

Nov 22/13.

Mr Lederer for Receiver
Mr Proffit + Mr Murray for
Peoples

Mr Abramowitz - Rep. Counsel

Mr Borichko for Unimac

Mr McEllon for Trusura

W. Harris for John Yoon.

Motion to deal with.

(a) Priority dispute with
Unimac & any non-
settled units;

(b) approval of conditional
settlements

(c) allocation of compensation
for Rep. Counsel + ICA
Counsel &

(d) passing of accounts

Scheduled for Dec 13/13

1 DAY - BEFORE ME. DATE BOOKED.

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Facts on the priorities
issue have been delivered.
Any additional facts
re the allocation of
compensation issue
so be delivered as follows:

(a) Trisera & Urinac
by Dec 5/13

(b) Receiver & Peoples.
by Dec 9/13.

This leaves the
issue of the admissibility
of the Hui affidavit
sworn Nov 11/13.

On April 11/13 I set
a timetable, on consent
of all parties, including
Mr. Baichoo's client, Urinac/
Mr. Hui.

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Univac was to deliver its responding material by June 14/13. It was a month late in doing so. It was also late in delivering its factum.

On September 10/13 I set a further timetable to deal with, among other things, the Univac units. My endorsement provided Univac with an opportunity to deliver a further affidavit, provided it did so by September 20/13. It did

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not. Further, late on Nov 11/13 it filed a new affidavit, now on Nov 11/13 for the motion scheduled for Nov 14/13.

The Review asked for some explanation of why the affidavit was not served in compliance with ~~the~~ my order. The response was an affidavit in which Mr. Hui says he is compelled to work out of the country in places like Hong Kong, Singapore, & The USA. He provides no explanation or suggestion of why he could not communicate with or interview the

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counsel from abroad ^{& comply with the timetable.}
His counsel did not
seek an amendment
to the timetable. He
simply sought to
file an affidavit
which can only be
seen as an end run
around a court order
in order to ambush
the other parties & unreasonable
spit his case.
Nothing in the
affidavit is new.
Everything in it has
been known to Mr. Hui
for years. His counsel
has been representing
him since January.

1 NOV 24 11:30 PM

There is nothing to suggest that with due diligence everything in the Nov. 13 affidavit could not have been put in ~~the~~ Mr. Hui's earlier affidavit.

I approach this affidavit much in the way the court looks at whether to admit fresh evidence. This affidavit fails to meet that test. Court rules & timetables must have some meaning. I am not

10002415

persuaded there is
any reason to alter
the timetable I
set & permit the
filing of this affidavit
7 weeks after the deadline
for filing.

The affidavit of
Mr. Hui on behalf
of Linmae, sworn
Nov 11/13 will therefore
not be admitted &
may not be referred
to on the return
date of Dec 13/13.

Messing.