



SUPERIOR COURT OF JUSTICE

COUNSEL SLIP

COURT FILE NO.: CV-20-00637081-00CL DATE: 25 May 2023

NO. ON LIST: 2

TITLE OF PROCEEDING: Truist Bank, As Agent v. Kew Media Group Inc., et al.

BEFORE: JUSTICE MCEWEN

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party, Crown:

Name of Person Appearing	Name of Party	Contact Info
Mark FREAKER	Counsel for the Applicants	mark.freaker@dentons.com

For Defendant, Respondent, Responding Party, Defence:

Name of Person Appearing	Name of Party	Contact Info
Mark DUNN Joe LATHAM David CONKLIN	Counsel for the Respondent	mdunn@goodmans.ca jlatham@goodmans.ca dconklin@goodmans.ca

For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info
David BISH Mike NOEL Matthew GOTTLIEB	Counsel for the Receiver, FTI Consulting Canada	dbish@torys.com mnoel@torys.com mgottlieb@lolg.ca
Paul GUY Garth MYERS Sarah BOWDEN	Counsel to the class action plaintiffs Alex Kan and Stuart Rath	paul@kalloghlianmyers.com garth@kalloghlianmyers.com sbowden@foremancompany.com
Mark MANDELKER	Counsel to Llyod's London, the Insurers	mark.mandelker@clydeco.ca

ENDORSEMENT OF JUSTICE MCEWEN:

The two orders sought shall go as per the drafts filed and signed. They are unopposed.

First, with respect to the Fee Approval and Discharge Order, it is fair and reasonable that the Receiver be discharged at this time based on the circumstances of this case - and in particular the size of the secured (and unsecured) debt^{im}, and lack of prospects of recovery. The fees sought are appropriate, as is the ancillary relief sought. A sealing order, as sought on a limited basis, is also fair and reasonable. It only redacts sensitive litigation/ sol + client information which ought to remain confidential (pending any further order of this Court) given the ongoing class action. The Sherman Estate criteria has been met.

Second, with respect to the Order empowering Steven Silver to conduct the defence of the class action, as per the terms of the Order, it is also fair and reasonable. All stakeholders were consulted, including the class action plaintiffs and insurers.

In light of the above, the class action

plaintiffs have agreed to discontinue their
outstanding "Compelled defence motion."

McEnt