

ONTARIO  
SUPERIOR COURT OF JUSTICE  
(Commercial List)

IN THE MATTER OF AN APPLICATION  
pursuant to section 243(1) of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c.B-3, as  
am, section 101 of the *Courts of Justice Act*, R.S.O.1990, c.C.43 and the *Personal  
Property Security Act*, R.S.O. c.P.10

JUSTICE HAINES

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FRIDAY, THE 1ST

DAY OF SEPTEMBER, 2017

BETWEEN:



DAVINCI CAPITAL PARTNERS INC., in its capacity as  
trustee of DAVINCI CAPITAL PRIVATE DEBT FUND

Applicant

and

THE CUSTOM FACTORY CANADA INC.  
and ANTONIO PETOSA

Respondents

ORDER  
(Approval of First Report)

THIS MOTION, made by the Link & Associates Inc., the Court-Appointed Receiver in this  
matter for an Order

- a. approving the actions, activities, conduct, and findings of the Receiver and its counsel as set out in the First Report of the Receiver dated August 14, 2017 (the "First Report");
- b. approving the interim statement of receipts and disbursements of the Receiver;

- c. approving the professional fees and disbursements of the Receiver and its counsel to July 31, 2017 as set out below and in the fee affidavits, filed;
- d. directing Ruditeq and its principal, Rudi Kuehnhold, to deliver up to the Receiver forthwith all information, emails, and documents of any kind in its possession or control relating to the dealings between Ruditeq and the Debtor as described in the First Report; and
- e. permitting the Receiver to share documents and information obtained in the course of its investigations which may be material to third party claims for fraud or misrepresentation, or claims by creditors against third parties for preferences or transfers at undervalue, on terms and conditions which the Receiver deems advisable,

was heard this day at the court house, 330 University Avenue, 7th Floor, Toronto, Ontario

ON READING the Motion Record of the Court-Appointed Receiver, including the First Report, the fee affidavits of Robert Link dated August 16, 2017, and Sanjay Kutty, dated August 14, 2017, on hearing the submissions of the lawyer(s) for the parties,

1. THIS COURT ORDERS that the time for service 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.
2. THIS COURT ORDERS that the actions, activities, conduct, and findings of the Receiver and its counsel as set out in the First Report, are hereby approved.
3. THIS COURT ORDERS that the interim statement of receipts and disbursements dated August 16, 2017 and included as Exhibit Q to the First Report is hereby approved.

4. THIS COURT ORDERS that the fees and disbursements of (a) the Receiver, in the amount of \$38,352.20, inclusive of HST; and the Receiver's legal counsel, Spark LLP, in the amount of \$13,568.53, inclusive of HST, are hereby approved.

5. ~~THIS COURT ORDERS that Ruditeq Inc. is hereby ordered to deliver up to the Receiver forthwith at the sole cost of Ruditeq Inc. all information, emails, and documents of any kind in the possession or control of Ruditeq Inc. or its principal(s), which relate to the dealings between Ruditeq Inc. and the Respondents.~~

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6. THIS COURT ORDERS that the Receiver is permitted and authorised to share documents and information obtained by the Receiver in the course of its investigation which may be material to potential third party claims for fraud or misrepresentation, or which may be material to claims by creditors against third parties (by way of Section 38 Applications or otherwise) for preferences or transfers at undervalue, on such terms and conditions which the Receiver deems advisable.

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

SEP 05 2017



RCP-E 59A (July 1, 2007)

PER / PAR:



IN THE MATTER OF OF AN APPLICATION pursuant to section 243(1) of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c.B-3, as am, section 101 of the *Courts of Justice Act*, R.S.O. 1990, c.C.43 and the *Personal Property Security Act*, R.S.O. c.P.10

DAVINCI CAPITAL PARTNERS INC., in its capacity as trustee of -and-  
DAVINCI CAPITAL PRIVATE DEBT FUND

Applicant

THE CUSTOM FACTORY CANADA INC. et al.

Respondents

Court File No. CV-17-11742-00CL

ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST

PROCEEDING COMMENCED AT  
TORONTO

ORDER  
(Amendment of Appointment Order)

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