

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE	)	THURSDAY, THE 19TH
	)	
JUSTICE OSBORNE	)	DAY OF OCTOBER, 2023

IN THE MATTER OF SECTION 243(1) OF THE *BANKRUPTCY AND INSOLVENCY ACT*, R.S.C. 1985, C.B-3, AS AMENDED, AND SECTION 101 OF THE *COURTS OF JUSTICE ACT*, R.S.O. 1990 C. C.43, AS AMENDED

B E T W E E N:

ROMSPEN INVESTMENT CORPORATION

Applicant

and

TUNG KEE INVESTMENT CANADA LTD., and
TUNG KEE INVESTMENT LIMITED PARTNERSHIP

Respondents

SEALING ORDER

THIS MOTION, made by Romspen Investment Corporation (“**Romspen**”) for a sealing order was heard this day by judicial video conference due to the COVID-19 pandemic.

ON READING the Affidavit of Wesley Roitman sworn July 19, 2023 (the “**First Roitman Affidavit**”), and the Exhibits thereto, including Confidential Appendices A through G (the “**July Confidential Appendices**”), the Affidavit of Wesley Roitman sworn September 29, 2023 (the “**Second Roitman Affidavit**”) and the exhibits thereto, including Confidential Exhibits 1 through 3 (the “**September Confidential Exhibits**”), the Affidavit of Philip Wong sworn September 26, 2023, and the Exhibits thereto, the pre-filing report of Ernst & Young Inc., as proposed receiver of the Respondents, dated October 4, 2023 (the “**Pre-Filing Report**”), and the Appendices thereto, including Confidential Appendix A (the “**Confidential Appendix**”), the Affidavit of Hunter Lam sworn October 4, 2023, and the Exhibits thereto, the Affidavit of Pui

Ling Lai sworn October 5, 2023, and the Exhibits thereto, and the Affidavit of Dan Teh sworn October 5, 2023, and the Exhibits thereto, and on hearing the submissions of counsel for Romspen, counsel for Amber Mortgage Investment Corp., counsel for 2149602 Ontario Inc., Frank Pa and Stephen Tung, counsel for SOW Capital Ontario Limited, counsel for the Respondents, counsel for Ernst & Young Inc. in its capacity as receiver and manager of the Respondents (in such capacities, the “**Receiver**”), counsel for DX Strategies Inc., counsel for 2816513 Ontario Inc., and counsel for Times 1010 Inc., no one appearing for any other person on the service list, although properly served as appears from the Affidavits of Janet Nairne sworn August 23, 2023, and October 2, 2023, filed:

SERVICE

1. THIS COURT ORDERS that that the time for service of Romspen’s Notice of Motion and Motion Record is hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.

SEALING

2. THIS COURT ORDERS AND DECLARES that Romspen is authorized and directed, *nunc pro tunc*, to redact from the First Roitman Affidavit served on the parties named in the service list, the July Confidential Appendices.

3. THIS COURT ORDERS AND DECLARES that the unredacted version of the First Roitman Affidavit, including the July Confidential Appendices shall be sealed, kept confidential, and shall not form part of the public record, but shall rather be placed separate and apart from all other contents of the Court File in a separately sealed envelope on which is affixed is a notice setting out the title of these proceedings and a statement that the contents are subject to a sealing order and shall only be unsealed after the closing of the Transaction (as defined in the Second Roitman Affidavit), or further Order of this Court.

4. THIS COURT ORDERS AND DECLARES that Romspen is authorized and directed, *nunc pro tunc*, to redact from the Second Roitman Affidavit served on the parties named in the service list, the September Confidential Exhibits.

5. THIS COURT ORDERS AND DECLARES that the unredacted version of the Second Roitman Affidavit, including the September Confidential Exhibits shall be sealed, kept confidential, and shall not form part of the public record, but shall rather be placed separate and apart from all other contents of the Court File in a separately sealed envelope on which is affixed is a notice setting out the title of these proceedings and a statement that the contents are subject to a sealing order and shall only be unsealed after the closing of the Transaction (as defined in the Second Roitman Affidavit), or further Order of this Court.

6. THIS COURT ORDERS AND DECLARES that the Receiver is authorized and directed, *nunc pro tunc*, to redact from the Pre-Filing Report served on the parties named in the service list, the Confidential Appendix.

7. THIS COURT ORDERS AND DECLARES that the unredacted version of the Pre-Filing Report, including the Confidential Appendix shall be sealed, kept confidential, and shall not form part of the public record, but shall rather be placed separate and apart from all other contents of the Court File in a separately sealed envelope on which is affixed is a notice setting out the title of these proceedings and a statement that the contents are subject to a sealing order and shall only be unsealed after the closing of the Transaction (as defined in the Second Roitman Affidavit), or further Order of this Court.

8. THIS COURT ORDERS that that notwithstanding Rule 59.05, this Order is effective from the date that it is made, and is enforceable without any need for entry and filing. In accordance with Rule 77.07(6) and 1.04, no formal order need be entered and filed unless an appeal or a motion for leave to appeal is brought to an appellate court. Any party may nonetheless submit a formal order for original signing, entry and filing when the Court returns to regular operations.

ROMSPEN INVESTMENT CORPORATION
Applicant

-and- TUNG KEE INVESTMENT CANADA LTD. et al.
Respondents

Court File No. CV-23-703161-00CL

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PROCEEDING COMMENCED AT
TORONTO

SEALING ORDER

DICKINSON WRIGHT LLP

Barristers & Solicitors
199 Bay Street
Suite 2200, Box 447
Commerce Court Postal Station
Toronto, ON M5L 1G4

DAVID PREGER (36870L)

Email: dpreger@dickinsonwright.com
Tel: 416-646-4606

LISA S. CORNE (27974M)

Email: lcorne@dickinsonwright.com
Tel: 416-646-4608

DAVID Z. SEIFER (77474F)

Email: DSeifer@dickinson-wright.com
Tel: 416-646-6867

Lawyers for the Applicant

