

COUNSEL SLIP

COURT FILE NO CV-14-10667-0001

DATE November 4th, 2019

NO ON LIST 8

TITLE OF
PROCEEDING

Hanfeng Evergreen Inc. v. Harbin Pengcheng Fertilizer Co. Ltd.

COUNSEL FOR:

PLAINTIFF(S)

APPLICANT(S)

PETITIONER(S)

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Court File Number: CV-14-10667-002

Superior Court of Justice
Commercial List

FILE/DIRECTION/ORDER

IN THE MATTER OF HANFENG EVERGREEN INC.
Plaintiff(s)

AND

Defendant(s)

Case Management ☐ Yes ☐ No by Judge: _____

Counsel	Telephone No:	Facsimile No:

- ☐ 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):

① I agree with Ms. Konyukhova
That this dispute over a
\$2 Million deposit has
dragged on longer than
it should have. The

Date

Judge's Signature

☐ Additional Pages _____

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FILE/DIRECTION/ORDER

Judges Endorsment Continued

reason for this is the
ongoing litigations in China
that seems to never end.

② Despite the previous
undertakings given on
behalf of Haskin Pengcheng
Fertilizer Co Ltd, the
dispute over the deposit
is still before the
Court in China. The

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Judges Endorsment Continued

reply from The Supreme
People's Procuratorate
dated October 21, 2019
confirming that this court
has reviewed the "protest
materials" and determined
that the issue raised by
Haoxin Pengcheng is
within the court's
jurisdiction and will be

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Judges Endorsment Continued

"proceeded according to law"

③ It is therefore possible
that the lower court's
decision in favour of the
Receiver could be
reversed and a finding
that the Receiver is not
entitled to the deposit
could be made.

④ In these circumstances

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Judges Endorsment Continued

I have concluded that
it is preferable to maintain
the status quo until
the Supreme People's
Procuratorate has
rendered its decision.

⑤ However, if that
court's decision is in
favour of the Receiver,
it may use the

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Judges Endorsment Continued

deposit funds to pay its
fees and its legal
counsel's fees without
any further order from
this court.

Harey J.

November 4, 2019