of this Order, unless otherwise agreed to by the Receiver.

Reimbursement of Financial Institutions' Costs

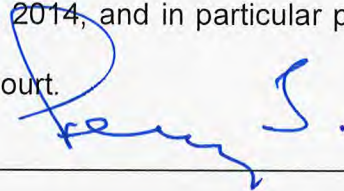
7. **THIS COURT ORDERS** that the Receiver reimburse the Financial Institutions for all reasonable costs incurred for purposes of compliance with this order, which costs shall be agreed upon by the parties, or fixed by the Court in the absence of agreement.

Confidentiality

8. **THIS COURT ORDERS** that subject to further order of this Court, the Financial Institutions and any other party that has or obtains knowledge of this Order shall not disclose the existence of this Order, the within Motion, or any act or conduct undertaken in compliance with this Order to any other person or party, except for the limited purpose of complying with this order or any other order, or obtaining legal advice with respect to compliance with such orders.

Sealing Order

9. **THIS COURT FURTHER ORDERS THAT** Confidential Appendix "B" to the Fourth Report be and is hereby sealed from the public court file in accordance with the terms of the Order of Justice Newbould, dated October 23, 2014, and in particular paragraph 4 thereof, pending further Order of this Honourable Court.



ENTERED AT / INSCRIT A TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO.:



JAN 13 2016

Schedule "A" - Transactions of Interest

Account	Receipts and Payments / Date	Type	Debits / US \$	Account / Card Number	Card Number	Exchange Rate	Debits / CAD \$	Company
[REDACTED]	20-Jun-13	Debit Memo	100,230.87			0.9627	104,114.33	Stellar Point
	5-Jun-13	Debit Memo	89,436.18			0.9667	92,517.00	Stellar Point
	17-Jul-13	Debit Memo	66,049.69			0.9592	68,859.14	Stellar Point
	28-Aug-13	Debit Memo	57,535.76			0.9533	60,354.31	Stellar Point
	4-Jul-13	Debit Memo	53,594.52			0.9512	56,344.11	Stellar Point
	26-Sep-13	Debit Memo	50,379.26			0.9689	51,996.35	Stellar Point
	11-Sep-13	Debit Memo	50,373.45			0.9674	52,070.96	Stellar Point
	31-Jul-13	Debit Memo	49,682.24			0.9721	51,108.16	Stellar Point
	16-Aug-13	Debit Memo	48,381.40			0.9667	50,048.00	Stellar Point
	22-Mar-12	Debit Memo	40,000.00			1		Stellar Point
	27-Feb-13	Debit Memo	17,202.01			0.9756	17,632.24	Stellar Point
	14 Jun 13	Transfer	10,101.01		[REDACTED]			Parrot Marketing
	29-Jul-13	Debit Memo	9,980.97			1		Stellar Point
	10 Oct 13	Transfer	7,704.80		[REDACTED]	0.9631	8,000.00	Dixit Consortium
	5 Sep 14	Transfer	5,509.80			0.9183	6,000.00	Dixit Consortium
			656,161.97					

Schedule "B" - Transactions of Interest

Account	Receipts and Payments / Date	Type	Debits / US \$	Account / Card Number	Card Number	Comment	Exchange Rate	Debits / CAD \$	Company
	1-May-12	Withdrawal	225,648.42				1.0164	222,007.50	Stellar Point
	12-Mar-12	Withdrawal	100,650.00				1.0065	100,000.00	Stellar Point
	27-Jun-12	Withdrawal	97,258.60				0.9749	99,762.64	Stellar Point
	10-Apr-12	Withdrawal	79,659.85				0.9972	79,883.52	Stellar Point
	14-Jun-12	Withdrawal	73,322.87				0.9759	75,133.59	Stellar Point
	25-Apr-12	Transfer	47,528.32				1.0154	46,807.48	Stellar Point
	12-Mar-12	Withdrawal	28,042.74				1.0065	27,861.64	Stellar Point
	15-May-12	Direct Deposit	24,325.21			Pay Emp Vendor	0.9971	24,395.96	Stellar Point
	13-Jul-12	Direct Deposit	23,985.44				0.9851	24,348.23	Stellar Point
	27-Jun-12	Direct Deposit	23,829.88				0.9749	24,443.41	Stellar Point
	13-Aug-12	Direct Deposit	23,683.77				1.0067	23,526.14	Stellar Point
	14-Jun-12	Direct Deposit	22,531.66				0.9759	23,088.08	Stellar Point
	30-Jul-12	Direct Deposit	21,355.14				0.9967	21,425.85	Stellar Point
	30-Apr-12	Direct Deposit	21,083.97				1.0117	20,840.14	Stellar Point
	16-Apr-12	Direct Deposit	18,953.18			Pay Emp Vendor	0.9976	18,998.78	Stellar Point
	29-Mar-12	Direct Deposit	18,220.68			Pay Emp Vendor	1.0001	18,218.86	Stellar Point
	31-Jul-12	Direct Deposit	16,851.39				0.9986	16,875.02	Stellar Point
	14-Aug-12	Direct Deposit	16,803.70				1.0087	16,658.77	Stellar Point
	13-Mar-12	Direct Deposit	15,809.55			Pay Emp Vendor	1.0096	15,659.22	Stellar Point
	24-Feb-12	Withdrawal	13,708.45				1.0012	13,692.02	Stellar Point
	25-Apr-12	Withdrawal	13,200.20				1.0154	13,000.00	Stellar Point
	28-Jun-12	Direct Deposit	12,597.48				0.9678	13,016.62	Stellar Point
	15-Jun-12	Direct Deposit	11,431.37				0.9762	11,710.07	Stellar Point
	5-Mar-12	Withdrawal	11,318.27				1.0064	11,246.29	Stellar Point
	9-Mar-12	Withdrawal	11,116.60				1.0106	11,000.00	Stellar Point
	29-Feb-12	Withdrawal	10,430.13				1.0136	10,290.18	Stellar Point
	27-Jun-12	Withdrawal	10,195.99				0.9749	10,458.50	Stellar Point
	16-Jul-12	Direct Deposit	9,561.21				0.9845	9,711.74	Stellar Point
	12-Apr-12	Withdrawal	9,052.54			BR to BR	1.005	9,007.50	Stellar Point
	10-Sep-12	Withdrawal	8,020.07				1.0244	7,829.04	Stellar Point
	30-May-12	Direct Deposit	7,882.31			Pay Emp Vendor	0.9722	8,107.70	Stellar Point
	3-Feb-12	Cheque	5,982.52						Stellar Point
	25-May-12	Direct Deposit	5,590.18			Pay Emp Vendor	0.9723	5,749.44	Stellar Point

Schedule "B" - Transactions of Interest

9-May-12	Direct Deposit	5,415.86							
	Withdrawal								
19-Mar-12		5,060.50							
		1,050,108.05							

Schedule "C"

Time Periods for Visa Records

1. Visa Card [REDACTED]: September 1, 2012 to December 31, 2013
2. Visa Card [REDACTED]: September 1, 2012 to December 31, 2013
3. Visa Card [REDACTED]: June 1, 2012 to October 31, 2012

IN THE MATTER OF THE *BANKRUPTCY AND INSOLVENCY ACT*,
R.S.C. 1992, c. 27, s.2, AS AMENDED

Court File No. CV-14-10663-00CL

APPLICATION OF MILES ANDREW BENHAM AND PAUL ROBERT
APPLETON, IN THEIR CAPACITY AS JOINT LIQUIDATORS OF BANNERS
BROKER INTERNATIONAL LIMITED, UNDER PART XIII OF THE
BANKRUPTCY AND INSOLVENCY ACT (CROSS-BORDER INSOLVENCIES)

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PROCEEDING COMMENCED AT
TORONTO

ORDER

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