

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

BETWEEN:

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*

SUMMARY OF COUNSEL FEES

Fee Items	Individual	Time	Rate
Initial meeting with the client regarding background; Review client documents; Discussions with counsel regarding recovery strategy; Discussions with the receiver regarding status and instructions; Engaged regarding retaining a commercial real estate agent; Prepare for and attend at meeting with the receiver regarding strategy; Prepare for meeting with the defaulter; Discussions with counsel regarding contact with police; Review correspondence from the real estate agent regarding sale of the subject properties; Discussions with counsel regarding the cross-examination of C. Simpson; Prepare for meeting and attend at meeting with the receiver regarding status and strategy relating to receivership issues, including report to the court and tracing assets; Discussions with counsel regarding status and strategy regarding report to the court; Review correspondence from real estate agent; Discussions with counsel regarding receiver issues, status and strategy; Discussions with receiver regarding status and strategy; Discussions with counsel regarding court appearance; Discussions with counsel regarding Real Estate Counsel of Ontario ("RECO"); Review RECO policy; Correspondence from class members regarding status of the action; Discussions with counsel regarding fraudulent pretense issue regarding subject mortgages; Consider fraudulent preference issues and tracing case law; Discussions with counsel regarding issues relating to trustee vs. receiver and strategy regarding	J. Patterson	14.0	\$625.00

Fee Items	Individual	Time	Rate
<p>same; Review insurance policy; Discussions with counsel regarding preparation for cross-examination; Discussions with counsel regarding sale of house and seizure of \$500K in stock; Discussion with counsel regarding bankruptcy issues and strategy; Discussions with counsel regarding receivership issues; Review NUANS index respecting York Management Group; Obtaining corporate profile reports and business names reports relating to York Management Group and The York Group; Obtaining business names report relating to Camco Developments; and general communication and correspondence with clients, the receiver and all counsel.</p>			
<p>Review court order; Review authorization; Execute court order; Conduct subsearch title; Register Application to Register Court Order; Discussions with counsel regarding mortgage discharges and court order; Review draft order; Revise clauses in the order relating to the Pahwa mortgages; Review mortgages; Review agreement of purchase and sale; Review waiver; Provide comments to the receiver; Provide comments to counsel regarding waiver of solicitor approval condition; and general communication and correspondence with client and counsel.</p>	S. Martyn	4.5	\$550.00
<p>Review file; Consider claim and proceeding issues; Communications regarding investigations; Communication with counsel regarding statement of claim and receivership issues; Consider issues regarding class; Consider issues regarding RECO; Review statement of claim and motion material regarding receivership; Communications with police; Revise statement of claim; Review and revise motion material regarding receivership; Communication with the receiver; Communication with victims; Communication with defendant's criminal counsel; Prepare for attendance before Justice Ground; Attend before Justice Ground; Obtain court order and report to the receiver; Consider investigation regarding assets; Communication regarding asset investigation; Communication with victims regarding assets and claims; Communication with counsel for victims; Communication with counsel regarding examination under oath; Consider issues to be dealt with by the receiver; Consider RECO claims; Consider priority issues duties of court receiver, conflicting interest, directions from court, asset tracing and maximizing real estate; Prepare for cross-examination of C. Simpson; Attend at cross-examination of C. Simpson; Review documents; Attend at properties with C. Simpson; Communication with counsel regarding notice letters; Communication with counsel for victim; Communication with claimants' solicitor; Communication with real estate broker; Revise receiver's report to court; Correspondence with counsel for victim and C. Simpson; Review and revise notice of motion and amended statement of claim; Prepare for court attendances; Engaged regarding sale of properties; Attend before Justice Farley regarding receiver's report to court and report to receiver; Meeting with receiver; Meeting with C. Simpson; Attend meeting with RECO; Review and revise receiver's report; Communication with real estate agent; Prepare for and attend at motion before Justice Farley; Engaged regarding mortgage issue; Communication with law students regarding research and bankruptcy; Communication with other class counsel regarding petition into bankruptcy; Attend at York Regional Police; Consider issues regarding RECO and A. Cox; Discussions with counsel regarding Hurst and CPL and tracing; Communication with trustee in bankruptcy, receiver and real estate broker; Review material from Harris & Partners; Review CPL material; Communication with the receiver regarding sale of real estate; Review transcript of cross-examination of C. Simpson; Conference</p>	L. Caylor	97.8	\$575.00

Fee Items	Individual	Time	Rate
<p>call with class counsel; Discussion with the receiver regarding sale of the Main Street property; Engaged regarding CPL and the motion to stay trustee in bankruptcy; Consider share transfers; Review correspondence from Ontario Securities Commission; Prepare for and attend at examination of A. Cox; Communication with Royal Bank of Canada ("RBC") regarding share transfers; Communication with the receiver regarding share transfers and sale of the Main Street property; Review and revise third report of the receiver; Review and revise notice of motion; Communication with RBC's solicitors; Engaged regarding report to court and sale of property; Communication with receiver regarding status; Review correspondence from A. Pahwa and RECO; Revise correspondence regarding insurance; Consider issues regarding RECO and advancing claim; Communication with real estate agent and receiver regarding status; Discussions regarding sale, court appearance, RECO, and A. Cox; Review statement of defence from L. Hurst; Review correspondence from RBC; Discussions with counsel regarding the examination of A. Cox; Discussions with the receiver regarding living expenses; Review Nichols' statement of claim; Correspondence with Hurst solicitors; Review transcript of A. Cox; Communication with solicitors for A. Pahwa; Review draft report and motion material; Meeting with representative plaintiff; Review and revise motion material; and general communication and correspondence with class members, victims, York Regional Police, receiver and all counsel.</p>			
<p>Engaged regarding the action; Initial meeting with the client; Communications relating to initial investigations; Communication with potential victims; Meetings and correspondence with potential class members; Discussions regarding litigation strategy; Discussions relating to retainer issues; Review client documents; Engaged regarding asset investigation; Prepare statement of claim; Prepare order; Prepare motion material; Review class action legislation; Review and revise statement of claim, order, affidavits of R. Kwasniewicz and U. Pandya and motion material; Engaged regarding scheduling the motion; Discussions regarding litigation strategy; Discussions with potential class members, the defendant and defendant's counsel; Review and revise motion material; Review the investigation findings; Review and revise affidavits, notice of motion and draft order; Prepare for hearing; Attend at court for hearing; Communication with the court and attending to issue the order; Engaged regarding service of the statement of claim; Communication with the receiver; Communication with the banks; Review correspondence from the banks served with the receiver's order; Revising document regarding responses and status; Engaged regarding the receiver's order and execution of terms of that order; Review and revise motion material; Engaged regarding the receiver's report; Review title search documents; Engaged regarding the class certification motion; Engaged regarding service of the statement of claim and order; Conducting Quicklaw research; Review case law; Communication with RECO; Communication with various banks; Engaged regarding next steps in the proceeding; Reviewing receiver order; Prepare for cross-examination of C. Simpson; Review asset investigation; Discussions with law students regarding research and the examination of C. Simpson; Review legislation and case law; Review <i>Crown Proceeding Act</i>; Communication with former defence counsel; Review receiver's order; Review evidence from C. Simpson's cross-examination; Preparing material for next step in the action; Communication with CIBC and TD Canada Trust regarding the account freeze and requested documents; Communication with criminal counsel; Consider amendments to the</p>	J. MacMillan	159.7	\$450.00

Fee Items	Individual	Time	Rate
<p>statement of claim; Review case law and noting up case law; Review motion material; Review and revise the receiver's report; Revise order; Prepare for next court appearance; Communication with class members and real estate agent; Review real estate information; Revise draft order; Engaged regarding the dismissal against Cameo; Communication with real estate agent; Review receivership orders; Revise order; Prepare for motion; Revise receiver order and notice of motion; Revise procedural order; Engaged regarding other relief; Review and revise notice of motion and orders; Engaged regarding the strategic considerations and potential recoveries; Prepare motion material; Revise claim form and receiver's report; Prepare for the motion; Review issued orders; Discussions with counsel regarding next steps in the action and the second receiver's report; Communication with CIBC; Prepare certification material; Engaged regarding the examination of A. Cox; Engaged regarding the receiver's tasks; Review the <i>Class Proceedings Act</i>; Conduct Quicklaw research; Review class action cases; Engaged regarding the certification motion; Review mortgage documents; Engaged regarding the RECO claim issues; Engaged with the receiver regarding the investigation; Review bank records; Review and consider the RECO policy; Prepare affidavit evidence; Review mortgage documents; Review and revise notice of motion and motion record; Prepare the affidavit of C. Simpson; Engaged regarding the Pahwa mortgages; Review responding motion material; Prepare for and attendance at court; Engaged regarding the mortgage issues and pending actions; Engaged regarding the Cameo dismissal; Conduct Quicklaw research; Review case law regarding certification test; Review receiver's web site; Prepare documents respecting Hurst properties; Review documents relating to the Pahwa mortgages; Review notice of action and motion documents respecting the certificate of pending litigation; Engaged regarding the potential unjust enrichment claim; Review the <i>Fraudulent Conveyances Act</i>, the <i>Assignments and Preferences Act</i> and the <i>Mortgages Act</i>; Engaged regarding the petition into bankruptcy; Preparing motion material; Quicklaw research regarding Hurst claim; Review fraudulent conveyance law; Review tracing and constructive case law; Revise the notice of action; Review examination transcript; Discussion with counsel regarding the RECO matter; Engaged regarding the receiver's third report; Prepare notice of action, notice of motion and order; Research regarding trust claims; Review and revise notice of action, notice of motion and affidavit regarding the Hurst action; Research trust issues; Engaged regarding CPL motion; Prepare Hurst statement of claim; Review claim form and response card; Engaged regarding RBC held shares; Discussion with counsel regarding next steps in action; Review transcript of A. Cox examination; Engaged regarding receiver's activities and the sale of 6072 Main Street; Review and revise notice of motion and the third receiver's report; Amending the amended statement of claim; Engaged regarding the sale of the defendants' properties; Engaged regarding the service of the notice of motion; Review finalized receiver's report; Prepare material for filing at court; Review and revise notice of motion and draft orders; Discussion with counsel regarding pending motion; Review bankruptcy documents; Engaged regarding the sale of 587 Cam Fella and the claims status; Engaged regarding the examination of A. Cox; Prepare draft action material; Engaged regarding mortgage issues; Prepare for the motion; Engaged regarding property insurance and mortgage payment issues; Review draft orders, receiver's report and motion material; Prepare submissions for court attendance; Prepare litigation plan; Review bank records; Engaged regarding the sale of 6072 Main Street; Review Hurst defence; Engaged regarding RECO</p>			

Fee Items	Individual	Time	Rate
<p>issues; Review RECO response to our inquiries; Engaged regarding certification matter; Prepare for and conduct examination of A. Cox; Engaged regarding receiver's fourth report and recovery of assets to date; Review and revise Hurst statement of claim; Revise motion request; Prepare summary of assets and recoveries; Prepare class proceeding action plan; Engaged regarding the next receiver's report; General communication and correspondence with clients, potential class members, York Regional Police, receiver and all counsel.</p>			
<p>Review receivership order; Consider issues regarding bankruptcy petition; General communication and correspondence with counsel.</p>	R. Sahni	0.6	\$450.00
<p>Review client documents; Review Rules relating to bringing a motion in Commercial List for the appointment of receiver; Prepare affidavit of R. Kwasniewicz; Prepare affidavit of U. Pandya; Prepare notice of motion; Prepare memorandum of law; Review case law regarding frauds and class actions; Review draft order for appointment of a receiver; Review and revise motion material and affidavits; Review title search documentation; Meetings with potential class members; Compile motion records for service; Attend to serving receivership order; Prepare notice of motion, affidavit and factum for motion to amend statement of claim to add party; Amend statement of claim; Communication with the banks relating to account information; Amend contact list; Prepare first report of receiver; Review property descriptions, lot plans and determine municipal addresses; Communication with real estate agent in Dorset and discussion with counsel regarding need for agent in Dorset to meet with receiver; Communication with the banks and amend contact information; Prepare receivership report; Discussions regarding RECO research; Discussions regarding the examination of C. Simpson; Review documents and prepare questions for examination of C. Simpson; Compile documentation for examination of C. Simpson; Attend at the examination of C. Simpson; Meeting at York Regional Police fraud office; Review documents in police possession; View properties on which order has been placed on title; Discussion with counsel regarding motion for approval of receivership report; Review statement of claim; Review precedent receivership reports; Prepare first report of the receiver; Review notes from the examination of C. Simpson; Communication with real estate agent regarding Kawagama property; Prepare notice of motion and orders; Prepare amended statement of claim; Review and revise first report of the receiver and assemble exhibits for same; Research <i>Criminal Code</i> regarding criminal rate of interest and usury; Review and revise motion material; Research class action certification timelines and the test; Review amended and restated order; Transcribe notes from C. Simpson's examination; Review title documents; Prepare motion material for service and filing; Prepare for and attend at motion for approval of receiver's actions to date and for first amended and restated initial order; Communication with OSC regarding motion; Communication with RECO regarding meeting with the receiver; Discussions regarding setting up trust account; Review mortgages and research regarding standard charge terms; Prepare notice of motion; Prepare outline of receiver's second report; Communication with A. Cox regarding his examination; Prepare for meetings with receiver; Attend at RECO offices; Discussions regarding offers on Simpson properties and listing agreements; Revise receiver's second report; Revise notice of motion; Revise second amended and restated order; Communication with victims and amend victim list; Correspondence with Justice Winkler; Correspondence to real estate agent; Correspondence with RECO</p>	E. Atkinson	207.9	\$275.00

Fee Items	Individual	Time	Rate
<p>regarding information required by receiver; Compile exhibits to receiver's second report; Revise second amended and restated order regarding the Pahwa mortgages; Attend at the Commercial List office to review documents; Prepare motion materials; Attend at motion; Amend list of potential class members; Research regarding jurisprudence and journal articles with respect to the Pahwa mortgages; Discussions regarding task list and document review; Discussion with A. Cox regarding examination; Review title documents of Hurst properties; Research trustee's role under the <i>Bankruptcy and Insolvency Act</i> as opposed to the court appointed receiver's role; Prepare notice of examination for A. Cox; Attend at York Regional Police to conduct comprehensive review of C. Simpson's documents in custody of the police; Prepare chronologies from documents retrieved from York Regional Police; Review motion material for certificate of pending litigation; Prepare for motion for and attend at motion for certificate of pending litigation; Attend to having orders issued and certificate of pending litigation registered on title; Communication with real estate agent regarding offers on property; Obtain direction and acknowledgment from the receiver; Complete claim form for potential class members; Serve motion material and order for certificate of pending litigation on L. Hurst; Send claim forms; Review documents of documents returned to C. Simpson by police; Prepare examination questions for A. Cox examination; Discussions with banks regarding unauthorized transfer of shares; Serve order on RBC; Correspondence with the Greater Toronto Area Savings and Credit regarding order and bank account statements; Prepare third order of the receiver and notice of motion; Attend at the examination of A. Cox; Assemble exhibits for third receiver's report; Revising potential class member's claim form and exhibits; Communication with C. Simpson regarding transfer of shares; Compile material for motion; Communication with counsel for A. Pahwa regarding offer to settle and revisions to order; Correspondence with State Farm Insurance; Review RECO correspondence; Prepare motion material; Correspondence with real estate agent regarding insurance; Communication with Aon Reed; Disseminating issued orders and revising report for posting on web site; Meetings regarding commissioning consent forms; Attend at the examination of A. Cox; Correspondence regarding stays of proceedings; and general communication and correspondence with receiver, clients, potential class members and all counsel.</p>			
<p>Review court order; Revise Acknowledgement and Direction; Conduct subsearch on Teraview and obtain copies of documentation on title; and general communication and correspondence with counsel.</p>	M. Taylor	1.8	\$175.00
<p>Prepare Acknowledgement and Direction; Prepare and register Application to Register Court Order in the York Region Land Registry Office; Prepare Application to Register Court Order together with affidavit in support and Notarial Certificate for registration in the Haliburton Land Registry Office; Communication with agent in Haliburton regarding request for subsearch to confirm ownership and obtain copy of Parcel Register and Transfer; Review subsearch results from Haliburton Land Registry Office and complete Application to Register Court Order together with affidavit in support and Notarial Certificate and arrange for registration of same; Conduct subsearch to verify property address; Obtain Parcel Register, copies of documents and Reference Plans; Conduct subsearch on properties to obtain parcel registers and copies of related documents; Prepare Acknowledgement and Direction and Application General Certificate of Pending Litigation and register same on title to Whitchurch-</p>	C. Kent	10.1	\$150.00

Fee Items	Individual	Time	Rate
Stouffville properties; and general communication with counsel.			
Research regarding whether an action can be brought against the RECO; Research regarding consumer deposit insurance policy of RECO; Review consumer deposit insurance policy of RECO; Research regarding whether an action can be brought to claim deposit insurance amount before RECO has determined whether to pay claim; Research regarding coverage limits of RECO's consumer deposit insurance policy; Research regarding Ponzi schemes and recovery of investment; Research fraudulent conveyances; Preparing research memoranda; and general communication with counsel.	A. Gede- Lange / M. Warshawski	58.4	\$150.00