

Superior Court of Justice  
Commercial List

FILE/DIRECTION/ORDER

CRH FUNDING II PTE LTD.

Plaintiff(s) *Applicant*

AND

SAGE GOLD INC.

Defendant(s) *Respondent*

Case Management  Yes  No by Judge: \_\_\_\_\_

Counsel	Telephone No:	Facsimile No:
<i>Nassabi, S</i>		<i>snassabi@mindenagrosse.com</i>

- Order  Direction for Registrar (No formal order need be taken out)
- Above action transferred to the Commercial List at Toronto (No formal order need be taken out)
- Adjourned to: \_\_\_\_\_
- Time Table approved (as follows):

*This motion brought by Cooper Equipment Rentals for an order lifting the stay of proceedings in the receivership order of Justice Sompfy (dated July 30, 2018) is hereby granted. The stay is lifted to permit it to set down its action for trial commenced in the Cochrane Superior Court of Justice in accordance with s. 37(1) of the Construction Act. If the action is not set down for trial by September 7, 2020 its lien will expire and it will not be entitled to further relief under the Construction Act, resulting in prejudice to Cooper.*

*The receiver (Deloitte Restructuring Inc.) consents to the order sought. Order to go as signed by me. The order is effective from*

*to* Date

*to* Judge's Signature

Additional Pages \_\_\_\_\_

*today's date and it is not required that the Order be entered.*

*August 6, 2020*

*Dietrich J.*

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

THE HONOURABLE  
JUSTICE **DIETRICH**

) **THURSDAY** , THE **6TH** DAY  
)  
) OF **AUGUST** , 2020

B E T W E E N :

CRH FUNDING II PTE. LTD.

Applicant

- and -

SAGE GOLD INC.

Respondent

**ORDER**

**THIS MOTION** made by the Cooper Equipment Rentals Limited (“Cooper”), the Plaintiff in Court File No. CV-18-00000165-0000 commenced in the Cochrane Superior Court of Justice, on consent of the Court-Appointed Receiver, Deloitte Restructuring Inc. (the “Receiver”), was read this day in writing due to the COVID-19 crisis.

**ON READING** the Affidavit of Hayley Morgan sworn June 24, 2020 and the Exhibits attached thereto, and the Consent of Cooper and the Receiver, filed,



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 services thereof.
2. **THIS COURT ORDERS** that the stay of proceedings provided for in paragraph 9 of the Order of the Honourable Justice Dunphy dated July 30, 2018 (the “Receivership Order”) in this proceeding be and hereby is lifted for the limited purpose of allowing Cooper to set down for trial the action commenced in the Cochrane Superior Court of Justice bearing Court File No. CV-18-00000165-0000 (the “Lien Action”) in accordance with s.37(1) of the *Construction Act*, R.S.O. 1990, c. C.30, as it read on or before June 30, 2018.
3. **THIS COURT ORDERS** that a copy of this Order be filed in the court file for the Lien Action.
4. **THIS COURT ORDERS** that, apart from the relief in paragraph 2 of this Order, the Lien Action continues to be stayed in accordance with the Receivership Order.
5. **THIS COURT ORDERS** that the Lien Action not be set on any list for trial without further Order of this court.

6. **THIS COURT ORDERS** that a copy of this Order shall be sent to counsel for Deloitte Restructuring Inc., the Court-Appointed Receiver of all the assets, undertakings and properties of the Respondent, Sage Gold Inc., by e-mail forthwith after entry.

7. **THIS COURT FURTHER ORDERS** that nothing in this Order shall in any way prejudice the right of the Receiver, Sage Gold Inc. or any other party to take the position that the Lien Action was issued contrary to the stay of proceedings granted in the Receivership Order or that the lien claimed by Cooper is otherwise ineffective.



**B E T W E E N :**

**CRH FUNDING II PTD. LTD.**  
Applicant

-and-

**SAGE GOLD INC.**  
Respondent  
Court File No. CV-18-601307-00CL

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
**COMMERCIAL LIST**

Proceeding commenced at Toronto

**ORDER**

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