



SUPERIOR COURT OF JUSTICE

COUNSEL SLIP/ ENDORSEMENT FORM

COURT FILE NO.: CV-25-00744650-00CL DATE: October 16, 2025

NO. ON LIST: 1

TITLE OF PROCEEDING: **ROYAL BANK OF CANADA v. KAPILA TRANSPORT INC. et al.**

BEFORE: **JUSTICE W.D. BLACK**

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party, Crown:

Name of Person Appearing	Name of Party	Contact Info
Calvin Horsten	Counsel to The Applicant, Royal Bank of Canada	chorsten@airdberlis.com

For Defendant, Respondent, Responding Party, Defence:

Name of Person Appearing	Name of Party	Contact Info
Chelsea McKee	Counsel to Canadian Western Bank/National Bank	cmckee@lernalers.ca

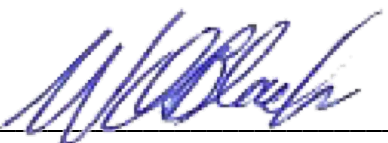
For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info

ENDORSEMENT OF JUSTICE W.D. BLACK:

[1] I heard a scheduling appointment in this matter on September 19, 2025.

- [2] At that time, an agent for the debtors' counsel advised that debtors' counsel was away on vacation and was requesting an adjournment of RBC's application until some time after the debtors' counsel's returned from vacation on October 19.
- [3] For the reasons set out in my endorsement of that day, I was not prepared to grant the adjournment sought, and I ordered the timetable proposed by RBC, which, among other milestones, required the debtors to deliver responding materials (in response to RBC's application to appoint a receiver and for related relief) by October 6, 2025.
- [4] The respondents did not deliver any material by October 6, 2025, and did not attend or file anything for the case conference today.
- [5] In addition, counsel for RBC advised that debtors' erstwhile counsel (JSM Law), had advised that JSM Law would be seeking to be removed as counsel of record for the debtors. To that end, apparently just on the eve of today's conference, JSM Law served a motion record to be removed, asking that RBC's application not proceed pending the outcome of the removal motion – scheduled for January of 2026 in another court.
- [6] I am not prepared to delay this matter until January of 2026, or indeed beyond today's date.
- [7] In the absence of responding materials and given the clear and uncontroverted evidence from RBC that the debts are owed; that there is valid security in place in respect of those debts; and that RBC has given proper notice under the BIA of its intention to enforce its debt, I see no utility in delaying the matter further.
- [8] I find that it is just and convenient for the order sought by RBC to issue today.
- [9] Accordingly, I have signed and attach that order.



W.D. BLACK J.

DATE: October 16, 2025