

Court File No. CV-23-0004340-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE
JUSTICE MIRZA

)
)
)

FRIDAY, THE 8TH
DAY OF MARCH, 2024

B E T W E E N:



CANADIAN WESTERN BANK

Applicant

and

20 CALDARI DEVELOPMENT INC.

Respondent

IN THE MATTER OF AN APPLICATION UNDER SECTION 243(1) OF THE *BANKRUPTCY AND INSOLVENCY ACT, RSC 1985, c. B-3, AS AMENDED; AND SECTION 101 OF THE COURTS OF JUSTICE ACT, RSO 1990, c. C.43, AS AMENDED*

ORDER

THIS MOTION, made by Ernst & Young Inc, in its capacity as the Court-Appointed receiver (the “**Receiver**”) of 20 Caldari Development Inc. (the “**Company**”), for an order *inter alia*, approving the marketing and sale process detailed in the First Report of the Receiver dated January 25, 2024 (the “**First Report**”) came on for hearing this day via judicial video conference, at the courthouse at 7755 Hurontario Street, Brampton Ontario.

ON READING the First Report, filed, and on hearing submissions from counsel for the Applicant and Receiver; counsel for the interested party Jay Khana; and counsel for the Respondent and Ravi Aurora, Akash Aurora, Nakul Aurora and Aurora Hotel Group Inc. (collectively, the “**Aurora Group**”), no one else appearing although properly served, and on being advised by counsel that Jay Khana, the Respondent, and the Aurora Group do not oppose the orders

set out in paragraphs 1 and 2 below, and on being advised by counsel that the Receiver, the Applicant, Jay Khana, the Respondent, and the Aurora Group consent to the orders set out in paragraphs 3, 4, and 5 below:

1. THIS COURT ORDERS that First Report and the activities of the Receiver set out in the First Report be and are hereby approved.

2. THIS COURT ORDERS that only the Receiver, in its personal capacity and only with respect to its own personal liability, shall be entitled to rely upon or utilize in any way the approval of the First Report detailed in paragraph 1 hereof.

3. THIS COURT ORDERS that the balance of this motion is hereby adjourned to April 12, 2024 as set by the parties on calendly.

4. THIS COURT ORDERS that each of Ravi Aurora, Akash Aurora, Nakul Aurora and the Aurora Hotel Group Inc., jointly and severally, shall pay to the Receiver its costs thrown away as a result of this adjournment, fixed in the all-inclusive amount of \$1,000.00, within thirty (30) days.

5. THIS COURT ORDERS AND DECLARES that, until the earlier of the final determination of this motion or a further Order of this Court, Ravi Aurora, Akash Aurora, Nakul Aurora, Aurora Hotel Group Inc., and any other person on notice of this Order, shall not directly or indirectly, by any means whatsoever:

- (a) Remove, destroy, erase, delete, alter, deface, discard, conceal, or destroy, in any manner, any or all documents, items, devices, computers, servers, iPads, tablets, magnetic tapes or disks, DVDs, CDs, USB devices, cellular phones, or any other electronic storage or media device, including cloud-based storage belonging to or used in connection with the Company, including, without limitation, any of the Aurora Group's personal computers and cellular phones

(collectively the “**Company Documents and Devices**”), or any information stored thereon that is not Unrelated Information (for the purposes of this Order, “**Unrelated Information**” means any file, document, data, or other information that is not (a) Records (as that term is used and defined in paragraph four (4) of the Order of Madam Justice Tzimas dated December 7, 2023, granted in these proceedings), or (b) otherwise directly or indirectly connected to the Company’s business, affairs, operations, or any of its other property); or

- (b) Touch, activate, or operate any of the Company Documents and Devices either locally or remotely from any location, or access or alter any text, graphics, electronic data, information, or other content of any web site or its databases or any electronic mail, newsgroup or Internet relay chat communications, or other information, instructions or data stored in any location remote from the Property that may contain or constitute the Company's information, *provided however* that this paragraph shall not prohibit Ravi Aurora, Akash Aurora, Nakul Aurora, and Aurora Hotel Group Inc. from touching, activating or operating the Company Documents and Devices to the extent doing so does not breach Paragraph 3(a) hereof.



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

PROCEEDING COMMENCED AT
BRAMPTON

ORDER

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

LISA S. CORNE (27974M)
Email: lcorne@dickinsonwright.com
Tel: 416-646-4608

Lawyers for the Receiver