

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

THE HONOURABLE
JUSTICE CAMPBELL

) *FR 1* DAY, THIS *4th* DAY
)
) OF *Sept. 4*, 2009

B E T W E E N:

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*

DISCHARGE ORDER

THIS MOTION, made by Michael J. Quilling, in his capacity as the court-appointed receiver (the "Receiver") of the property and assets of Courtney Wallis Simpson ("Simpson") and York Region Realty Inc. ("York Realty"), for an order:

1. discharging Michael J. Quilling as Receiver of the property and assets of Simpson and York Realty;
2. releasing Michael J. Quilling and his firm Quilling Selander Cummiskey Lownds, P.C. ("Quilling") from any and all liability, as set out in paragraph 5 of this order; and

3. approving the fees, disbursements and GST of the Receiver and counsel for the Receiver, Bennett Jones LLP ("Bennett Jones"),

was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the eleventh and final report of the Receiver, the affidavit of Lincoln Caylor as to fees, disbursements and GST sworn July 13, 2009, and on hearing and reading the submissions of the Receiver, Gregory Govedaris (counsel to the plaintiffs in Court File No. 05-CL-6178), Glenn Cohen, Harvey Consky, David Rothwell and Simpson, no oral or written submissions having been made by Robert Falby, Anthony Maniaci or Craig Losell (collectively the "Service List"), although served,

1. **THIS COURT ORDERS** that the Receiver shall be discharged as Receiver of the undertaking, property and assets of Simpson and York Realty, provided however that notwithstanding his discharge herein:

- (a) the Receiver shall remain Receiver for the performance of such incidental duties as may be required to complete the administration of the receivership;
- (b) the Receiver shall continue to have the benefit of the provisions of all Orders made in this proceeding, including all approvals, protections and stays of proceedings in favour of Michael J. Quilling in his capacity as Receiver;
- (c) the Receiver shall keep available a record for other parties of any request and response thereto for documentation by Simpson; and

- (d) prior to the commencement of any action by Simpson against A.J. Pahwa, Gary Bouwmeister/Bouwmeister Landscaping, Alan Schick, Z. Aga and/or Larry Black, Simpson shall apply to the Receiver who will then advise the Service List which would then require a motion by Simpson if any party to this order objected.

2. **THIS COURT ORDERS** that the Receiver may copy and deliver to Simpson, at Simpson's expense, any and all banking records obtained by the Receiver in the course of the receivership.

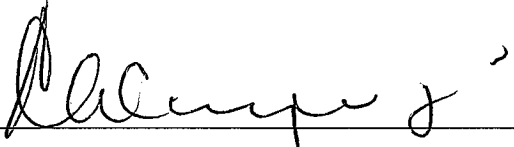
3. **THIS COURT ORDERS** that the Receiver shall store any and all documents obtained and/or generated by the Receiver in the course of the receivership for a period of ten years from the date of this order (which period of time shall expire no later than August 31, 2019).

4. **THIS COURT ORDERS** that the Receiver is hereby relieved of any obligation to monitor Simpson's assets or take any steps with respect to the enforcement of the restitution order against Simpson in favour of Michael Quilling c/o Bennett Jones, dated April 2, 2007, bearing case no. 05 08056, later converted to a civil judgment bearing court file no. 07-CV-335979, issued and entered on July 5, 2007. Prior to distribution of any funds paid to the Receiver in satisfaction, in full or in part, of the restitution order, the Receiver shall apply on notice to the Service List, for approval of the distribution process.

5. **THIS COURT ORDERS AND DECLARES** that Quilling is hereby released and discharged from any and all liability that Quilling now has or may hereafter have by reason of, or in any way arising out of, the acts or omissions of Quilling while acting in his capacity as Receiver herein. Without limiting the generality of the foregoing, Quilling is hereby forever

released and discharged from any and all liability relating to matters that were raised, or which could have been raised, in the within receivership proceedings and any and all tax liability.

6. **THIS COURT ORDERS** that the fees, disbursements and GST of the Receiver and Bennett Jones are to be paid to the Receiver and to Bennett Jones by the Receiver as a first charge on the receivership estate and in an amount not exceeding the remaining funds in the receivership estate.


Justice Campbell

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

SEP 04 2009

PER / PAR: TV

PER / PAR:

Udayan Pandya
Plaintiff

v.

Courtney Wallis Simpson et al.
Defendants

Court File No.: 05-CL-6159

ONTARIO
SUPERIOR COURT OF JUSTICE
(Commercial List)

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

Proceeding commenced at Toronto

DISCHARGE ORDER

BENNETT JONES LLP
One First Canadian Place
Suite 3400, P.O. Box 130
Toronto, Ontario
M5X 1A4

Lincoln Caylor / David Rainsberry
LSUC No. 37030L / 49890Q
Tel: (416) 777-6121 / 6236
Fax: (416) 863-1716

Solicitors for the receiver