

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

THE HONOURABLE MADAM)
JUSTICE DIETRICH)
MONDAY, THE 16TH
DAY OF SEPTEMBER, 2019

BETWEEN:

**ANTHONY ZANARDO IN HIS CAPACITY AS
THE ESTATE TRUSTEE FOR THE ESTATE OF LUIGI GAMBIN**

Applicant



- and -

**DI BATTISTA GAMBIN DEVELOPMENTS LIMITED,
RAY DIBATTISTA, ANTHONY DIBATTISTA, JULIA BABENSKY,
WHITWOOD DEVELOPMENTS LTD. and GREYSTAR DEVELOPMENTS INC.**

Respondents

APPLICATION UNDER Sections 207 and 248 of the Ontario *Business Corporations Act*,
R.S.O. 1990, c. B-16, as amended,

**ORDER
(INTERIM DISTRIBUTION APPROVAL)**

THIS MOTION, made by Zeifman Partners Inc. ("**Zeifman**"), in its capacity as the court-appointed liquidator (in such capacity, the "**Liquidator**") of the estate and effects of the Respondents, Di Battista Gambin Developments Limited ("**DBG**") and Whitwood Developments Ltd. ("**Whitwood**" and together with DBG, the "**Companies**"), was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Motion Record of the Liquidator, including the Liquidator's first report dated September 6, 2019 and the appendices thereto (the "**First Report**"), and on hearing the submissions of counsel for the Liquidator, and counsel for the Applicant, no one else

appearing for any other person although duly served as appears from the Affidavit of Service of Danny Nunes sworn September 11, 2019, filed.

SERVICE

1. **THIS COURT ORDERS** that the time for service and filing of the Notice of Motion and the Motion Record is hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.

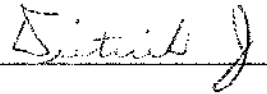
APPROVAL OF ACTIVITIES AND FEES

2. **THIS COURT ORDERS** that the First Report and the activities of the Liquidator set out therein are hereby approved.

3. **THIS COURT ORDERS** that the fees and disbursements of Zeifman, acting both in its capacity as the Court-appointed Monitor of the Companies as well as the Liquidator, and the fees and disbursements of DLA Piper (Canada) LLP, as Monitor's counsel and Liquidator's counsel, as set out in the First Report, are hereby approved.


APPROVAL OF INTERIM DISTRIBUTION

4. **THIS COURT ORDERS** that the Liquidator is authorized to make interim distributions in the amount of \$600,000 to each of the estate of Luigi Gambin (the "**Gambin Estate**") and Julia Babensky ("**Babensky**") from DBG on account of and in partial repayment of the shareholder loans owing to the Gambin Estate and Babensky by DBG.



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TRUSTEE FOR THE ESTATE OF LUIGI GAMBIN

--and--

DI BATTISTA GAMBIN DEVELOPMENTS LIMITED
RAY DI BATTISTA, ANTHONY DI BATTISTA,
JULIA BARENSKY, WHITWOOD DEVELOPMENTS
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Applicant

Respondents

Court File No. CV-17-11812-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)
PROCEEDINGS COMMENCED AT TORONTO

ORDER

(September 16, 2019)

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Lawyers for Zeitman Partners Inc., in its capacity as
Liquidator of Di Battista Gambin Developments Limited
and Whitwood Developments Ltd.