



SUPERIOR COURT OF JUSTICE

COUNSEL/ENDORSEMENT SLIP

COURT FILE NO.: CV-17-00011812-00CL DATE: 9 May 2023

NO. ON LIST: 1

TITLE OF PROCEEDING: **ZANARDO, IN HIS CAPACITY AS THE ESTATE
TRUSTEE, ANTHONY V. DI BATTISTA ET AL
BEFORE JUSTICE PENNY**

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party, Crown:

Name of Person Appearing	Name of Party	Contact Info
EDMOND LAMEK	LIQUIDATOR	Edmond.lamek@dlapiper.com

For Defendant, Respondent, Responding Party, Defence:

Name of Person Appearing	Name of Party	Contact Info

For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info
Allan Rutman (Liquidator)		

ENDORSEMENT OF JUSTICE PENNY:

The Liquidator moves for approval of the sale of the last remaining significant property in this court-ordered liquidation of the estate of De Batista Gambin Developments et al. The Liquidator also seeks ancillary relief in relation to the actions he has taken and the Liquidator's accounts and those of his counsel.


The order sought is not opposed by any stakeholder.

The sale is the result of a robust process, previously approved by the court. The purchase price falls within a range established by independent valuation evidence. The liquidator recommends approval of the sale. The sales process and result are consistent with the requirements of *Sound Air*. Approval of the sale is granted.

I am satisfied that the limited sealing order being sought falls within the test established by the Supreme Court of Canada in *Sherman Estate v. Donovan*. The order is tailored and time-limited and is needed to enable the liquidator to achieve the public interest in value maximization during a court-ordered sales process.

The ancillary order being sought is appropriate. The Liquidator's activities were reasonable in relation to the challenges he faced. The accounts reflect several complexities and obstacles that were presented during the course of the liquidation.

Orders to issue in the form signed by me this day.



Penny J.