

**ONTARIO SUPERIOR COURT OF JUSTICE**

**BETWEEN:**

**FIRST NATIONAL FINANCIAL GP CORPORATION**

**Applicant**

**- and -**

**GOLDEN DRAGON HO 10 INC. and GOLDEN DRAGON HO 11 INC.**

**Respondents**

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**RESPONDENTS' MOTION RECORD**

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Motion Date: Tuesday, July 16, 2024, at 1000 a.m.

MARTIN DIEGEL (022422W)  
Barrister and Solicitor  
131 Oldfield Street  
Ottawa, Ontario  
K2G 7B8

613-567-0235  
613-440-0900 (Fax)  
[martin@martindiegel.com](mailto:martin@martindiegel.com)

Solicitor for M.Y. Commercial Inc. and  
the Respondents

TO: DICKINSON WRIGHT LLP  
Barristers and Solicitors  
2200 - 199 Bay Street, PO Box 447  
Commerce Court Postal Station  
Toronto, Ontario, M5L 1G4

844-670-6009 (Fax)

Attention: David P. Preger (36870L)  
416-646-4606  
[dpreger@dickinsonwright.com](mailto:dpreger@dickinsonwright.com)  
Attention: Sahar Cadili (58847O)  
416-646-6875  
[scadili@dickinsonwright.com](mailto:scadili@dickinsonwright.com)

Lawyers for the Interim Receiver, Deloitte Restructuring Inc.

**ONTARIO SUPERIOR COURT OF JUSTICE**

**BETWEEN:**

**FIRST NATIONAL FINANCIAL GP CORPORATION**

**Applicant**

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**Respondents**

**MOTION RECORD INDEX**

1.	Notice of Motion dated May 23, 2024	1-6
2.	Affidavit of Christina Burley sworn January 26, 2024	7-33
	Exhibit "A" Justice Hackland Consent Order issued July 21 2023	11-18
	Exhibit "B" Correspondence from Martin Diegel to David Preger	19-26
	Exhibit "C" Correspondence from Martin Diegel to the Court dated November 10, 2023	27-30
	Exhibit "D" Correspondence from the Trial Co-Ordinator to Martin Diegel dated December 6, 2023	29-30
	Exhibit "E" Correspondence from Martin Diegel to David Preger dated December 20, 2023	31-31
3.	Draft Order	34 - 37

Date: May 23, 2024

MARTIN DIEGEL (022422W)  
Barrister and Solicitor  
131 Oldfield Street  
Ottawa, Ontario  
K2G 7B8

613-567-0235  
613-440-0900 (Fax)  
[martin@martindiegel.com](mailto:martin@martindiegel.com)

Solicitor for M.Y. Commercial Inc. and  
the Respondents

# TAB 1

Court File No. CV-17-00073967-0000

**ONTARIO SUPERIOR COURT OF JUSTICE**

**BETWEEN:**

**FIRST NATIONAL FINANCIAL GP CORPORATION**

**Applicant**

**- and -**

**GOLDEN DRAGON HO 10 INC. and GOLDEN DRAGON HO 11 INC.**

**Respondents**

**NOTICE OF MOTION**

**THE RESPONDENTS** will make a Motion to finalize the Receivership on Tuesday, July 16, 2024 at 10:00 a.m., or so soon after that time as the Motion can be heard, at the Court House, 161 Elgin Street, Ottawa, Ontario, K2P 2K1.

**PROPOSED METHOD OF HEARING:** The Motion is to be heard:

- ☐ in writing, under Subrule 37.12.1(1) because it is \_\_\_\_\_;
- ☐ in writing as an opposed Motion under Subrule 37.12.1(4);
- ☐ in person;
- ☐ by telephone conference;
- ☒ by video conference.

at the following location:

at the Court House, 161 Elgin Street, Ottawa, Ontario, K2P 2K1

Page - 2 -

**PROPOSED METHOD OF HEARING:** The Motion is to be heard orally by video conference.

**THE MOTION IS FOR:**

1. An Order that the Receiver prepare a Final Report and Accounting in order to be discharged;
2. An Order that any monies still due to Martin Diegel on account of fees, disbursements and HST be paid out of the reserves;
3. An Order that the remaining proceeds in the reserves, after the deduction of the current or amounts due to Martin Diegel, be paid to Martin Diegel in Trust to be distributed according to the Direction of the Respondent, Golden Dragon Ho 11 Inc.;
4. An Order winding up the Receivership and discharging the Receiver;
5. Costs of the within Motion payable to the Respondents on a full indemnity basis; and,
6. For such other order as this Honourable Court may deem just, upon the following grounds.

**THE GROUNDS FOR THE MOTION ARE:**

1. Under various Orders in this matter, available funds have been charged with fees for First National, the Receiver and the Receiver's counsel and the Respondent's counsel, each in amounts totaling several hundred thousand dollars as well as paying out the registered encumbrances.

- Page 3 -

2. After all distributions and allocations in accordance with an Order approved by all counsel, there remains funds in trust for the benefit of the Respondent, Golden Dragon Ho 11 Inc., which is referred to as a “reserve”.
3. The reserves are identified in the Consent Order from the Honourable Mr. Justice Hackland issued July 21, 2023 by Paragraph 7 which reads as follows:

“7. **THIS COURT ORDERS** that the remaining portion of the Reserve, following the payments to Liahona in paragraphs 1 and 5 above and the payment to Mr. Diegel in paragraph 3 above, be maintained by the Receiver along with the GDH Future Interest Allocation, pending further Order of Justice Hackland, or another judge of the Superior Court of Justice in Ottawa in the underlying receivership proceeding.”

4. As all outstanding issues have been dealt with, other than a final accounting and report from the Receiver, the Respondents seek an Order releasing the reserves to Martin Diegel in Trust (subject to the final account and Report) to distribute according to the Direction of Golden Dragon Ho 11 Inc. and to wind up the Receivership and discharge the Receiver.

**THE FOLLOWING DOCUMENTARY EVIDENCE** will be used at the hearing of the Motion:

1. The Affidavit of Christina Burley;
2. Draft Order; and,
4. Such further and other evidence as counsel may advise and this Honourable Court permit.

- Page 4 -

Dated at Ottawa this 23<sup>rd</sup> day of May, 2024

MARTIN DIEGEL (022422W)  
Barrister and Solicitor  
131 Oldfield Street  
Ottawa, Ontario  
K2G 7B8

613-567-0235  
613-440-0900 (Fax)  
[martin@martindiegel.com](mailto:martin@martindiegel.com)

Solicitor for M.Y. Commercial Inc. and  
the Respondents

TO:

DICKINSON WRIGHT LLP  
Barristers and Solicitors  
2200 - 199 Bay Street, PO Box 447  
Commerce Court Postal Station  
Toronto, Ontario, M5L 1G4

844-670-6009 (Fax)

Attention: David P. Preger (36870L)  
416-646-4606  
[dpreger@dickinsonwright.com](mailto:dpreger@dickinsonwright.com)  
Attention: Sahar Cadili (58847O)  
416-646-6875  
[scadili@dickinsonwright.com](mailto:scadili@dickinsonwright.com)

Lawyers for the Interim Receiver,  
Deloitte Restructuring Inc.



*(Short title of proceeding)*

**Court File No. CV-17-00073967-0000**

ONTARIO SUPERIOR  
COURT OF JUSTICE  
Proceeding commenced at Ottawa

**Notice of Motion**

*(Form 37A under the Rules)*

DYE & DURHAM COMPUTERIZED FORMS SERVICE

*Name, address and telephone number of solicitor or party*

MARTIN DIEGEL  
Barrister and Solicitor  
131 Oldfield Street  
Ottawa, Ontario  
K2G 7B8

Box 96

613-567-0235  
613-440-0900 (Fax)  
e-mail: martin@martindiegel.com  
LSUC #022422W  
Solicitor for the Respondents and  
M.Y. Commercial Inc.

# TAB 2

Court File No. CV-17-00073967-0000

**ONTARIO SUPERIOR COURT OF JUSTICE**

**BETWEEN:**

**FIRST NATIONAL FINANCIAL GP CORPORATION**

**Applicant**

**- and -**

**GOLDEN DRAGON HO 10 INC. and GOLDEN DRAGON HO 11 INC.**

**Respondents**

**AFFIDAVIT**

**I, CHRISTINA BURLEY, of the City of Ottawa, in the Province of Ontario, MAKE OATH AND SAY:**

1. I am Legal Assistant to Martin Diegel, solicitor for the Respondents,, as such, have knowledge of the matters hereinafter deposed to by reviewing the file and speaking with Martin Diegel.
2. This Affidavit is made in support of Motion for:
  1. An Order that the Receiver prepare a Final Report and Accounting in order to be discharged;
  2. An Order that any monies still due to Martin Diegel on account of fees, disbursements and HST be paid out of the reserves;
  3. An Order that the remaining proceeds in the reserves, after the deduction of the current amounts due to Martin Diegel, be paid to Martin Diegel in Trust to be distributed according to the Direction of the Respondent, Golden Dragon Ho 11 Inc.;

- Page 2 -

4. An Order winding up the Receivership and discharging the Receiver;
  5. Costs of the within Motion payable to the Respondents on a full indemnity basis;  
and,
  6. For such other order as this Honourable Court may deem just, upon the following grounds.
- 
3. This reserve is identified in the Consent Order from the Honourable Mr. Justice Hackland issued July 21, 2023, a copy of which is attached hereto as *Exhibit "A"*.
  4. As all outstanding issues have been dealt with, other than a final accounting and report from the Receiver, the Respondents seek an Order releasing the reserve to Martin Diegel in Trust (subject to the final account and Report) to distribute according to the Direction of Golden Dragon Ho 11 Inc.
  5. Our office has made efforts to deal with the Receiver's lawyer David Preger in respect of the payout of the reserve as per the correspondence attached as *Exhibit "B"* to this my Affidavit, including:
    - a. July 27, 2023            Email from Martin Diegel to David Preger;
    - b. August 21, 2023        Email from Martin Diegel to David Preger;
    - c. August 31, 2023        Email from Martin Diegel to David Preger;
    - d. October 12, 2023       Email from Martin Diegel to David Preger;
    - e. October 17, 2023       Email from Martin Diegel to David Preger; and,
    - f. October 30, 2023       Email from Martin Diegel to David Preger.

- Page 3 -

6. On November 10, 2023, our office wrote to the Court in respect of this matter, a copy of which is attached as ***Exhibit "C"***, requesting a Case Conference to deal with a timeline to finalize this Receivership. The Trial Co-Ordinator responded on December 6, 2023, requesting that Mr. Preger write to the Honourable Justice Hackland advising what his plan of action is, a copy of which is attached as ***Exhibit "D"***. As no response was forthcoming, our office followed up with an email to Mr. Preger on December 20, 2023, a copy of which is attached as ***Exhibit "E"***.
7. The inquiries have gone unanswered.
8. The Final Report from the Receiver to wind up the Receivership is still outstanding and the funds held by the Receiver in the reserve remain undistributed.
9. I make this Affidavit in support of a Motion for an Order that the remaining proceeds in the reserve, after the deduction of the current amounts due to Martin Diegel, be paid to Martin Diegel in Trust to be distributed according to the Direction of the Respondent, Golden Dragon Ho 11 Inc., and for costs on a full indemnity basis, and for no other or improper purpose.

SWORN before me at the  
City of Ottawa in the Province  
of Ontario this 26<sup>th</sup> day of  
January, 2024

  
A COMMISSIONER ETC.

**LAURIE MARGUERITE CLOWATER**  
A Commissioner for Oaths  
for the Province of Ontario,  
for Martin Diegel, Barrister and Solicitor.  
Expires January 13, 2026.

  
CHRISTINA BURLEY

**This is Exhibit "A" referred to in the  
Affidavit of CHRISTINA BURLEY  
sworn before me, this 26<sup>th</sup> day of  
January, 2024**

A handwritten signature in black ink, appearing to read "Laurie Clowater".

**A Commissioner for Taking Affidavits**

**LAURIE MARGUERITE CLOWATER**  
A Commissioner for Oaths  
for the Province of Ontario,  
for Martin Diegel, Barrister and Solicitor.  
Expires January 13, 2026.



Court File No. 17-73967

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE ) FRIDAY, THE  
 )  
JUSTICE HACKLAND ) 21st DAY OF July , 2023

B E T W E E N:

**FIRST NATIONAL FINANCIAL GP CORPORATION**

Applicant

- and -

**GOLDEN DRAGON HO 10 INC. and GOLDEN DRAGON HO 11 INC.**

Respondents

**APPLICATION UNDER** Section 47 of the *Bankruptcy and Insolvency Act*  
R.S.C. 1985, C. B-3, as amended

**ORDER**

**THIS MOTION** made by Deloitte Restructuring Inc. (the “**Receiver**”) for distributions as a result of the Judgment of the Court of Appeal for Ontario (the “**Appeal Judgment**”) in Court File No. C68855 and Court File No. C69031 dated August 31, 2022 (the “**Appeals**”), the Judgment of the Supreme Court of Canada (the “**SCC Judgment**”) in Court File No. 40465 dated April 13, 2023 (the “**SCC Leave Application**”) **AND THIS MOTION** made by Martin Diegel, barrister and solicitor (“**Mr. Diegel**”), for an Order approving the fees and disbursements of Mr. Diegel rendered in the receivership proceeding herein and directing the Receiver to pay such fees and disbursements, were heard this day at Ottawa.

-2-

**ON READING** the Trial Judgment of the Honourable Justice Hackland dated November 16, 2020, granting judgment following trial (the “**Trial**”) in favour of First National Financial GP Corporation (“**FN**”), in the amount of \$1,473,141.82 (the “**Future Interest**”) in respect of the future interest being claimed by FN on its three mortgages (collectively, the “**FN Mortgages**”) over the properties municipally known as 345 Barber Street, Ottawa (“**345 Barber**”) and 347 Barber Street, Ottawa (“**347 Barber**” and together with 345 Barber, collectively, the “**Properties**”), the Appeal Judgment reversing the Trial Judgment and the Order of the Honourable Justice Hackland, dated March 19, 2021, awarding FN its costs of the Trial (the “**Main Appeal**”), and the SCC Judgment dismissing leave to appeal to the Supreme Court of Canada, and the Consent of First National Financial GP Corporation, Liahona Mortgage Investment Corporation (“**Liahona**”), Golden Dragon Ho 10 Inc. (“**GDH 10**”) and Golden Dragon Ho 11 Inc. (“**GDH 11**”) to this Order (collectively, “**GDH**”), the Notice of Motion of Mr. Diegel and the Affidavit of Jacob Charles Diegel, sworn June 27, 2023 (the “**Diegel Affidavit**”) and on being advised of the consent of the Receiver, FN, Liahona and GDH to the within Order,

1. **THIS COURT ORDERS AND DIRECTS** that the Receiver is to pay to Liahona out of the reserve it is currently holding from the sale of the Properties (the “**Reserve**”) attached as Schedule “A” hereto, 73% of the Future Interest amount that forms part of the Reserve (column 7(ii) of Schedule “A”).

2. **THIS COURT ORDERS AND DECLARES** that the fees and disbursements of Mr. Diegel rendered to GDH in the receivership proceeding herein as set out in the Diegel Affidavit are hereby approved.



-3-

3. **THIS COURT ORDERS AND DIRECTS** the Receiver to pay from the portion of the Reserve representing 27% of the Future Interest amount (column 7(ii) of schedule "A"), being GDH's portion of the Future Interest (the "**GDH Future Interest Reserve**"), the sum of \$340,409.89 to Mr. Diegel. The requirement of any form of direction from GDH, or any other stakeholders of the estates of GDH, to the Receiver to make such payment to Mr. Diegel, is hereby dispensed with

4. **THIS COURT ORDERS AND DIRECTS** the Receiver to set aside the remainder of the GDH Future Interest Reserve, pending further Order of Justice Hackland, or of another judge of the Superior Court of Justice in Ottawa in the receivership proceeding herein (the "**GDH Future Interest Allocation**").

5. **THIS COURT ORDERS** that subject to allocating the all-inclusive amount of \$25,000.00 for Liahona's portion of the Receiver's fees and disbursements since the Appeals were heard until the Receiver's discharge in the proceeding herein, and subject to the Receiver setting aside the GDH Future Interest Allocation, the Receiver shall disburse to Liahona 73% of the remaining Reserve after payment to Liahona of the amount set out in paragraph 1 above (columns 7(i), 7(iii), 7(iv) and "surplus cash" of Schedule "A").

6. **THIS COURT ORDERS** that following the payments by the Receiver to Liahona in paragraphs 1 and 5 above, the Receiver will have no further monetary obligations to Liahona out of the Reserve, or otherwise, subject only to any future Order made in this proceeding by Justice Hackland, or of another judge of the Superior Court of Justice in Ottawa, regarding the passing of the accounts of the Receiver in connection with the Appeals or otherwise.

-4-

7. **THIS COURT ORDERS** that the remaining portion of the Reserve, following the payments to Liahona in paragraphs 1 and 5 above and the payment to Mr. Diegel in paragraph 3 above, be maintained by the Receiver along with the GDH Future Interest Allocation, pending further Order of Justice Hackland, or another judge of the Superior Court of Justice in Ottawa in the underlying receivership proceeding.

8. **THIS COURT ORDERS AND DIRECTS** that Liahona and GDH are entitled to their costs of Trial, and that FN shall pay to Liahona and GDH their Trial costs of \$208,470.25 inclusive of disbursements and HST (the “**Trial Costs Award**”), to be allocated among Conway Baxter Wilson LLP and Mr. Diegel, as they may in their sole and absolute discretion agree, in full and final satisfaction of the Trial costs, and any other claim for costs against FN in the proceeding herein, save and except for the Appeal Costs Award and the SCC Costs Award (as defined below).

9. **THIS COURT ORDERS** that that costs of the Appeals, in the all-inclusive sum of \$73,981.04 inclusive of disbursements and HST (the “**Appeal Costs Award**”), and the costs of the SCC Leave Application in the all-inclusive sum of \$2,400 inclusive of disbursements and HST (the “**SCC Costs Award**”), which are also to be paid by FN, be allocated among Conway Baxter Wilson LLP and Mr. Diegel, Barrister and Solicitor, as they may in their sole and absolute discretion agree, in full and final satisfaction of the Appeal Costs Award and the SCC Costs Award.

-5-

10. **THIS COURT ORDERS** that the Trial Costs Award, the Appeal Costs Award and the SCC Costs Award shall be paid by wire transfer to Conway Baxter Wilson LLP in trust. The requirement of any form of direction from Liahona or GDH, or any other stakeholders of the estates of GDH, to FN to make such payment to Conway Baxter Wilson LLP, is hereby dispensed with.

*Hackland J.*

---

Justice C.T. Hackland

Issuance Date: July 24, 2023

## Schedule "A"

### RESERVES HELD BY THE RECEIVER

	7(i)	7(ii)	7(iii)	7(iv)	Surplus Cash	Total
Reserve Balance at July 6, 2023	\$ 25,189.18	\$ 1,473,141.82	\$ 23,570.27	\$ 275,000.00	\$ 197,284.27	\$ 1,994,185.54

**Description of Reserves:**

7(i) - Reserve for the outstanding and future fees and disbursements of the Receiver and its counsel in administering the receivership, including the trial of the

7(ii) - Reserve for the prepayment amounts claimed by FN arising from the early payment of its charges against the Property

7(iii) - Reserve for an amount equivalent to one (1) year of interest at 1.6% per annum on the Yield Maintenance Penalties, commencing from the date the

7(iv) - Reserve for the future legal fees and disbursements of FN in connection with the receivership, including the Trial of Issues

Court File No. CV-17-73967

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT  
**OTTAWA**

**ORDER**

**DICKINSON WRIGHT LLP**

Barristers & Solicitors

199 Bay Street

Suite 2200, P.O. Box 447

Commerce Court Postal Station

Toronto, Ontario, M5L 1G4

Fax: (844) 670-6009

**DAVID P. PREGER (36870L)**

Email: [dpreger@dickinsonwright.com](mailto:dpreger@dickinsonwright.com)

Tel: (416) 646-4606

Lawyers for the Court-appointed Receiver,  
Deloitte Restructuring Inc.

**This is Exhibit "B" referred to in the  
Affidavit of CHRISTINA BURLEY  
sworn before me, this 26<sup>th</sup> day of  
January, 2024**

A handwritten signature in cursive script, appearing to read "Laurie Clowater".

**A Commissioner for Taking Affidavits**

**LAURIE MARGUERITE CLOWATER**  
A Commissioner for Oaths  
for the Province of Ontario,  
for Martin Diegel, Barrister and Solicitor.  
Expires January 13, 2026.

**Martin Diegel**

---

**From:** Martin Diegel  
**Sent:** July 27, 2023 7:31 AM  
**To:** David P. Preger  
**Subject:** GDH/Deloitte

David, when we last spoke you indicated the excess funds ( after the current consent order) would be dealt with on the discharge motion.

Since the recover has now pAid out based on the current order, would you kindly advise when this discharge motion will be sent out?

As you might expect my client texts me almost daily.

Thanks  
Martin

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**Martin Diegel**

---

**From:** Martin Diegel  
**Sent:** August 21, 2023 11:49 AM  
**To:** David P. Preger  
**Subject:** Final order on Golden Dragon receivership

David, where are you with doing the final paperwork on this receivership so that we can close our files and my clients can receive any balance that remains?

Thanks

Martin

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**Martin Diegel**

---

**From:** Martin Diegel  
**Sent:** August 31, 2023 10:32 AM  
**To:** David P. Preger  
**Subject:** Golden Dragon

David, I would like to get this wrapped up and remaining monies paid out.  
Timing please!

Thanks  
Martin

Get Outlook for iOS

**Martin Diegel**

---

**From:** Martin Diegel  
**Sent:** October 12, 2023 7:10 AM  
**To:** 'David P. Preger'  
**Subject:** Barber

David, can you please give me a status on wrapping up the receivership as my clients are hounding me daily and I do not want to bring a motion as we should be able to agree on a consent order.

Thanks  
Martin

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**Martin Diegel**

---

**From:** Martin Diegel  
**Sent:** October 17, 2023 7:47 AM  
**To:** David P. Preger  
**Subject:** Golden Dragon

David??

Either mail me or call my cellphone at 6132185399

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**Martin Diegel**

---

**From:** Martin Diegel  
**Sent:** October 30, 2023 6:53 AM  
**To:** David P. Preger  
**Subject:** Golden Dragon

David, please let me know whether you are able to wrap this up asap.  
It's been months now that I have been asking. I do not want to have to bring a motion but if you can't give me an answer then I will have to.

Thanks

Martin

Get [Outlook for iOS](#)

**Martin Diegel**

---

**From:** Martin Diegel  
**Sent:** January 3, 2024 8:24 AM  
**To:** David P. Preger  
**Subject:** Golden Dragon

Happy New Year David.  
What's the status on getting this receivership wrapped up?

Thanks  
Martin

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**This is Exhibit "C" referred to in the  
Affidavit of CHRISTINA BURLEY  
sworn before me, this 26<sup>th</sup> day of  
January, 2024**

A handwritten signature in black ink, appearing to read "Laurie Clowater", written in a cursive style.

**A Commissioner for Taking Affidavits**

**LAURIE MARGUERITE CLOWATER**  
A Commissioner for Oaths  
for the Province of Ontario,  
for Martin Diegel, Barrister and Solicitor.  
Expires January 13, 2026.

## Martin Diegel

---

**From:** Martin Diegel  
**Sent:** November 10, 2023 2:58 PM  
**To:** Tang, Dexter (MAG)  
**Cc:** Eric Golden; Thomas G. Conway; David P. Preger  
**Subject:** Court File 17-73967 First National v. Golden Dragon Ho et al  
**Attachments:** FIRST NATIONAL FINANCIAL GP CORPORATION v. GOLDEN DRAGON HO 10 INC. et al  
 - J. Hackland - Order (CV-17-73967).pdf

Good Morning,

I write to request a Case Conference with His Honour Justice Hackland, who has been dealing with this Receivership from the outset, in order to have a timetable to finalize this Receivership as it has been dragging on.

On July 21, 2023, His Honour signed a Consent Order (see attached) by which various monies were paid out and issues resolved.

What is outstanding is the Final Report from the Receiver to wind up the Receivership and pay out the balance of the funds in trust.

To date, notwithstanding numerous requests, no final report has been delivered so that this Receivership can be finalized and the balance of the funds held by the Receiver can be distributed and the Receiver discharged.

I have copied Mr. David Preger, who acts for the Receiver, as well as Mr. Eric Golden, who acts for First National, although I believe First National no longer has an interest. I have also, as a courtesy, copied Tom Conway, although I believe his client Liahona also no longer has an interest.

Thank you for your assistance in respect of the above request.


Martin Diegel  
 Barrister and Solicitor  
 131 Oldfield Street  
 Ottawa, Ontario, K2G 7B8

Telephone: 613-567-0235, Ext. 201  
 Fax: 613-440-0900  
 Email: [martin@martindiegel.com](mailto:martin@martindiegel.com)  
 Website: [www.martindiegel.com](http://www.martindiegel.com)

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IN CASE OF INCOMPLETE TRANSMISSION, PLEASE CONTACT OUR OFFICE.

**This is Exhibit “D” referred to in the  
Affidavit of CHRISTINA BURLEY  
sworn before me, this 26<sup>th</sup> day of  
January, 2024**

A handwritten signature in cursive script, appearing to read "Laurie Clowater".

**A Commissioner for Taking Affidavits**

**LAURIE MARGUERITE CLOWATER**  
A Commissioner for Oaths  
for the Province of Ontario,  
for Martin Diegel, Barrister and Solicitor.  
Expires January 13, 2026.



**Martin Diegel**

---

**From:** Martin Diegel  
**Sent:** December 20, 2023 11:39 AM  
**To:** David P. Preger  
**Subject:** Fwd: Court File 17-73967 First National v. Golden Dragon Ho et al

David, I don't know whether the Court communicated directly with you. Please see below from the trial coordinator on behalf of Justice Hackland.

I had previously copied you with my request for a case conference to try to wrap this matter up.

Thanks,  
 Martin

[Get Outlook for iOS](#)

---

**From:** Awadia, Shailina (JUD) <Shailina.Awadia@ontario.ca>  
**Sent:** Wednesday, December 6, 2023 4:03 PM  
**To:** Martin Diegel <martin@martindiegel.com>  
**Subject:** RE: Court File 17-73967 First National v. Golden Dragon Ho et al

Hello Martin, Justice Hackland has asked Mr. Preger to write to him, copied to counsel, advising what his plan of action is and then he will set up a case conference if required. Thank you

---

**From:** Martin Diegel <martin@martindiegel.com>  
**Sent:** December 6, 2023 2:54 PM  
**To:** Ottawa SCJ TC Office <OttawaSCJ.TC.Office@ontario.ca>  
**Subject:** Re: Court File 17-73967 First National v. Golden Dragon Ho et al

**CAUTION – EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

Any word on this Shailina?  
 Sorry to bother you

Thanks  
 Martin

[Get Outlook for iOS](#)

---

**From:** Ottawa SCJ TC Office <OttawaSCJ.TC.Office@ontario.ca>  
**Sent:** Wednesday, November 22, 2023 10:37 AM  
**To:** Martin Diegel <martin@martindiegel.com>  
**Subject:** RE: Court File 17-73967 First National v. Golden Dragon Ho et al

Good morning Martin. This has been sent to His Honour. Thank you

Shailina Awadia  
 SCJ Trial Coordination

**This is Exhibit "E" referred to in the  
Affidavit of CHRISTINA BURLEY  
sworn before me, this 26<sup>th</sup> day of  
January, 2024**

A handwritten signature in cursive script, appearing to read "Laurie Clowater".

**A Commissioner for Taking Affidavits**

**LAURIE MARGUERITE CLOWATER**  
A Commissioner for Oaths  
for the Province of Ontario,  
for Martin Diegel, Barrister and Solicitor.  
Expires January 13, 2026.

## Martin Diegel

---

**From:** Martin Diegel  
**Sent:** December 20, 2023 11:39 AM  
**To:** David P. Preger  
**Subject:** Fwd: Court File 17-73967 First National v. Golden Dragon Ho et al

David, I don't know whether the Court communicated directly with you. Please see below from the trial coordinator on behalf of Justice Hackland.

I had previously copied you with my request for a case conference to try to wrap this matter up.

Thanks,  
 Martin

[Get Outlook for iOS](#)

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**From:** Awadia, Shailina (JUD) <Shailina.Awadia@ontario.ca>  
**Sent:** Wednesday, December 6, 2023 4:03 PM  
**To:** Martin Diegel <martin@martindiegel.com>  
**Subject:** RE: Court File 17-73967 First National v. Golden Dragon Ho et al

Hello Martin, Justice Hackland has asked Mr. Preger to write to him, copied to counsel, advising what his plan of action is and then he will set up a case conference if required. Thank you

---

**From:** Martin Diegel <martin@martindiegel.com>  
**Sent:** December 6, 2023 2:54 PM  
**To:** Ottawa SCJ TC Office <OttawaSCJ.TC.Office@ontario.ca>  
**Subject:** Re: Court File 17-73967 First National v. Golden Dragon Ho et al

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

Any word on this Shailina?  
 Sorry to bother you

Thanks  
 Martin

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**From:** Ottawa SCJ TC Office <OttawaSCJ.TC.Office@ontario.ca>  
**Sent:** Wednesday, November 22, 2023 10:37 AM  
**To:** Martin Diegel <martin@martindiegel.com>  
**Subject:** RE: Court File 17-73967 First National v. Golden Dragon Ho et al

Good morning Martin. This has been sent to His Honour. Thank you

Shailina Awadia  
 SCJ Trial Coordination

(Short title of proceeding)

Court File No. CV-17-00073967-0000

ONTARIO SUPERIOR  
COURT OF JUSTICE  
Proceeding commenced at Ottawa

# Affidavit

(Form 37A under the Rules)

DYE &amp; DURHAM COMPUTERIZED FORMS SERVICE

Name, address and telephone number of solicitor or party

**MARTIN DIEGEL**  
Barrister and Solicitor  
131 Oldfield Street  
Ottawa, Ontario  
K2G 7B8

Box 96

613-567-0235  
613-440-0900 (Fax)  
e-mail: martin@martindiegel.com  
LSUC #022422W  
Solicitor for the Respondents and  
M.Y. Commercial Inc.

# TAB 3

Court File No. CV-17-00073967-0000

**ONTARIO SUPERIOR COURT OF JUSTICE**

**Before** ) \_\_\_\_\_ day, the \_\_\_\_\_ day  
 ) of \_\_\_\_\_, 2024

**BETWEEN:**

**FIRST NATIONAL FINANCIAL GP CORPORATION**

**Applicant**

**- and -**

**GOLDEN DRAGON HO 10 INC. and GOLDEN DRAGON HO 11 INC.**

**Respondents**

**O R D E R**

**THIS MOTION** made by Martin Diegel for an Order finalizing the Receivership was heard this day at the Court House, 161 Elgin Street, Ottawa, Ontario, K2P 2K1.

**ON READING** the Affidavits filed, and hearing counsel for the Respondents and the Receiver.

1. **THIS COURT ORDERS** that the Receiver prepare a Final Report and Accounting in order to be discharged by \_\_\_\_\_, 2024;
2. **THIS COURT ORDERS** that any monies still due to Martin Diegel on account of fees, disbursements and HST be paid out of the reserves;

- Page 2 -

3. **THIS COURT ORDERS** that the remaining proceeds in the reserves, after the deduction of the current amounts due to Martin Diegel, and any costs, be paid to Martin Diegel in Trust to be distributed according to the Direction of the Respondent, Golden Dragon Holdings Inc.;
  4. **THIS COURT ORDERS** that the costs to the Respondents be paid out of the reserves in the amount of \$\_\_\_\_\_, inclusive of disbursements and HST.
-

(Short title of proceeding)

**Court File No. CV-17-00073967-0000**

ONTARIO SUPERIOR  
COURT OF JUSTICE  
Proceeding commenced at Ottawa

**Order**

*(Form 37A under the Rules)*

DYE & DURHAM COMPUTERIZED FORMS SERVICE

*Name, address and telephone number of solicitor or party*

MARTIN DIEGEL  
Barrister and Solicitor  
131 Oldfield Street  
Ottawa, Ontario  
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613-440-0900 (Fax)  
e-mail: martin@martindiegel.com  
LSUC #022422W  
Solicitor for the Respondents and  
M.Y. Commercial Inc.



First National Financial GP Corporation  
Applicant

- and -

Golden Dragon Ho 10 Inc. et al

Respondents

(Short title of proceeding)

**Court File No. CV-17-00073967-0000**

ONTARIO SUPERIOR  
COURT OF JUSTICE  
Proceeding commenced at Ottawa

**RESPONDENTS' MOTION  
RECORD**

*(Form 37A under the Rules)*

DYE & DURHAM COMPUTERIZED FORMS SERVICE

*Name, address and telephone number of solicitor or party*

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Barrister and Solicitor  
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Ottawa, Ontario  
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