

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

THE HONOURABLE MADAM

)
)
)
)

TUESDAY, THE 27TH

JUSTICE STEELE

DAY OF MARCH, 2024

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 Sixth Report of the Liquidator dated March 18, 2024 (the “**Sixth Report**”);
- (c) approving an interim distribution to the Principals (as defined below) of \$100,000,000.00;
- (d) approving the receipts and disbursements of the Liquidator; and,
- (e) approving the fees and disbursements of the Liquidator and its counsel;

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

ON READING the Sixth Report, 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 March 21, 2024, 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.

THE INTERIM DISTRIBUTION

2. **THIS COURT ORDERS** that the proposed interim distribution of \$100,000,000.00 to the Principals is approved and directs the Liquidator to make said distribution as follows:

- (a) payment to George in the amount of \$934,542 on account of George’s shareholder loans to the Companies;
- (b) payment to Chris in the amount of \$1,001,956 on account of Chris’ shareholder loans to the Companies;
- (c) capital dividend payment to each of the Principals in the amount of \$31,274,349;
and

(d) non-eligible dividend to each of the Principals in the amount of \$17,757,403;

APPROVAL OF LIQUIDATOR ACTIVITIES AND FEES

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

4. **THIS COURT ORDERS** that the Liquidators Interim Statements of Receipts and Disbursements, is hereby approved.

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

6. **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 Sixth Report as detailed in paragraph 3 above.

FOREIGN RECOGNITION

7. **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

LERNERS LLP
225 King Street West, Suite 1500
Toronto, ON M5V 3M2

Domenico Magisano LS#: 45725E
dmagisano@lerner.ca
Tel: 416.601.4121

Spencer Jones LS#: 77350U
sjones@lerner.ca
Tel: 416.601.2358

Lawyers for the Liquidator