

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

THE HONOURABLE

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WEDNESDAY, THE 12TH

JUSTICE CAVANAGH

DAY OF JULY, 2023

B E T W E E N :

GEORGE VASTIS

Plaintiff
(Defendant to the Counterclaim)

- and -

HELEN VASTIS

Plaintiff

- and -

CHRISTOS KOMMATAS

Defendant
(Plaintiff to the Counterclaim)

- and -

CALLDRON GAS BARS LTD. and 1195705 ONTARIO INC.,
carrying on business as OLD PRO DRIVING RANGE

Defendants
(Defendants to the Counterclaim)

ORDER

THIS MOTION, made by The Fuller Landau Group Inc., in its capacity as the Court-appointed liquidator and receiver (in these capacities, the “**Liquidator**”) of the undertaking, property and assets of Calldron Gas Bars Ltd. (“**Calldron**”) and 1195705 Ontario Inc. o.a. Old Pro Driving Range (“**Old Pro**”, and together with Calldron are the “**Companies**”) for an order:

- (a) if necessary, abridging and validating the time for service and filing of the notice of motion and the motion record contained herein, validating service and dispensing with further service upon any other persons not already served with this notice of motion and motion record so that the motion is properly returnable today

- (b) approving the activities of the Liquidator and its counsel as outlined in the Third Report of the Liquidator dated June 30, 2023 (the “**Third Report**”), and the confidential appendices thereto (“**Confidential Appendix 1**” and “**Confidential Appendix 2**”, collectively, the “**Confidential Appendices**”);
- (c) sealing the Confidential Appendix 1 of the Third Report, which contains an un-redacted copy of the sale agreement dated May 17, 2023, for the property municipally known as 480 Derry Road East, Mississauga Ontario (the “**Derry Rd. Property**”), and Confidential Appendix 2, which contains an appraisal of the Derry Rd. Property dated January 20, 2022, until the earlier of: (i) the closing of the sale of the Derry Rd. Property, or (ii) a further Order of this Court;
- (d) approving the fees and disbursements of the Liquidator and its counsel;

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

ON READING the Third Report, the Confidential Appendices, the factum, and the affidavits of the Liquidator and its counsel as to fees (the “**Fee Affidavits**”), and on hearing the submissions of counsel for the Liquidator, and counsel for Chris Kommatas (“**Chris**”) and George Vastis (“**George**” and together with Chris are the “**Principals**”), no one appearing for any other person on the service list, although properly served as appears from the affidavit of Victoria Gifford sworn June 30, 2023, filed:

SERVICE

1. **THIS COURT ORDERS AND DECLARES** that the time for service of the notice of motion and the motion record is hereby abridged and validated so that the motion is properly returnable today and hereby dispenses with further service thereof.

SEALING OF THE CONFIDENTIAL APPENDICES

2. **THIS COURT ORDERS** that the Confidential Appendices, be and are hereby sealed until the earlier of: (i) the closing of the sale of the Derry Rd. Property; or (ii) further Order of the Court.

APPROVAL OF LIQUIDATOR ACTIVITIES AND FEES

3. **THIS COURT ORDERS** that the activities of the Liquidator, as set out in the Third Report and the Confidential Appendices, are hereby approved.

4. **THIS COURT ORDERS** that the fees and disbursements of the Liquidator and its counsel, as set out in the Third Report and the Fee Affidavits, are hereby approved.

5. **THIS COURT ORDERS** that only the Liquidator, in its personal capacity and only with respect to its own personal liability, shall be entitled to rely upon or utilize in any way the approval of the Report as detailed in paragraph 3 above.

FOREIGN RECOGNITION

6. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or in the United States to give effect to this Order and to assist the Liquidator 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 liquidator, 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.

GEORGE VASTIS et al
Plaintiffs

CHRISTOS KOMMATAS et al
Defendants

Court File No.: CV-20-00644241-00CL

CHRISTOS KOMMATAS
Plaintiff by Counterclaim

GEORGE VASTIS
Defendant to the Counterclaim

**ONTARIO
SUPERIOR COURT OF JUSTICE - COMMERCIAL
LIST**

Proceeding commenced at Toronto

ORDER

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