

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

THE HONOURABLE) MONDAY, THE 7TH
JUSTICE DUNPHY) DAY OF JUNE, 2021

B E T W E E N:

DODICK LANDAU INC.

Applicant

-And-

FRANK ZUCCARO, 863704 ONTARIO LIMITED, METROPOLITAN ICE CREAM INC.
AND ORACCUZ HOLDING LTD.

Respondents

**APPLICATION UNDER SUBSECTION 249 and 250(1) OF THE *BANKRUPTCY AND
INSOLVENCY ACT*, R.S.C. 1985, c. B-3, AS AMENDED AND RULES 14.05(2) AND (3)(g)
AND 41 OF THE RULES OF CIVIL PROCEDURE, R.R.O. 1990**

**ORDER
(APPROVING THE RECEIVER'S ACTIVITIES AND FEES
and APPROVING DISTRIBUTIONS)**

THIS MOTION, made by Dodick Landau Inc. in its capacity as the Court-appointed Receiver (the "Receiver") without security, of the assets, undertakings and property of Frank Zuccaro, 863704 Ontario Limited, Metropolitan Ice Cream Inc. and Oraccuz Holding Ltd. (the "Debtor") for an order, *inter alia*, approving the Receiver's activities as defined in the First Report of the Receiver dated May 18, 2021 (the "Receiver's First Report") and for an Order approving the fees of the Receiver and its counsel, and approving the distributions proposed in the Receiver's First Report and for an Order sealing the Confidential Appendices to the Receiver's First Report was heard this day by video conference due to the Covid-19 crisis.

ON READING the Receiver's First Report, the Fee Affidavit of Rahn Dodick, sworn May 18, 2021, the Fee Affidavit of Alexander Hora sworn May 18, 2021 and on hearing the submissions of counsel for the Receiver, and on the Consent of the Respondents, and Maria Zuccaro and the Added Respondents to the Family Court Proceedings, Giuseppe Zuccaro, Vito Antonio Zuccaro and Filomena Zuccaro:

1. THIS COURT ORDERS that service of the Notice of Motion and the Motion Record including the Receiver's First Report is hereby validated so that this Motion is properly returnable today and hereby dispenses with further service thereof. All capitalized terms used herein and not otherwise defined are as defined in the Receiver's Second Report.

APPROVAL OF ACTIVITIES & FEES

2. THIS COURT ORDERS AND DECLARES that the fees and disbursements of the Receiver and its counsel, as set out in the fee affidavits of Rahn Dodick, sworn May 18th, 2021 and of Alexander Hora, sworn May 18, 2021, are hereby approved, and the Receiver is authorized and directed to pay all such fees which remain unpaid at this time.

DISTRIBUTION

3. THIS COURT ORDERS that the Receiver be and hereby is authorized to distribute to Equitable Bank the sum of \$1,691,685.77, together with such additional amounts as may be owing as at the date of distribution.

4. THIS COURT ORDERS that the Receiver be and hereby is authorized to distribute to Hillmount Capital Inc. the sum of \$265,624.80 together with such additional amounts as may be owing as at the date of distribution.

5. THIS COURT ORDERS that the Receiver be and is hereby authorized to distribute the sum of \$70,001.67 to Maria Zuccaro together with interest accrued thereon to the date of distribution.

6. THIS COURT ORDERS that the Receiver be and is hereby authorized to distribute the sum of \$24,000.00 to Maria Zuccaro together with interest accrued thereon to the date of distribution.

7. THIS COURT ORDERS that the Receiver is hereby authorized to distribute Ongoing Spousal Payments to Maria Zuccaro for the period beginning September 24, 2020 until such time as a further order is made directing the Receiver to distribute the remaining Densley Sale Proceeds or until there are insufficient funds in the Receivership to continue to make such payments.

GENERAL

8. THIS COURT ORDERS that Confidential Appendices 1-3, inclusive, to the Receiver's First Report shall be, and are, hereby sealed, kept confidential and shall not form part of the public record until the earlier of July 30, 2021 or the closing of the Sale Agreement between the Receiver and Ashiana Capital Corporation referred to in the Receiver's First Report or such further date as may be ordered by this Court.

9. THIS COURT HEREBY REQUESTS the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada to give effect to this Order and to assist the Receiver and its agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Receiver, as an officer of this Court, as may be necessary or desirable to give effect to this Order or to assist the Receiver and its agents in carrying out the terms of this Order.

10. THIS COURT ORDERS that the Receiver be at liberty and is hereby authorized and empowered to apply to any court, tribunal, regulatory or administrative body, wherever located, for the recognition of this Order and for assistance in carrying out the terms of this Order, and that the Receiver is authorized and empowered to act as a representative in respect of the within proceedings for the purpose of having these proceedings recognized in a jurisdiction outside Canada.

11. THIS COURT ORDERS that this Order is effective from the date that it is made and is enforceable without any need for entry and filing.

12. THIS COURT ORDERS that the E-Service Guide of the Commercial List (the “Guide”) is approved and adopted by reference herein and, in this proceeding, the service of documents made in accordance with the Guide (which can be found on the Commercial List website at: www.ontariocourts.ca/scj/practice/practice-directions/toronto/eservice-commercial/) shall be valid and effective service.



A handwritten signature in black ink, written over a horizontal line. The signature is stylized and appears to read "John D. ...".

DODICK LANDAU INC.
Applicant

and

FRANK ZUCCARO. et al.
Respondents

Court File No. CV-21-00661928-00CL

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R.R.O. 1990

Proceeding commenced at Toronto

ORDER
(APPROVING THE RECEIVER'S
ACTIVITIES AND FEES and APPROVING
DISTRIBUTIONS)

GARFINKLE BIDERMAN LLP

Barristers & Solicitors
1 Adelaide Street East, Suite 801
Toronto, Ontario
M5C 2V9

Wendy Greenspoon-Soer LSO#: 34698L
Tel: 416-869-1234
Fax: 416-869-0547
Email: wgreenspoon@garfinkle.com

Lawyers for the Applicant,
DODICK LANDAU INC.

File Number: 12574-001

