

Court File No. CV-18-597922-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

B E T W E E N:

CWB MAXIUM FINANCIAL INC.

Plaintiff

-and-

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

Defendants

**SUPPLEMENTAL RESPONDING MOTION RECORD OF THE DEFENDANT,
1975193 ONTARIO LTD. dba MTN RX & HEALTH**

Date: July 30, 2018

Gowling WLG (Canada) LLP

**Lawyers
One Main Street West
Hamilton, ON L8P 4Z5**

Robert Dunford (LSUC #54819D)

**Tel: 905-540-2472
Fax: 905-523-2948
Email: robert.dunford@gowlingwlg.com**

Calvin Ho (LSUC# 40875B)

**Tel: 905-540-3280 x23401
Fax: 905-523-2511
Email: calvin.ho@gowlingwlg.com**

**Lawyers for the Defendant, 1975193
Ontario Ltd. dba MTN RX & Health**

TO: **Miller Thompson LLP**
Barristers & Solicitors
40 King St. W., Suite 5800
Toronto, ON M5H 3S1

Bobby Sachdeva (LSUC #34454C)
Tel: 905-532-6670
Fax: 905-660-0139
bsachdeva@millerthomson.com

Craig A. Mills (LSUC #40947B)
Tel: 416-595-8596
Fax: 416-595-8695
cmills@millerthomson.com

Lawyers for the Plaintiff

AND TO: **msi Spergel Inc.**
505 Consumers Rd., Suite 200
Toronto, ON M2J 4V8

Philip H. Gennis
Senior Principal
Tel: 416-498-4325
pgennis@spergel.ca

Mukul Manchanda
Trustee, Principal
Tel: 416-498-4314
Fax: 416-498-4325

Court-appointed Receiver of 1970636 Ontario
Limited o/a Mt. Cross Pharmacy

AND TO: **Pallet Valo**
Barristers & Solicitors
77 City Centre Drive
West Tower, Suite 300
Mississauga, ON L5B 1M5

John Russo / Dina Milivojevic
Tel: 905-273-3300 ext. 282/283
Fax: 905-276-6920
jrusso@palletvalo.com / dmilivojevic@palletvalo.com

Lawyers for the Receiver

AND TO: **Umair Nasim**
27 Spitfire Drive
Mount Hope, ON L0R 1W0
umair_nasim@hotmail.com

AND TO: **Maniaci Sobel Altbaum Law**
Barristers & Solicitors
55 Eglinton Ave. E., Suite 706
Toronto, ON M4P 1G8

Jordan D. Sobel
Tel: 416-915-0622
Fax: 866-404-0622
sobel@msalaw.ca

Lawyers for the Defendant,
Shrikant Malhotra

AND TO: **The Department of Justice**
The Exchange Tower
130 King St. W., Suite 3400
Toronto, ON M5X 1K6

Diane Winters/Peter Zevenhuizen
Tel: 416-973-3172 / 416-952-8563
Fax: 416-973-8710
diane.winters@justice.gc.ca / peter.zevenhuizen@justice.gc.ca

AND TO: **Her Majesty The Queen In The Right of the Province of Ontario As
Represented by the Minister of Finance**
Legal Services Branch
33 King St. W., 6th Floor
Oshawa, ON L1H 8H5

Kevin O'Hara
Tel: 905-433-6934
Fax: 905-436-4510
kevin.ohara@ontario.ca

AND TO: **Her Majesty The Queen In The Right of the Province of Ontario As
Represented by the Minister of Health and Long-Term Care**
Legal Services Branch
56 Wellesley Street West
Toronto, ON M5R 2S3

Marcus Mazzucco
Tel: 416-327-8573
Fax: 416-327-8605
marcus.mazzucco@ontario.ca

AND TO: **Faber & Oostdyk o/u Sean Oostdyk Professional Corporation**
Barristers & Solicitors
1025 Waterdown Road
Burlington, ON L7T 1N4

Sean Oostdyk
Tel: 905-681-7800
Fax: 905-681-7814
sean@folaw.ca

AND TO: **Daoust Vukovich LLP**
Barristers & Solicitors
20 Queen St. W., Suite 3000
Toronto, ON M5H 3R3

Daniel Waldman
Tel: 416-597-9306
Fax: 416-597-8897
dwaldman@dv-law.com

Lawyers for Wittington Properties Limited

AND TO: **Public Prosecution Services of Canada**

Sandra Antomani
sandra@smork.com

AND TO: **Royal Canadian Mounted Police**
Serious and Organized Crime Section
Hamilton-Niagara Regional Detachment

Cst. Daniel Carter
Tel: 905-643-5791
Fax: 905-643-5932
daniel.carter@rcmp-grc.gc.ca

AND TO: **Angelo Kirkopoulos**
kirkopoulosa@gmail.com

AND TO: **TELUS Health Solutions Inc.**
630 René-Levesque oust
Montréal, QC H3B 1S6

Amalia Pinos
Tel: 514-665-4137
amalia.pinos@telus.com

AND TO: **Stikeman Elliot LLP**
Barristers & Solicitors
5300 Commerce Court West
199 Bay Street
Toronto, ON M5L 1B9

Maria Konyukhova
Tel: 416-869-5230
mkonyukhova@stikeman.com

Lawyers for Great West Life

AND TO: **Great West Life/London Life/Canada Life**
Law Department
255 Dufferin Avenue
London, ON N6A 4K1

Scott D. McTaggart
Tel: 519-435-7226
Fax: 519-435-7399
scott.mctaggart@londonlife.com

Rebecca L. Grima
Tel: 519-435-7514
Fax: 519-435-7399
rebecca.grima@londonlife.com

Diane Terentieff – Law Clerk
diane.terentieff@londonlife.com

AND TO: **Merchant Advance Capital**
1500 West Georgia St., 20th Floor
Vancouver, BC V6G 2Z6

AND TO: **Scotia Dealer Advantage**
4190 Lougheed Highway, Suite 300
Burnaby, BC V5C 6A8

AND TO: **McKesson Canada Corporation**
6355 Viscount Road
Mississauga, ON L4V 1W2

AND TO: **1919932 Ontario Limited**
503 Concession Street
Hamilton, ON L9C 1A1

AND TO: **George Vlachodimos**
56 Clapham Road
Hamilton, ON L8G 2H8

AND TO: **Orlando Den Cassavia**
4 Playfair Court
Ancaster, ON L9K 1R6

AND TO: **Angela Abrantes**
15 Citino Drive
Hamilton, ON L9C 0A3
Tel: 905-928-4702

AND TO: **Vadim Kovalev**
566 Concession Street
Hamilton, ON L8V 1B1

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BETWEEN:

CWB MAXIUM FINANCIAL INC.

Plaintiff

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MTN RX & HEALTH and ANGELO KIRKOPOULOS**

Defendants

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Tab 1

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MTN RX & HEALTH and ANGELO KIRKOPOULOS**

Defendants

AFFIDAVIT OF AHMED KASSIM

I, AHMED KASSIM, of the City of Hamilton, in the Province of Ontario, MAKE
OATH AND SAY:

1. I am an officer and director of the defendant, 1975193 Ontario Ltd. dba MTN RX & Health ("1975193 Ontario" or "MTN RX") and as such have knowledge of the matters herein deposed to.
2. I make this affidavit in response to the Supplemental Report of the Receiver dated July 25, 2018.
3. MTN RX has complied with the June 28, 2018 Endorsement of Justice Hainey, particularly the term that MTN RX will not contact any patients/clients of Mt. Cross to transfer their files to MTN RX.
4. In respect of paragraph 1.0.3 of the Receiver's Supplemental Report, the patient referenced had attended at MTN RX on June 4, 2018 and asked to have his file transferred to MTN RX, not from Mt. Cross, but from a different pharmacy, Concession

Medical Pharmacy. Attached hereto as Exhibit "A" is a prescription transfer form dated June 4, 2018 evidencing the transfer source. On June 6, 2018 the patient attended at MTN RX again, and advised that he also had a file with Mt. Cross. On that day the pharmacist at Mt. Cross was called by phone, and at the request of the patient confirmed the transfer of the patient's file to MTN RX, as per the attached Transfer Request dated June 6, 2018, attached as Exhibit "B". Both transfers clearly predated the June 28, 2018 endorsement of Justice Hainey, and illustrates that a patient may have more than one file at any given pharmacy, at any time.

5. In respect of the email attached as Appendix "2" of the Receiver's Supplemental Report, I note that following the Mt. Cross' pharmacist's request, the file was indeed transferred back to Mt. Cross. I also note that the email contains no allegation that MTN RX improperly contacted any patient of Mt. Cross to transfer their file to MTN RX, but simply refers to communications concerning a request for the file to be transferred back to Mt. Cross at the patient's request.


6. In respect of the second patient referred to by the Receiver at paragraph 1.0.4 of the Supplemental Report, I also deny that there has been any contravention of Justice Hainey's endorsement. My staff at MTN RX have reviewed, and while the patient may have communicated or made an appointment with the medical clinic, there is no record of having received any fax from any physician to fill a prescription for this patient, who had never been prior served by MTN RX. Again, the patient referenced has never been a patient of MTN RX and it is denied that there has been any deliberate interference or wrongdoing in respect of this patient.

7. I make this affidavit for no improper purpose.

SWORN before me at the City
of Toronto, in the Province of Ontario
this 20th day of July, 2018


A COMMISSIONER, ETC.

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)


AHMED KASSIM

CWB MAXIUM FINANCIAL INC. v. 1970636 ONTARIO LTD. o/a MT. CROSS PHARMACY et al.
Plaintiff Defendants

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

AFFIDAVIT OF AHMED KASSIM

(sworn July 30, 2018)



Gowling WLG (Canada) LLP
Lawyers
One Main St. West
Hamilton, ON L8P 4Z5

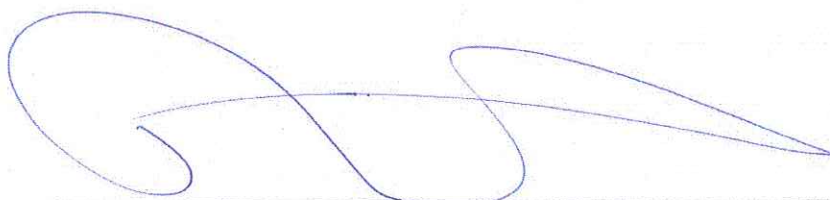
Robert Dunford (LSUC #54819D)
Tel: 905-540-2472
Fax: 905-523-2948
Email: robert.dunford@gowlingwlg.com

Calvin Ho (LSUC# 40875B)
Tel: 905-540-3280 x23401
Fax: 905-523-2511
Email: calvin.ho@gowlingwlg.com

Lawyers for 1975193 Ontario Ltd.

Exhibit A

This is Exhibit "A" to the Affidavit
of Ahmed Kassim, sworn before me
this 30th day of July, 2018.

A handwritten signature in blue ink, consisting of a large, stylized loop followed by a horizontal line and a final flourish.

A Commissioner, etc.

06/04/2018 13:57 FAX

001/001

Prescription Transfer

Date: Jun 04, 2018 14:18:04

To: MTN RX HEALTH
566 CONCESSION ST
Hamilton, Ontario

Phone: (289) 270-1807

Fax: (905) 310-3878

Receiving Pharmacist: KASSIM A

From: Concession Medical Pharmacy
444 Concession St, Unit 101
Hamilton, Ontario L9A 1C2

Phone: (905) 387-7125

Fax: (905) 387-7126

Pharmacist: PATRICK MUSITANO (207732)

Page 1 of 1

Patient:

Allergies: No Known Medical Allergies

Conditions: DIABETES MELLITUS

Insurance: Drug Benefit	Relationship Card Holder	Carrier Group	Client ID	Pat. Code
			8945988335	

Transferring the following 1 prescription to the receiving pharmacy.

ARO-METFORMIN 500MG TABLET

METFORMIN HCL (APX)

Prescriber: Dr. A MOVSESYAN (ID 97318)
105C Upper Gage Ave
Hamilton, Ontario
P: (905) 393-0520 F: (905) 393-0818

Qty Authorized: 600
Qty Disp. to Date: 360
Qty Remaining: 300
Last Rx Qty: 180
Refills Remaining: 1

First Rx #: 11098073
Written Rx Date: Nov 17, 2017
First Filled: Nov 17, 2017
Last Filled: Nov 17, 2017
Last Rx #: 11098074

LIN 2167786

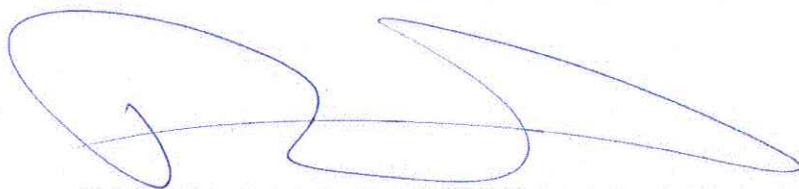
Instructions: TAKE 1 TABLET TWICE DAILY

Pharmacist Comments:

Transferred by Pharmacist: PATRICK MUSITANO (207732)

Exhibit B

This is Exhibit "B" to the Affidavit
of Ahmed Kassim, sworn before me
this 30th day of July, 2018.

A handwritten signature in blue ink, consisting of a large, stylized 'A' followed by a horizontal line and a large, sweeping loop.

A Commissioner, etc.

7

Transfer Request

Wednesday, June 6, 2018

MT. CROSS PHARMACY
503 CONCESSION ST HAMILTON L9A 1C1
Tel: (905) 389-0249 Fax: (905) 389-0560

Transferring Prescription(s) To:

Patient Information:

Pharmacy Name: MTN RX & HEALTH
Address: 588 CONCESSION ST
Tel: (289) 278-1807
Fax: (905) 318-3878
Pharmacist:

Name: [REDACTED]
Address: [REDACTED]
DOB: [REDACTED]
Tel: [REDACTED]
Plan 1: DB ID: 8945988338KM Cardholder
Plan 2: SHN-Gr: 600000 ID: ZDJJZLD801 Cr: 80 Cardholder

Rx #	Drug	Strength	Form	DIN	Volume	Mfr	Qty	Qty-Ram	Doctor
1501108	ELIQUIS	5MG	TAB	02397714		BQU	60.00	0.00	ELFIZY, IBRAAM
SIG: TAKE 1 TABLET TWICE DAILY									Lic: 622607 09

First Fill: May 30, 2018 Last Fill: May 30, 2018

1501154	METRONIDAZOLE	500MG	CAP	02248562		AAP	60.00	120.00	KING, AARON DAVID
SIG: TAKE 1 CAPSULE BY MOUTH TWICE DAILY FOR 2 MONTH									Lic: 79129 01
First Fill: May 30, 2018 Last Fill: May 30, 2018 On Hold *									45 MILL ST TORONTO ON Tel: (416) 869-3376 Fax: (416) 385 7548

1501155	BETADERM	0.1%	CR	00716826		TAR	100.00	454.00	KING, AARON DAVID
SIG: APPLY TWICE DAILY TO TO AFFECTED AREA(S) EXCEPT FACE/SKIN FOLDS UNTIL CLEAR									Lic: 79129 01
First Fill: May 30, 2018 Last Fill: May 30, 2018 On Hold *									45 MILL ST TORONTO ON Tel: (416) 869-3376 Fax: (416) 385 7548

1501167	APC-SALVENT CF INH	100MCG/DS	AER	02245660	X200DS	APX	3.00	3.00	MOVSESYAN, ARAKEL
SIG: 2805 DIRECTED BY DOCTOR									Lic: 97316 01
First Fill: May 31, 2018 Last Fill: May 31, 2018 On Hold									1050 UPPER GAGE HAMILTON ON Tel: (905) 383-8520 Fax: (905) 383 0818

Pharmacist Signature: _____
[IBRAAM EL FIZY]

CWB MAXIUM FINANCIAL INC. v. **1970636 ONTARIO LTD. o/a MT. CROSS PHARMACY et al.**
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**SUPPLEMENTAL RESPONDING MOTION
RECORD OF THE DEFENDANT,
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HEALTH**



Gowling WLG (Canada) LLP
Lawyers
One Main Street West
Hamilton, ON L8P 4Z5

Robert Dunford (LSUC #54819D)
Tel: 905-540-2472
Fax: 905-523-2948
Email: robert.dunford@gowlingwlg.com

Calvin Ho (LSUC# 40875B)
Tel: 905-540-3280 x23401
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Email: calvin.ho@gowlingwlg.com

Lawyers for the Defendant, 1975193 Ontario
Ltd. dba MTN RX & Health