

ONTARIO

SUPERIOR COURT OF JUSTICE

THE HONOURABLE MR.

)

MONDAY, THE 23rd DAY

JUSTICE TURNBULL

)

)

OF AUGUST, 2010

BETWEEN:

COLLEGE OF OPTOMETRISTS OF ONTARIO

Applicant

- and -

**SHS OPTICAL LTD., DUNDURN OPTICAL LTD. and
JOHN DOE, all carrying business under the name of
GREAT GLASSES; JOANNE MARIE BERGEZ and
BRUCE BERGEZ**

Respondents

- and -

COLLEGE OF OPTICIANS OF ONTARIO

Intervenor

- and -

THE ATTORNEY GENERAL FOR ONTARIO

Intervenor

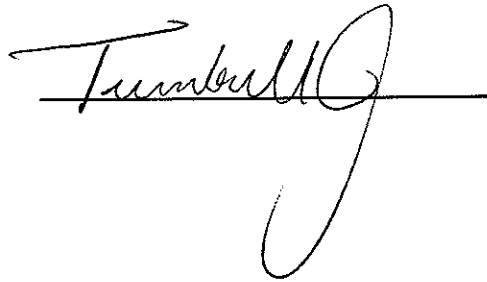
ORDER

THIS MOTION, made by Eyelogic Systems Inc. ("ESI"), for an order for the recovery of certain equipment, was read this day at 45 Main Street East, Hamilton, Ontario, L8N 2B7:

ON READING ESI's Materials, and upon review of the First Report to the Court of the Receiver and the Order of Justice Turnbull dated July 2, 2010 (the "Receivership Order"),

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.
2. **THIS COURT ORDERS** that ESI, or a representative thereof, shall, at its own expense, take immediate custody and possession of any of the equipment listed in Schedule "A", attached to this Order, which is presently in the possession of the Receiver, Deloitte & Touche Inc. (the "ESI Equipment").
3. **THIS COURT ORDERS** that the Receiver shall advise ESI of the particulars of the location of the ESI Equipment and shall provide access to the ESI Equipment to a representative of ESI, on such reasonable terms as are acceptable to the Receiver, for the purpose of dismantling and removing the ESI Equipment.
4. **THIS COURT ORDERS** that, once the ESI Equipment has been dismantled, the businesses operated at the locations listed on Schedule "B", attached to this Order, (the "Store Operators") shall, at their own expense, take immediate custody and possession of the chairs and fixtures that are presently attached to the ESI Equipment (the "Detached Equipment"). Provided, however, that none of the ESI Equipment shall be returned or forwarded by ESI to any Store Operator.
5. **THIS COURT ORDERS** that the Receiver shall advise the Store Operators of the particulars of the location of the Detached Equipment and shall provide access to the Detached Equipment to representatives of the Store Operators, on such reasonable terms as are acceptable to the Receiver, for the purpose of removing the Detached Equipment.
6. **THIS COURT ORDERS** that ESI and the owners, operators, employees and representatives of the Store Operators shall cooperate with the Receiver and provide such assistance as may be reasonably requested by the Receiver in order to facilitate the dismantling and removal of the ESI Equipment and the removal of the Detached Equipment.

7. **THIS COURT ORDERS** that the Receiver shall continue to store any remaining equipment in its possession pursuant to section 2(a) of the Receivership Order pending further order of the Court.
8. **THIS COURT MAKES NO ORDER AS TO COSTS**

A handwritten signature in black ink, appearing to read "Turnbull", written over a horizontal line.

ENTERED AT HAMILTON
IN Book No. 247
as Document No. 417
on AUG 23 / 10
by SB

SCHEDULE A

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1025 Plains Road, Burlington, Ontario				
Eyelogic Rental Equipment on File:				
Equipment Name	Brand	Model #	Serial #	Alternate Serial #
Autophoropter Head Unit w/reading card	HOYA	RH-3000	7298	
Autophoropter C.Box Unit	HOYA	RH-3000	1892	
Autorefractor	Canon	R-50+	200428	
Autolensometer	Tomey	TL-2000	109311	88901
Computer w/mouse + Keyboard	Dell	Precision 380	FPX7Y91	
Main Monitor	Dell	15" LCD Touch Screen	CN-0H6061-64180-62K078C	
Patient Monitor	Dell	15" LCD	CN-0Y9998-72872-61B-17ET	
Printer w/ USB Cable	HP Deskjet	HP 5940	CNG141Z039	
Cables	ACC	4 Interface cables (Blue dot, Red dot, Black Dot, Orange dot)	NA	
Mirror	COW	White Shadow box Mirror	NA	

1550 Upper James Street, Hamilton
 Eyelogic Rental Equipment on File:

Equipment Name	Brand	Model #	Serial #	Alternate Serial #
Autophoropter Head Unit	HOYA	RH-3000	7069	
Autophoropter C.Box Unit	HOYA	RH-3000	1312	
Autorefractor	Canon	R-50	200260	
Autolensometer	Tomey	TL-900	721005	98301
Computer w/mouse + Keyboard	Dell	Latitude E5400	918F4F1	2/8KK71 (370)
Main Monitor	Dell			
Patient Monitor	Dell			
Printer w/ USB Cable	HP Deskjet			
Cables	ACC	4 interface cables (Blue dot, Red dot, Black Dot, Orange dot)		NA
Mirror	COW	White Shadow box Mirror		NA

50 Dundum Street South, Hamilton [Formerly at 154 James St location]
 Eyeologic Rental Equipment on File:

Equipment Name	Brand	Model #	Serial #	Alternate Serial #
Autophoropter Head Unit	HOYA	RH-3000	7656	
Autophoropter C.Box Unit	HOYA	RH-3000	2623	
Autorefractor	Canon	R-50	200127	
Autolensometer	Tomey	TL-900	723105	
Computer w/mouse + Keyboard	Dell	Precision 380	7K32K81	
Main Monitor	Dell	15" LCD Touch Screen	CN-0H6061-64180-57L-0F4H	
Patient Monitor	Dell	15" LCD	CN-0D5421-46633-588-49JU	
Printer w/ USB Cable	HP Deskjet	HP 5740	THS4913002	
Cables	ACC	4 interface cables (Blue dot, Red dot, Black Dot, Orange dot)	NA	
Mirror	CDW	White Shadow box Mirror	NA	
Chair/Stand	Frastema	Frastia Sloopflex w/ upper arm and lower arm	NA	

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119 Oster Drive, Unit 7, Dundas Evelogic Rental Equipment on File:				
Equipment Name	Brand	Model #	Serial #	Alternate Serial #
Autophoropter Head Unit	HOYA	RH-3000	7183	
Autophoropter C.Box Unit	HOYA	RH-3000	2807	
Autorefractor	Canon	R-F10	100817	
Autofensometer	Tomey	TL-2000	801122	
Computer w/mouse + Keyboard	Dell	Presidon 380	SPN2481	
Main Monitor	Dell	15" LCD Touch Screen	CN-0R6061-64180-512-017H	
Patient Monitor	Dell	15" LCD	CN-005421-46633-52N-2V9U	
Printer w/ USB Cable	HP Deskjet	HP 3740	unknown	
Cables	ACC	4 interface cables (Blue dot, Red dot, Black Dot, Orange dot)	NA	
Mirror	COW	White Shadow box Mirror	EM5035INN	

**1250 Steeles Avenue East, Milton
 EyeLogic Rental Equipment on File:**

Equipment Name	Brand	Model #	Serial #	Alternate Serial #
Autophoreptor Head Unit	HOYA	RH-3000	0004	10003
Autophoreptor C.Box Unit	HOYA	RH-3000	2561	
Autorefractor	Canon	R-50m+	700088	
Autolensometer	Huvitz	CLM-3100p(B)	3LB5E2315	
Computer w/mouse + Keyboard	Dell	Presiden 380	2NHZ481	
Main Monitor	Dell	15" LCD Touch Screen	CN-0H6061-64180-56K-068H	
Patient Monitor	Dell	15" LCD	CN-0Y4413-72872-551-06PY	
Printer w/ USB Cable	HP DeskJet	HP 5740	MY7851300X	
Cables	ACC	4 Interface cables (Blue dot, Red dot, Black Dot, Orange dot)	NA	
Mirror	COW	White Shadow box Mirror	EM6080NNH	

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300 King George Road, Brantford
 EyeLogic Rental Equipment on file:

Equipment Name	Brand	Model #	Serial #	Alternate Serial #
Autophoropter Head Unit	HOYA	RH-3000	7621	
Autophoropter C.Box Unit	HOYA	RH-3000	2734	
Autorefractor	Canon	R-F10	110073	
Autolensometer	Huvitz	CLM-310Dp(B)	31BS12802	
Computer w/mouse + Keyboard	Dell	Precision 380	1F0L491	
Main Monitor	ELO	15" LCD Touch Screen	727340061C	
Patient Monitor	Dell	15" LCD	CN-0HCS45-66633-581-7673	
Printer w/ USB Cable	HP Deskjet	HP 5940	CN56P122NF	
Cables	ACC	4 Interface cables (Blue dot, Red dot, Black Dot, Orange dot)	NA	
Mirror	COW	White Shadow box Mirror	EM6065RN	

2180 Itabashi Way, Burlington (Formerly Great Glasses—now Appleby Optical as at October 26, 2009)
 Ophthalmic Rental Equipment on File:

Equipment Name	Brand	Model #	Serial #	Alternate Serial #
Autophoropter Head Unit	HOYA	RH-3000	7625	
Autophoropter C.Box Unit	HOYA	RH-3000	2562	
Autorefractor	Canon	R-F10m	300535	
Autolensometer	Huvitz	CLM-3000	3LC11902	3LA6A1603 [CLM-3100p(A)]
Computer w/mouse + keyboard	Dell	Frescion 390	IF4M1D1	
Main Monitor	Dell	15" LCD Touch Screen	CN-0H6061-64180-512-0HMH	CN-0H6061-64180-56K-050H
Patient Monitor	Dell	15" LCD	CN-005421-46633-52L-088U	
Printer w/ USB Cable	HP Deskjet	HP 5740	TH52H120FX	
Cables	ACC	4 Interface cables (Blue dot, Red dot, Black Dot, Orange dot)	NA	
Mirror	COV	White Shadow box Mirror	EM6034INN	

220 North Service Road, Oakville Eyefopic Rental Equipment on File:				
Equipment Name	Brand	Model #	Serial #	Alternate Serial #
Autophoropter Head Unit	HOYA	RH-3000	7606	
Autophoropter C.Box Unit	HOYA	RH-3000	2540	
Autorefractor	Canon	R-F10m	300539	
Autolensometer	Huétz	CLM-3100p(B)	318512604	318412614
Computer w/mouse + Keyboard	Dell	Precision 390	CYK7FD1	
Main Monitor	Dell	15" LCD Touch Screen	CN-0H6061-64180-4C9-ONVH	
Patient Monitor	Dell	15" LCD	CN-005421-46633-488-STYU	
Printer w/ USB Cable	HP Deskjet	HP 5740	MY45K1W029	MY75EB5069 (HP6946)
Cables	ACC	4 interface cables (Blue dot, Red dot, Black Dot, Orange dot)	NA	
Mirror	COW	White Shadow box Mirror	EM6030INN	

95 Saginaw Parkway, Unit 6, Cambridge
 EyeLogic Rental Equipment on File:

Equipment Name	Brand	Model #	Serial #	Alternate Serial #
Autophoropter Head Unit	HOYA	RH-3000	7444	
Autophoropter C.Box Unit	HOYA	RH-3000	1859	
Autorefractor	Canon	R-50	200230	
Autolensometer	Tomey	TL-2000A	109511	
Computer w/mouse + Keyboard	Dell	Precision 380	8807481	75HPN81
Main Monitor	ELO	25" LCD Touch Screen	71623602C	
Patient Monitor	Dell	15" LCD	CN-005421-46633-566-509U	
Printer w/ USB Cable	Canon	I350	F8PK00961	
Cables	ACC	4 interface cables (Blue dot, Red dot, Black Dot, Orange dot)	NA	
Mirror	COW	White Shadow box Mirror	EM6003BNN	

125 Queensway, Etobicoke
Eyelogic Rental Equipment on File:

Equipment Name	Brand	Model #	Serial #	Alternate Serial #
Autophoropter Head Unit				
Autophoropter C.Box Unit				
Autorefractor				
Autolensometer				
Computer w/mouse + Keyboard				
Main Monitor				
Patient Monitor				
Printer w/ USB Cable				
Cables				
Mirror				

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132 Front Street East, Toronto (This site is no longer open)
 EyeLogic Rental Equipment on File:

Equipment Name	Brand	Model #	Serial #	Alternate Serial #
Autophoropter Head Unit	NA	WO-087 Record		
Autophoropter C.Box Unit	NA			
Autorefractor	NA			
Autolensometer	NA			
Computer w/mouse + Keyboard	NA			
Main Monitor	NA			
Patient Monitor	NA			
Printer w/ USB Cable	NA			
Cables	NA			
Mirror	NA			

808 York Mills Road, Toronto

Eyslogic Rental Equipment on File:

Equipment Name	Brand	Model #	Serial #	Alternate Serial #
Autophoreptor Head Unit	HOYA	RH-3000	7284	
Autophoreptor C.Box Unit	HOYA	RH-3000	2726	
Autorefractor	Canon	R-F10	101148	
Autolensometer	Huflitz	CLM-3100p(8)	3LBS12604	
Computer w/mouse + Keyboard	Dell	Precision 380	CN1W081	CN1W081
Main Monitor	Dell	15" LCD Touch Screen	CN-0H5061-64180-590-0PCH	CN-0X1807-37917-9F0-369
Patient Monitor	Dell	15" LCD	CN-0Y4413-72872-575-0RHQ	
Printer w/ USB Cable	HP	HP 5940	CN57A1W18N	MY6DBS0HZ (HP 6940)
Cables	ACC	4 Interface cables (Blue dot, Red dot, Black Dot, Orange dot)	NA	
Mirror	COW	White Shadow box Mirror	EM6062INN	

26 - 17 Worthington Avenue, Brampton
 Cyclic Rental Equipment on File:

Equipment Name	Brand	Model #	Serial #	Alternate Serial #
Autophoropter Head Unit	HOYA	RH-3000	7631	
Autophoropter C.Box Unit	HOYA	RH-3000	2619	
Autorefractor	Canon	R-F10m	300537	
Autolensometer	Huvtz	CLM-3100p(B)	3LB412815	
Computer w/mouse + Keyboard	Dell	Precision 370	GKWDP41	
Main Monitor	Dell	15" LCD Touch Screen	CN-0H6061-64180-4C0-0P1H	
Patient Monitor	Dell	15" LCD	CN-0D5421-46633-4B9-5UBU	
Printer w/ USB Cable	HP	HP 5740	MY45KEW0XN	
Cables	ACC	4 interface cables (Blue dot, Red dot, Black Dot, Orange dot)	NA	
Mirror	COW	White Shadow box Mirror	EM6031RW	

393 Danforth Avenue, Toronto
 Eyeologic Rental Equipment on File:

Equipment Name	Brand	Model #	Serial #	Alternate Serial #
Autophoropter Head Unit	HOYA	RH-3000	7607	
Autophoropter C.Box Unit	HOYA	RH-3000	2621	
Autorefractor	Canon	R-F10	110353	
Autolensometer	Tomey	TL-900	782910	
Computer w/mouse + Keyboard	Dell	Precision 390	4L11HC1	0L11HC1
Main Monitor	ELO	15" LCD Touch Screen	726485000C	
Patient Monitor	Dell	17" LCD	CN-0CC280-7161B-6CS-6A	
Printer w/ USB Cable	HP	HP Deskjet	MY7209R220	
Cables	ACC	4 interface cables (Blue dot, Red dot, Black Dot, Orange dot)	NA	
Mirror	CDW	White Shadow box Mirror	EM6059INN	

28 - 9200 Bathurst Street, Thornhill
 EyeLogic Rental Equipment on File:

Equipment Name	Brand	Model #	Serial #	Alternate Serial #
Autophoropter Head Unit	HOYA	RH-3000	7262	
Autophoropter C.Box Unit	HOYA	RH-3000	2569	
Autorefractor	Canon	R-F10	100884	
Autolensometer	Huvitz	CLM-3100p(B)	3LB5C2604	
Computer w/mouse + Keyboard	Dell	Precision 370	4J58771	
Main Monitor	ELO	15" LCD Touch Screen	727322751C	
Patient Monitor	Dell	15" LCD	CN-005421-46633-52N-18GT	
Printer w/ USB Cable	HP	HP 5740	MY48H1X1MC	
Cables	ACC	4 interface cables (Blue dot, Red dot, Black Dot, Orange dot)	NA	
Mirror	COW	White Shadow box Mirror	EM6030HN	

285 Geneva Street, St. Catharines
 EyeLogic Rental Equipment on File:

Equipment Name	Brand	Model #	Serial #	Alternate Serial #
Autophoropter Head Unit	HOYA	RH-3000	7641	
Autophoropter C.Box Unit	HOYA	RH-3000	2541	
Autorefractor	Canon	R-F10	100863	
Autolensometer	Huflitz	CM-3100p(B)	3LB5E2314	
Computer w/mouse + Keyboard	Dell	Precision 370	5HMLT71	
Main Monitor	Dell	15" LCD Touch Screen	CN-0H6061-64180-54R-036H	
Patient Monitor	Dell	15" LCD	CN-0Y4413-72872-55K-232L	
Printer w/ USB Cable	HP	HP 6540	MY4AM3R32F	
Cables	ACC	4 Interface cables (Blue dot, Red dot, Black Dot, Orange dot)	NA	
Mirror	COW	White Shadow box Mirror	EM5046INN	

565 Woodlawn Road West, Guelph
 EyeLogic Rental Equipment on File:

Equipment Name	Brand	Model #	Serial #	Alternate Serial #
Autophoreptor Head Unit	HOYA	RH-3000	10056	
Autophoreptor C.Box Unit	HOYA	RH-3000	2542	
Autorefractor	Canon	R-F10	110497	
Autofensometer	Kuvitz	CLM-3100(A)	3LA6K2002	
Computer w/mouse + Keyboard	Dell	Precision 360	C089441	
Main Monitor	TTX	15" LCD Touch Screen	405WN00026	
Patient Monitor	TTX	15" LCD	345WN00344	
Printer w/ USB Cable	HP	HP 6940	MY7369R0X4	
Cables	ACC	4 Interface cables (Blue dot, Red dot, Black Dot, Orange dot)	NA	
Mirror	COW	White Shadow box Mirror	EM60741NN	

3865 Lakeshore Road West, Mississauga
 EyeLogic Rental Equipment on File:

Equipment Name	Brand	Model #	Serial #	Alternate Serial #
Autophoropter Head Unit	HOYA	RH-3000	10005	
Autophoropter C.Box Unit	HOYA	RH-3000	2761	
Autorefractor	Huvitz	MRK-3100p	3MKSC2510	
Autolensometer	Huvitz	CLM-3100p	700839	
Computer w/mouse + Keyboard	Dell	Precision 390	9L11HC1	
Main Monitor	ELO	15" LCD Touch Screen	726497009C	
Patient Monitor	TTX	17" LCD	CN-0CC280-71618-6CS-G485	
Printer w/ USB Cable	HP	HP 6940	MY6BHSR0T8	
Cables	ACC	4 interface cables (Blue dot, Red dot, Black Dot, Orange dot)	NA	
Mirror	COW	White Shadow box Mirror	EM7010	

1919 Commissioners Road, London
 EyeLogic Rental Equipment on File:

Equipment Name	Brand	Model #	Serial #	Alternate Serial #
Autophoropter Head Unit	HOYA	RH-3000	7052	
Autophoropter C.Box Unit	HOYA	RH-3000	1937	
Autorefractor	Canon	R-50+	200388	
Autolensometer	Hovitz	CLM-3100(C)	31C3B1304	
Computer w/mouse + Keyboard	Dell	Optiplex 755	5C9CKH1	
Main Monitor	ELO	15" LCD Touch Screen	727180185C	
Patient Monitor	TTX	17" LCD	78V-19CS	
Printer w/ USB Cable	HP	HP Deskjet	MY85FCS8DP	
Cables	ACC	4 interface cables (Blue dot, Red dot, Black Dot, Orange dot)	NA	
Mirror	COW	White Shadow box Mirror	NA	

SCHEDULE "B"

1. 1025 Plains Road, Burlington, Ontario.
2. 1550 Upper James Street, Hamilton, Ontario.
3. 50 Dundurn Street South, Hamilton, Ontario.
4. 119 Osler Drive, Unit 7, Dundas, Ontario.
5. 1250 Steeles Avenue East, Milton, Ontario.
6. 300 King George Road, Brantford, Ontario.
7. 2180 Itabashi Way, Burlington, Ontario.
8. 220 North Service Road, Oakville, Ontario.
9. 95 Saginaw Parkway, Unit 6, Cambridge, Ontario.
10. 125 Queensway, Etobicoke, Ontario.
11. 132 Front Street East, Toronto, Ontario.
12. 808 York Mills Road, Toronto, Ontario.
13. 26-17 Worthington Avenue, Brampton, Ontario.
14. 393 Danforth Avenue, Toronto, Ontario.
15. 1070 Major Mackenzie Drive East, Richmond Hill, Ontario.
16. 20-9200 Bathurst Street, Thornhill, Ontario.
17. 285 Geneva Street, St. Catharines, Ontario.
18. 565 Woodlawn Road West, Guelph, Ontario.
19. 1865 Lakeshore Road West, Mississauga, Ontario.
20. 1319 Commissionaires Road, London, Ontario.

COLLEGE OF OPTOMETRISTS OF ONTARIO	- and -	SHS OPTICAL LTD., DUNDURN OPTICAL LTD. and JOHN DOE, all carrying business under the name of GREAT GLASSES; JOANNE MARIE BERGEZ and BRUCE BERGEZ	- and -	COLLEGE OF OPTICIANS OF ONTARIO	- and -	THE ATTORNEY GENERAL FOR ONTARIO
Applicant		Respondents		Intervener		Intervener

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Hamilton

ORDER

GOWLING LAFLEUR HENDERSON LLP
Barristers and Solicitors
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Hamilton, ON L8P 4Z5

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Solicitors for Eyeologic Systems Inc.