

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

BETWEEN:

UDAYAN PANDYA

Plaintiff

-and-

COURTNEY WALLIS SIMPSON, YORK REGION
REALTY INC., WALLIS, SIMPSON & ASSOCIATES,
COURTNEY WALLIS SIMPSON c.o.b. as YORK MANAGEMENT GROUP
and as CAMCO DEVELOPMENTS and as YORK GROUP

Defendants

In the Matter of the *Class Proceedings Act, 1992*

**SUMMARY OF COUNSEL FEES
(April 1, 2006 to July 31, 2006)**

Interim Summary 3

Individual	Fee Items	Time	Rate
L. Caylor	<p><i>April 1, 2006 to July 31, 2006 – Receivership</i></p> <p>Review charts and summaries regarding fees; Review application regarding share, Pahwa and RECO; Consider draft Statement of Claim; Communication with R. Maxwell at RECO; Meeting with York Police, Crown, W. Simpson, W. Simpson’s solicitors and RECO’s solicitors; Communication with M. Quilling regarding protocol and various litigation issues; Review draft materials regarding RECO, Pahwa, shares, and proposal regarding claims handling; Revise RECO Statement of Claim; Prepare for and attend at court before Justice Spies regarding fees and proposed action plan; Communication with counsel regarding two proposed trials of issue; Communication with Receiver; Communication with R. Alexiou regarding share issues; Communication with HSBC’s in-house counsel; Consider cost submissions from Atlas counsel; Review cost submissions; Review correspondence regarding receivership issues, property issues; Review charts of cheques, chronology and promissory notes and charges; Consider issues for trial of issue; Communication with counsel regarding mini trials; Communication with counsel and receiver regarding interviews regarding over-payments; Review and revise</p>	20.30	\$575.00

Individual	Fee Items	Time	Rate
	Receiver's Fifth Report; Communication with counsel regarding motions; Communication with Detective Morrison regarding plea; Communication with counsel regarding report to the court; Communication with counsel regarding Havron trust and application; General communication with M. Quilling, M. MacDonald, Receiver, and D. Rothwell.		
	<i>May 1, 2006 to July 31, 2006 – Dianor Shares</i> Communication with counsel regarding trial regarding shares.	0.10	\$575.00
	<i>May 1, 2006 to July 31, 2006 – Pahwa Mortgages</i> Communication with D. Rothwell and counsel regarding Pahwa mortgages.	1.00	\$575.00
	<i>May 1 to July 31, 2006 – Real Estate</i> Communication with C. Simpson and M. MacDonald.	1.10	\$575.00
S. Martyn	<i>April 1 to July 31, 2006 – Real Estate</i> Review offer to purchase of 6817 Main Street; Review file; Engaged regarding requests by purchaser on 6072 Main Street; Finalize sale of 6072 Main Street; Follow-up on sale of 6072 Main Street; Review offer on 6817 Main Street; Follow-up on Main registrations with land registrar; Correspondence with land registrar; Follow-up on outstanding transactions and requisitions; Follow up on outstanding matters; Finalize outstanding conditions to complete sale; Correspondence to solicitor for purchaser; Prepare closing documents; Finalize closing details on Stouffer sale; Follow-up on transfers from Hurst; Review files; Response to requisitions; Follow-up on outstanding conditions issues for completion; Closing transaction and attending to outstanding matters; Post-closing follow-up; Communication with counsel.	13.60	\$550.00
J. MacMillan	<i>May 1, 2006 to July 31, 2006 – Receivership</i> Preparing Fresh as Amended Statement of Claim; Engaged regarding RECO claim; Review the <i>Insurance Act</i> ; Revise factum; Engaged regarding the GST application; Engaged regarding the sale of 587 Cam Fella; Review Omnibus claim form; Engaged regarding the RECO status; Review banking records; Engaged regarding the property sales and pending issues trials; Review <i>Class Proceedings Act</i> ; Review Endorsement of Justice Spies; Engaged regarding the listing agreement; Engaged regarding the defendants' entitlement to specific expenses; Review case law; Review bank records; Engaged regarding the next Receiver's Report; Conduct Quicklaw research; Prepare Receiver's report; Updating the Receiver's web site; Review correspondence regarding the Kawagama property; Review case law and legislation regarding receiverships; Consider default judgment and distribution of the estate issues; Review offers; Engaged regarding the property encumbrances; Engaged regarding payments from the defendants' accounts; Review documents; Engaged regarding insurance issues; Correspondence regarding matrimonial issues; Review claims form; Review M. MacDonald's claim and supporting documents; Engaged regarding claims assessment; Engaged regarding insurance on properties; Preparing documents for Receiver; Engaged regarding the chambers motion; Engaged regarding outstanding insurance payments; Review Order	133.10	\$450.00

Individual	Fee Items	Time	Rate
	<p>of Justice Spies; Engaged regarding the sale of 6817 Main Street; Prepare vesting order; Review mortgage arrears; Consider witness interviews and claims assessment; Prepare action items for the receiver; Review motion documents; Engaged regarding witness interviews; Review Order of Justice Cummings; Review Order of Justice Spies; Engaged regarding the closing of 6072 Main Street; Prepare affidavit; Review closing documents; Engaged regarding the encumbrances status on all properties; Review banking records; Review family law issues; Prepare for meetings with the Receiver; Prepare recommendations; Revise the assets/recoveries chart; Prepare for pending motion; Review invoice, Review offer; Prepare notice of motion; Prepare Receiver's Fifth Report; Attend meetings with the Receiver; Attend at State Farm office; Inspect properties; Engaged with Kawagama listing agent; Prepare vesting order; Engaged regarding examination of the banking records; Engaged regarding the vesting order for 6817 Main Street; Engaged regarding insurance and maintenance of the properties; Review the Kawagama listing agreement; Review account summaries; Conduct examinations of A. Schick and R. Rowan; Prepare draft orders; Attend at court; Review and revise Order; Prepare for motion attendance; Review motion record of Govedaris; Review and consider motion materials; Review client documents; Engaged regarding the certificates on motion and the Receiver's Sixth Report; Consider claim for family property; Engaged regarding the mortgage scheme class motion; Prepare for and attend at court to speak to the mortgage scheme class motion; Engaged regarding new claim amount; Communication with CRA regarding GST remittance; Engaged regarding W. Simpson's claim; Prepare for and conduct examination of Z. Aga; Review bank records; Prepare Orders; Engaged regarding account status; Engaged regarding Order of Justice Spies; Review supplementary motion materials; Engaged regarding G. Govedaris fees motion; Engaged regarding status of criminal matter; Review claims forms submitted by victims; Review BNS bank records; Review copies of cheques; Consider extending receivership order; Prepare Receiver's Sixth Report; Prepare motion materials; Search regarding defendant-related companies; Engaged regarding the terms of the receivership order; Engaged regarding the family law claim; Communication with RBC; Engaged regarding the pending motions; Prepare motion materials; Prepare Fresh Amended Statement of Claim; Prepare Orders; Engaged regarding the "overpaid" parties; Review documents from W. Simpson; Review summary of cheques; Prepare for court attendance; Prepare Receiver's Seventh Report; Review motion material for fees motion; Attend at court in fees motion; Review and revise motion documents for Hurst action; Engaged regarding the claims review process; Communication with C. Simpson, M. MacDonald, R. Maxwell, L. Smith, H. Rotenberg, G. Govedaris, M. Quilling and Detective B. Morrison; General communication and correspondence.</p>		
	<p><i>May 1 to July 31, 2006 – Dianor Shares</i></p> <p>Engaged regarding Justice Spies' suggested procedure for dealing with the shares issue; Communication with C. Alexiou; Engaged regarding the Dianor shares issues; Review documents related to the share transfer; Consider procedure for dealing with shares issue; Review the current share value.</p>	1.30	\$450.00

Individual	Fee Items	Time	Rate
	<p><i>May 1 to July 31, 2006 – Pahwa Mortgages</i></p> <p>Engaged regarding the banking documents; Review chronology of payments; Review cheques payable to A. Pahwa; Engaged regarding the cheque records; Review cheque summary; Review bank records; Engaged regarding the transfer of funds in accordance with the Court Order; Prepare for and attend meeting with A. Pahwa and counsel; Engaged regarding without prejudice issues; Communication with D. Rothwell; General correspondence.</p>	7.40	\$450.00
	<p><i>April 1 to July 31, 2006 – Real Estate</i></p> <p>Engaged regarding the Hurst transfer; Engaged regarding the Kawagama listing; Review correspondence regarding the properties sales; Engaged regarding the Cam Fella listing agreement; Review correspondence regarding the sale of 6072 Main Street and the former Hurst properties; Draft recommendations; Engaged regarding the sale of 6072 Main Street; Review draft vesting order; Review offers; Engaged regarding the closing of 6072 Main Street; Review offer to purchase of 6817 Main Street; Review correspondence regarding 14 Souffer Street; Engaged regarding the sale of 6817 Main Street; Engaged regarding the sale of 6451 Main Street; Engaged regarding municipal taxes on 14 Souffer Street; Engaged regarding the sale of the Kawagama property; Review the offer and the mortgage documents on the Kawagama property; Review title documents; Prepare Orders; Communication with C. Simpson, M. MacDonald, M. Quilling, S. Leonard, J. Walley J. Siegel and D. Passante; General communication and correspondence.</p>	12.90	\$450.00
R. Sahni	<p><i>May 1, 2006 to July 31, 2006 – Receivership</i></p> <p>Consider issues regarding tracing and trust property in receivership; Communication with counsel.</p>	0.30	\$450.00
E. Atkinson	<p><i>April 1, 2006 to July 31, 2006 – Receivership</i></p> <p>Revise and finalize fee summaries, action plan and Notice of Application; Research regarding claims against regulatory bodies; Research claims and review case law regarding claims against insurer directly; Draft Fresh as Amended Statement of Claim; Review fraudulent conveyances and preferences legislation; Communication with Hydro One and Enbridge regarding Cam Fella; Correspondence regarding 6451 Main Street; Correspondence regarding commissions; Prepare affidavit in support of fee approval; Draft proposed account and summary of time and fees; Draft notice of motion regarding same; Communication regarding Lot 14; Assemble exhibits to affidavit; Research regarding suing regulatory body; Communication regarding action against Lloyds directly; Engaged regarding transfer of funds from the sale of Lot 14; Research regarding jurisprudence regarding suing a regulatory body and bad faith principles; Prepare motion materials; Communication regarding motion; Review provisions of the <i>Fraudulent Conveyances Act</i> and the <i>Assignments and Preferences Act</i>; Review bank account information regarding Pahwa deposits and withdrawals and calculate assets and recoveries; Update claimant list and calculate total claims; Attend at meeting at Newmarket police station regarding estate and criminal proceedings; Revise action plan; Review fraudulent conveyances cases; Communication regarding</p>	93.30	\$275.00

Individual	Fee Items	Time	Rate
	<p>Cam Fella; Engaged regarding Notice of Application and proposal for claims administration; Revise Notice of Application regarding fraudulent preferences; Revise proposal for administration of claims; Engaged regarding Cam Fella, fraudulent preferences issue; Noting up and reviewing case law under 132(1) s. of the <i>Insurance Act</i>; Engaged regarding commissions and transfer of Hurst properties; Communication with London Life Insurance; Engaged regarding the transfer of 6817 Main Street; Review CIBC cheques for Pahwa deposits and withdrawals; Prepare for and attend at motion for costs and amended vesting order; Correspondence to G. Tamura regarding freeze order; Communication with banks regarding cheque request; Meeting with claimants regarding inquiries and to commission forms; Communication regarding endorsement and commissions; Communication regarding listing Kawagama property; Communications with counsel regarding cost submissions; Review G. Cohen's costs submissions; Correspondence with HSBC regarding cheque request; Correspondence regarding listing of 6451 Main Street and 6817 Main Street; Prepare cost response; Communication with C. Simpson regarding retaining counsel; Communication with claimants regarding status of receivership; Research case law regarding creditors bearing own costs; Prepare letter to the Court; Communication with M. MacDonald regarding commissions; Review CIBC cheque records; Communication regarding Kawagama price; Communication regarding receiver's certificate for 6072 Main Street and Pahwa direction for mortgage discharge; Correspondence with W. Simpson and Enbridge regarding gas bill at 587 Cam Fella; Communication with C. Simpson regarding living expenses; Obtaining cheques for insurance payments; Correspondence with Court regarding vesting order and update; Communication with D. Rothwell regarding acknowledgement and direction for sale of 6072 Main Street; Correspondence with State Farm regarding insurance payments; Revise vesting order; Communication with D. Rivard; Review claimant's supporting documents; Communication with G. Govedaris regarding supporting documents; Update bank notification and response list; Assign claim numbers to new forms; Update claimant list and amounts claimed; Communication with BMO regarding cheques; Communication with TD Canada Trust regarding cheques; Communication with C. Simpson regarding license appeal tribunal review; Prepare list of tasks for Receiver; Review and update potential claimants list; Communication with utility companies and update charges for each property; Prepare for in chambers motion; Revise amended vesting order for motion; Attend at chambers motion before Justice Spies; General communication and correspondence.</p>		
	<p><i>May 1 to July 31, 2006 – Pahwa Mortgages</i></p> <p>Review CIBC cheques records; Review affidavits of A. Pahwa; Review promissory notes; Review application; Prepare chronology of payments and events; Prepare chronological brief including all cheques from CIBC, Pahwa affidavits, promissory notes and other relevant documents; Review and append exhibits to Pahwa brief; General communication with counsel.</p>	13.80	\$275.00
	<p><i>May 1 to July 31, 2006 – Real Estate</i></p> <p>Correspondence to J. Siegel regarding listing of 6451 Main Street; Correspondence with C. Simpson and M. MacDonald regarding listing of 6451 and 6817 Main Street; Communication with J. Walley regarding</p>	13.60	\$275.00

Individual	Fee Items	Time	Rate
	<p>listings; Correspondence with Leonard regarding Kawagama price; Correspondence with real estate clerk regarding Receiver's certificate for 6072 Main Street and Pahwa direction for mortgage discharge; Correspondence with C. Simpson regarding gas bill at 587 Cam Fella; Communication with M. MacDonald and J. Walley regarding listings; Correspondence with C. Simpson regarding Enbridge bill; Communication with D. Rothwell regarding acknowledgement and direction for sale of 6072 Main Street; Correspondence to State Farm regarding insurance payments; Revise vesting order; Communication with M. MacDonald regarding status of properties; Correspondence with listing agent for cottage property; Prepare revised listing agreement to Receiver for signature; Communication with J. Seigel regarding 6451 Main Street; Communication with C. Simpson and J. Walley regarding 6817 Main Street; Communication with C. Simpson, M. MacDonald and J. Walley regarding 6451 Main Street; Communication with M. De Prisco regarding 6817 Main Street; Review C. Simpson correspondence regarding listing termination; Review correspondence from P. Bigioni regarding heat and upkeep of 6072 Main Street; Communication with Enbridge regarding heat account balance; Review offer from Sutton Group on 6451 Main Street; Communication with management company for 6417 Main Street regarding key exchange and utilities; Correspondence with F. McCartney and Enbridge regarding adjustments for heat bill at 6072 Main Street on closing; Correspondence with the Receiver regarding status of properties; Correspondence with J. Walley regarding listing status; Correspondence with Receiver regarding listing agent and price for Kawagama property; Communication with utility companies; Update utilities charts for each property.</p>		
Law Clerk	<p><i>April 1, 2006 to July 31, 2006 – Receivership</i></p> <p>Draft costs summary; Communication regarding CIBC cheques to Pahwa; Review CIBC cheques and prepare chart regarding cheques to A. Pahwa; Review copies of cheques for references to Z. Aga, A. Schick and R. Rowan; Revise costs summary; Prepare spreadsheet regarding cheques payable to and from Havron; General communication with counsel.</p>	23.70	\$175.00
	<p><i>May 1 to July 31, 2006 –Pahwa Mortgages</i></p> <p>Review account information and cheques from HSBC for cheques relating to A. Pahwa; General communication with counsel.</p>	3.50	\$175.00
	<p><i>April 1 to July 31, 2006 – Real Estate</i></p> <p>Conduct subsearch to obtain parcel registers; Communication with counsel regarding subsearches; Communication with counsel regarding 14 Stouffer; Receipt of issued vesting order; Prepare application to register vesting order; Draft Receiver's certificate for execution by M. Quilling; Correspondence with M. Quilling regarding Receiver's certificate; Correspondence with R. Hawksaw regarding draft application to register vesting order; Receipt of executed Receiver's certificate; Revise application to register vesting order attaching signed certificate; Correspondence with counsel regarding outstanding taxes and related closing matters; Prepare document registration agreement; Correspondence with R. Hawkshaw enclosing closing documents; Attend to closing transaction; Review Agreement of Purchase and Sale regarding fixtures included and excluded</p>	38.90	\$150.00

Individual	Fee Items	Time	Rate
	<p>from the property; Communication and correspondence with purchaser's solicitor regarding outstanding issues; Receipt and review closing documents from purchaser's solicitor; Attend to closing transaction on 14 Stouffer; Communication with purchaser's solicitor regarding vesting order registration; Correspondence to Town of Whitchurch-Stouffville enclosing cheque regarding outstanding taxes; Correspondence to Sutton Group enclosing cheque for payment of balance of commission; Correspondence to purchaser's solicitor; Review Agreement of Purchase and Sale; Correspondence with M. Bigioni's office; Prepare Statement of Adjustments; Prepare draft application for vesting order for electronic registration; Prepare closing documents for execution by Receiver; Draft purchaser's undertaking; Revise Document Registration Agreement; Prepare Discharge of Charge and Acknowledgment and Direction regarding the private mortgage held by A. Pahwa; Communication with counsel regarding 6072 Main Street; Communication with purchaser's solicitor regarding outstanding tax, gas and water accounts and arrangement of keys; Correspondence to purchaser's solicitor regarding banking information and closing documents; Communication with Enbridge Gas regarding gas meter turned off at 6072 Main Street; Prepare solicitor's undertaking to pay outstanding gas, water and tax accounts; Attend to closing transaction; Review purchaser's closing documents; Review Application for vesting order; Communication regarding closing funds; Correspondence to Town of Whitchurch-Stouffville tax department, Enbridge Gas; Report on closing to counsel; Communication to Sutton Group regarding closing of transaction; Communication with York Registry office regarding 6451 Main Street and 6817 Main Street regarding registered transfers from Hurst to Simpson; Amend registered transfers; Correspondence to York Registry office providing original Affidavits supporting Transfers from trustee to beneficial owner; Review draft vesting order; Obtain parcel abstract for 6817 Main Street in order to include all relevant instruments in the schedule to the vesting order; Correspondence to Sutton Group regarding balance of deposit monies to be returned to vendor on sale of 6072 Main Street; Correspondence with counsel regarding 14 Stouffer and 6817 Main Street; Communication with R. Hawkshaw regarding outstanding taxes for 14 Stouffer; Communication and correspondence with P. Montgomery regarding 6817 Main Street; Review Agreement of Purchase and Sale for 6817 Main Street; Communication with counsel regarding 6072 Main Street regarding the balance of deposit from sale of property; Communication with purchaser's solicitor regarding Lot 14 Stouffville regarding realty taxes due on Part 3 of lands; Review title search for Part 2 and Part 3; General communication with counsel.</p>		

Dianor Shares

Primary Tasks: Considering the appropriate process and communicating with counsel with respect to the procedure for determining the share ownership.

Summary of Time and Fees (Interim Summary 3)

Issue	Individual	Total Time	Total Fees
Dianor Shares	L. Caylor (@ \$575.00)	0.10	\$ 57.50
	J. MacMillan (@ \$450.00)	1.30	\$585.00
TOTALS			\$642.50
Reduced by 15%			\$546.13

Pahwa Mortgages

Primary Tasks: Reviewing banking records to determine the quantum of funds repaid to the mortgagee and engaging in without prejudice negotiations with the mortgagee's counsel.

Summary of Time and Fees (Interim Summary 3)

Issue	Individual	Total Time	Total Fees
Pahwa Mortgages	L. Caylor (@ \$575.00)	1.00	\$ 575.00
	J. MacMillan (@ \$450.00)	7.40	\$3,330.00
	E. Atkinson (@ \$275.00)	13.80	\$3,795.00
	Law Clerk (@ \$175.00)	3.50	\$ 612.50
TOTALS			\$8,312.50
Reduced by 15%			\$7,065.63

Real Property

Primary Tasks: Marketing, maintaining and selling 6072 Main Street, 6817 Main Street, 6451 Main Street, 14 Stouffer Street and 1038 Kawagama Lake Road properties. Despite the receiver's and the listing agent's efforts, the properties at 6817 Main Street and 6451 Main Street were not sold and would not likely sell for amounts in excess of the mortgage amounts owing. Significant time was devoted to acquiring and attempting to sell these properties, without recovery to the receivership estate. The

overall fees related to the Real Property matter were reduced to the flat fee of \$10,000 plus disbursements, from an amount of approximately \$24,000.

Summary of Time and Fees (Interim Summary 3)

Issue	Individual	Total Time	Total Fees
Real Property*	L. Caylor (@ \$575.00)	1.10	\$ 632.50
	S. Martyn (@ \$550.00)	13.60	\$7,480.00
	J. MacMillan (@ \$450.00)	12.90	\$5,805.00
	E. Atkinson (@ \$275.00)	13.60	\$3,740.00
	Law Clerk (@ \$150.00)	38.90	\$5,835.00
TOTALS			\$23,492.50
Flat Fee			\$10,000.00

General Receivership Activities

Primary Tasks: See summary below **

Summary of Time and Fees (Interim Summary 3)

Issue	Individual	Total Time	Total Fees
General Receivership Activities**	L. Caylor (@ \$575.00)	20.30	\$ 11,672.50
	J. MacMillan (@ \$450.00)	133.10	\$59,895.00
	R. Sahni (@ \$450.00)	0.30	\$ 135.00
	E. Atkinson (@ \$275.00)	93.30	\$ 25,657.50
	Law Clerk(@ \$175.00)	23.70	\$ 4,147.50
TOTALS			\$101,507.50
Reduced by 15%			\$86,281.38

*Activities relating to real property include, but are not limited to:

- (a) maintaining properties;
- (b) communicating with insurance companies, utilities companies, real estate agents, land registry office, counsel for purchasers;
- (a) dealing with power of sale issues and inquiries;

- (b) dealing with mortgagees;
- (c) registering orders on title;
- (d) obtaining and registering CPLs on title;
- (e) transferring properties into receivership;
- (f) obtaining vesting orders;
- (g) getting title of properties cleared;

**General Receivership Activities include but are not limited to the following:

- (a) commencing the proceedings;
- (b) obtaining the receivership order;
- (c) contacting victims;
- (d) disseminating, collecting, processing and validating claim forms;
- (e) obtaining bank records;
- (f) reviewing bank records;
- (g) tracing funds;
- (h) reviewing records in possession of York Regional Police;
- (i) examining parties;
- (j) preparing reports for the court;
- (k) reporting to court and obtaining approval for steps taken;
- (l) communicating with the Ontario Securities Commission, the Financial Services Commission of Ontario, clients, class members, York Regional Police, crown counsel, defence counsel;
- (m) developing and carrying out strategy for recovery;

Summary of Time and Fees – TOTALS (Interim Summary 3)

Individual	Time***	Rate	Total Fee
L. Caylor	21.40	\$575.00	\$ 12,305.00
J. MacMillan	141.80	\$450.00	\$ 63,810.00
R. Sahni	0.30	\$450.00	\$ 135.00
E. Atkinson	107.10	\$275.00	\$ 29,452.50
Law Clerk	27.20	\$175.00	\$ 4,760.00
SUB-TOTAL			\$110,462.50
Reduced by 15%			\$ 93,893.13
Flat Fee on Real Property Matters			\$ 10,000.00
TOTAL			\$103,893.13

*** Does not include flat fee for real property matters.