

ONTARIO
SUPERIOR COURT OF JUSTICE
(Commercial List)

THE HONOURABLE

JUSTICE HAINES

)
) *Murray* DAY THE *3* DAY
)
) OF *December*, 2018
)



BETWEEN:

CANADIAN IMPERIAL BANK OF COMMERCE

Applicant

- and -

COSTODIAN INC., BILLERFY LABS INC., JOSE REYES, and
0984750 B.C. LTD. d/b/a QUADRIGACX

Respondents

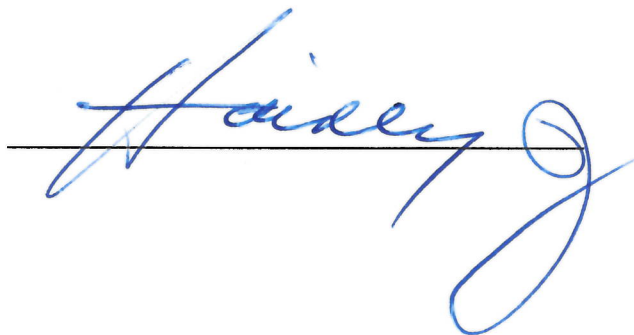
ORDER

THIS MOTION made by the Respondent, 0984750 B.C. LTD. d/b/a QUADRIGACX, was heard this day at the Courthouse located at ^{*330*}~~303~~ University Avenue, Toronto, Ontario. *3/11*

ON READING the Notice of Motion, Supplementary Affidavit of Gerald Cotton, and Affidavit of Christina Shiwsankar, and on hearing submissions of counsel:

1. **THIS COURT ORDERS** that the monies paid to the Accountant of the Superior Court pursuant to the Order entered on November 21, 2018, in the amount of USD \$70,074.69 and CAD \$25,754,525.20, shall be immediately released, except for the following:
 - a. R S Land and Cattle Ltd. (in the amount of \$99,985.00) and 1111602 B.C. Ltd. (in the amount of \$101,085.00), to be held back by the Accountant from the amount paid out pursuant to paragraph 1 and dealt with as set out below; and
 - b. Rupinder Judge, whose deposit was previously reversed by the Applicant in accordance with his wire instructions and which amount did not form part of the Disputed Funds paid into Court pursuant to the November 21, 2018 Order;
2. **THIS COURT ORDERS** the Accountant of the Superior Court to return the amount of the funds described in paragraph 1(a) to the Applicant and a Direction to the Applicant to return the amounts identified to R S Land and Cattle Ltd. and to 1111602 B.C. Ltd. forthwith
3. **THIS COURT ORDERS** that Costodian Inc., provide notice within 7 days of this Order to the parties described in paragraph 1(a), namely, R S Land and Cattle Ltd. and 1111602 B.C. Ltd., that their deposit amounts have been paid into Court and that they, or their counsel, may apply to the Court by motion in writing requesting the release of those funds; or, in the alternative,
4. **THIS COURT ORDERS** the Accountant of the Superior Court to release the funds set out in paragraph 1 to the Respondent, Costodian Inc., to be thereafter further distributed by Costodian Inc. to its co-Respondents, 0984750 B.C. Ltd. d/b/a QuadrigaCX, Billerfy Labs

Inc., Jose Reyes and itself in accordance with the contractual agreements between those Respondents.



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

DEC 05 2018

PER / PAR: 

CANADIAN IMPERIAL BANK OF COMMERCE

and

COSTODIAN INC. et al.

Court File No: CV-18-597240-00CL

Applicant

Respondents

ONTARIO
SUPERIOR COURT OF JUSTICE
(Commercial List)

Proceeding commenced at TORONTO

ORDER

WADDELL PHILLIPS
Professional Corporation
36 Toronto Street, Suite 1120
Toronto, ON M5C 2C5

Margaret L. Waddell
LSO#: 29860U
marg@waddellphillips.ca

John K. Phillips
LSA #8295 / LSO#: 46206E
john@waddellphillips.ca

Tel: (647) 261-4486
Fax: (416) 477-1657

Lawyers for the Respondent, 0984750 B.C.
LTD. d/b/a QUADRIGACX