

OCT 10 / 06

Ms McMullan - Receiver
Mr Simpson personally
Mr Rothwell for Plaintiff
Mr Gavedanis for TRS in company
class action

The motion

Udayan Pandya
Plaintiff

requests a variety of relief (!) I am advised by the Receiver's counsel + by Mr. Simpson that a written separation agreement was entered into by Mr + Ms. Simpson + it refers to the terms of the agreement with the Receiver set forth in para 30 of the Receiver's 7th report. The Receiver is authorized to settle Mr Simpson's claims against the Estate + Receivership on those terms.

(2) The relief requested in paragraphs 1, 2, 3 + 4a is granted. Mr Rothwell, ^{in behalf of Mr. Pandya,} submits that the relief requested in 4(a) is premature as the Receiver has not had an opportunity to review all of the banking records now in its possession. The Receiver's counsel has indicated that the banks have now agreed to provide it with copies of cheques within 30 days at their own cost. After the Receiver has

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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

MOTION RECORD
(Returnable October 10, 2006)
Volume 1 of 2

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Solicitors for the receiver

had an opportunity to review these documents, ~~to~~ to the extent such power was not already granted by earlier orders, ~~the~~ ^{the receiver} is authorized to proceed with an action against Mr Pahua for recovery of funds

(3) With respect to items 5, + 6, I have a real concern about the quantum of fees being incurred in this receivership + particularly legal fees. That said, they may be justified, however, for me to properly consider the amounts claimed, I should have the earlier endorsements + decisions on fees requested + awarded. In particular, I understand that Opies I gave detailed directions on an approach to be taken to fee requests - this matter, however, ~~those~~ that endorsement is not before me. I am adjourning items 5 + 6 to be heard by me on a date to be fixed. It would also be helpful to have a more detailed breakdown as to when the time claimed was spent relative to the directions given. Mr Goveadans may make another submission on ^{costs} including his costs of attendance today (24 Sept, 2).