

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

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THE HONOURABLE)

APRIL, THE 18TH

JUSTICE MCEWEN)

DAY OF APRIL, 2018

BETWEEN :



ZEIFMAN PARTNERS INC.,
IN ITS CAPACITY AS RECEIVER OF THE PROPERTY
KNOWN MUNICIPALLY AS 40 PARK LANE CIRCLE

Plaintiff

- and -

DAVID AIELLO

Defendant

ORDER

THIS MOTION made by the Plaintiff, for an Order for a Timetable, was heard this day at the court house, 330 University Avenue, 8th Floor, Toronto, Ontario, M5G 1R7.

UPON READING the Motion Record of the Plaintiff, including the Affidavit of Stephanie De Caria sworn April 10, 2018, and the exhibits annexed thereto, and on hearing the submissions of the lawyers for the parties,

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and Motion Record is hereby abridged and validated such that this Motion is properly returnable today, and further service of this Notice of Motion and Motion Record are hereby dispensed with.

2. **THIS COURT ORDERS** that the within action shall proceed in accordance with the Timetable attached hereto as Schedule "A".

3. **THIS COURT ORDERS** that this Order is peremptory on the Defendant. In the event that the Defendant fails to comply with this Order, the Plaintiff shall be entitled to bring a motion

to strike the Defendant's Statement of Defence forthwith, and shall be entitled to costs payable by the Defendant to the Plaintiff on a full indemnity basis.

4. **THIS COURT ORDERS** that the Defendant shall pay the Plaintiff the costs of this motion fixed at \$ 5,000, within 30 days of the date of this Order.

THIS ORDER BEARS INTEREST at the rate of 2% per year commencing on the date hereof.



ENTERED AT / INSCRIT À TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO:

APR 18 2018

PER / PAR:



SCHEDULE "A"

Court File No.: CV-15-11148-00CL

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Plaintiff

- and -

DAVID AIELLO

Defendant

TIMETABLE

Lawyers and parties:

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Lawyers for the Plaintiff

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Lawyer for the Defendant

Remaining step to be completed	By which party	Date to be completed by:
Schedule the dates/location for Examinations for Discovery	All parties	October 31, 2017 <u>Status:</u> Completed
Complete Examinations for Discovery	All parties	January 26, 2018 <u>Status:</u> Completed
Comply with undertakings given at the Examination for Discovery	Plaintiff	February 26, 2018 <u>Status:</u> Completed
Comply with undertakings given at the Examination for Discovery	Defendant	May 15, 2018 May 30 2018
Deliver Expert Reports	Plaintiff	April 6, 2018 <u>Status:</u> Completed on March 28, 2018
Deliver Expert Reports or confirmation that no expert reports to be delivered	Defendant	May 28, 2018
Deliver Reply Expert Reports (if any) or confirmation that no reply expert reports to be delivered	Plaintiff	Within 45 days of delivery of expert reports by Defendant
Provide answers to Rule 31.10 Examination of Leah Aiello, in writing [Questions attached as Schedule "A" to March 1, 2018 Order]	Leah Aiello / Defendant	May 15, 2018 May 30 2018
Advise whether Discovery Motions are necessary	All parties	May 31, 2018 June 15 2018
If Discovery Motion(s) are necessary, complete hearing of Discovery Motions	All parties	June 29, 2018 (motion materials to be exchanged in accordance with the Rules)
Mediation	All Parties	To be completed by March 1, 2019
Pre-trial judicial mediation conference	All parties	March 4, 2019
Trial of Action	All parties	April 15, 16, 17 and 18, 2019

July 16
2018

Signature of lawyer or party:

DATE _____

Stephanie De Caria, counsel to the
Plaintiff

Signature of lawyer or party:

DATE _____

Arlindo Aragao, counsel to the
Defendant

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Plaintiff

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Proceeding commenced Toronto

TIMETABLE

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Proceeding commenced at Toronto

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