

Court File Number: CV-19-630247-00CL

Superior Court of Justice
Commercial List

FILE/DIRECTION/ORDER

Snowangel Productions Ltd. et al
Plaintiff(s)

AND

LUU / Huynh
Defendant(s)

Case Management Yes No by Judge: _____

Counsel	Telephone No:	Facsimile No:
D. Naymark		
J. Gibson		

- 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):

This matter appeared before me today on an urgent ex parte basis. The Plaintiffs seek an interim and interlocutory Mareva injunction against both defendants.

I have reviewed the materials and heard the submission of counsel.

I am satisfied that the Plaintiffs have made out a strong prima facie

1 Nov 19
Date

[Signature]
Judge's Signature

Additional Pages 3

Superior Court of Justice
Commercial List

FILE/DIRECTION/ORDER

Judges Endorsment Continued

Case against the Defendant David Liu.
The Plaintiff evidence demonstrates
that he made a number of
payments to himself and one
payment to the Defendant Cindy Huph.
This case is similar in nature
to that of Sibley + Associates LP v
Ross 2011 ONSC 2951 and I adopt
the sentiments of Strathy J. (as he
then was) in dealing with
accounting type cases.

Given Liu's actions, which were
concealed, according to the Record
record I also agree with the
Plaintiff that where a strong prima
facie case of fraud has been
made out, the risk of removal
or dissipation of assets may be
reasonably inferred from that
conduct (Sibley para 63)

Superior Court of Justice
Commercial List

FILE/DIRECTION/ORDER

Judges Endorsment Continued

I am not prepared however to make findings of wrongdoing against Mrs Huzak or draw inferences against her at this time. The only real evidence is that she received \$20,000.00 from Mr Luu.

There is nothing to suggest that she was aware of where the money came from or of Mr Luu's alleged fraudulent conduct.

I am not prepared to grant a Mareva injunction against her. I am prepared however, based on the above, ~~to~~ ^{to} freeze whatever assets Mr Luu has gifted or otherwise provided to her.

With respect to Mr Luu I am prepared to grant the freezing order sought. He is a resident of Ontario and has assets

Court File Number: _____

Superior Court of Justice
Commercial List

FILE/DIRECTION/ORDER

Judges Endorsement Continued

Here Based on the above I have accepted there is a risk of removal or dissipation of assets given the allegations of fraud and concealment

I am not prepared, at this time, however to grant the orders sought with respect to the disclosure of information and examination. This is premature and not urgent. It can be dealt with when the matter returns.

Service shall be made via email, regular mail and personal service (if possible).

The matter will return before me on Nov 8/19 @ 10 a.m.

Plaintiff's counsel will also provide the Defendants with a copy of this endorsement

McEwen