



Court File No. CV-17-11714-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE
JUSTICE *CONWAY*

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FRIDAY, THE 20th DAY
OF OCTOBER, 2017

BETWEEN:

**PINECAP MORTGAGE CORPORATION
and 2106271 ONTARIO INC.**

Applicants

- and -

**DEREK SCHEINMAN, DMS FINANCIAL MANAGEMENT INC.,
1620299 ONTARIO LIMITED carrying on business as
DMS FINANCIAL MANAGEMENT and 2109644 ONTARIO LIMITED**

Respondents

ORDER

THIS MOTION made by Zeifman Partners Inc., in its capacity as the court-appointed receiver (the "Receiver"), pursuant to the Order of the Honourable Justice Hainey, dated March 22, 2017 of all of the assets, undertakings and properties of Grossman Silver Horizon Limited Partnership and 2109644 Ontario Limited for, *inter alia*, an Order approving the Second Report to the Court of the Receiver dated July 31, 2017 and the Supplementary Report to the Second Report to the Court of the Receiver dated August 28, 2017 and granting orders in accordance with the recommendations made by

the Receiver in the Second Report and the Supplementary Report, was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Notice of Motion, the Amended Notice of Motion, the Second Report of the Receiver and the Supplementary Report to the Second Report of the Receiver and the appendices thereto, and on hearing the submissions of counsel for the Receiver and counsel for the Respondents, appearing as agent for the Respondents in respect of this motion, *and counsel for Moe Kountouris also known as ~~pa~~ Mosca Kountouris, with this order being unopposed,*

1. **THIS COURT ORDERS** that the time for service and filing of the Notice of Motion, the Amended Notice of Motion, the Motion Record and the Supplementary Motion Record are hereby abridged and validated so that this motion is properly returnable today.

2. **THIS COURT ORDERS** that the Receiver's Second Report and Supplementary Report to the Second Report are hereby approved and the actions of the Receiver described therein be and are hereby approved.

3. **THIS COURT ORDERS** that Derek Scheinman attend to be examined under oath in respect of the affairs of the Debtors in accordance with a Notice of Examination served by the Receiver upon the lawyers for the Respondents (Jeffrey Feiner of Corman Feiner LLP and Nazanin Eisazadeh of Shekter Dychtenberg LLP) on at least seven days' notice.

4. **THIS COURT ORDERS** Derek Scheinman to provide to the Receiver the addresses of the three Florida properties that he advised the Receiver that he holds in partnership with a Michael Adler by no later than October 31, 2017.

5. **THIS COURT ORDERS** CIBC Visa, American Express and National Bank of Canada MasterCard to provide to the Receiver a full documented accounting (including copies of all statements) of all transactions that have occurred in respect of accounts held with them in the names of Derek Scheinman, DMS Financial Management Inc. and/or 2109644 Ontario Limited including, without limitation, the accounts identified in Schedule "A" hereto, from the time of opening of the accounts to date.

6. **THIS COURT ORDERS** Moe Kountouris also known as Mosca Kountouris to attend to be examined under oath in respect of the affairs of the Debtors in accordance with a Notice of Examination served upon her on at least ~~30~~²⁰ days' notice, and to provide to the Receiver at least 10 days before the examination all of her books and records and those of JNP Conveyancing Services relating to dealings with, and monies received from, Derek Scheinman, the Debtors and/or DMS Financial Management Inc.

lawyer (Nancy Turgis - Solomon R. Ritzbart Goodman LLP)

7. **THIS COURT ORDERS** Julia Genova to attend to be examined under oath in respect of any funds that she received from Derek Scheinman or otherwise relating to the affairs of the Debtors in accordance with a Notice of Examination served upon her on at least 30 days' notice, and to provide to the Receiver at least 10 days before the examination all of her books and records relating thereto.

8. **THIS COURT ORDERS** that any party affected by this order may apply for directions in respect of this order or to vary or set aside this order on 7 days' notice to counsel for the Receiver.

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

OCT 20 2017

PER / PAR:



SCHEDULE "A"

1. CIBC Visa Account #4500 6001 0675 6434;
2. American Express Account #3733 509399 41009;
3. CIBC Visa Account #4500 0301 1874 0731;
4. National Bank of Canada MasterCard Account #5258 9330 1150 8520;
5. National Bank of Canada MasterCard Account #5258 8186 6618 4182;
6. CIBC Visa Account #4500 0302 0682 9610;
7. National Bank of Canada MasterCard Account #5258 8189 2001 1049.

PINECAP MORTGAGE CORPORATION et al

- and -

DEREK SCHEINMAN et al

Applicants

Respondents

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SUPERIOR COURT OF JUSTICE**

Proceeding Commenced at Toronto

ORDER

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**Lawyers for Zeifman Partners Inc., in its capacity
as court-appointed Receiver of Grossman Silver Horizon
Limited Partnership and 2109644 Ontario Limited**

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