



COUNSEL SLIP

COURT FILE NO. CV-19-630247-CL

DATE: Monday, March 16, 2020

THE HONOURABLE: MADAM JUSTICE GILMORE

No. ON LIST: 4
COURTROOM: 8-3 @ 330 UA

TITLE OF PROCEEDING SNOWANGEL et al -v- LUU et al

| | | |
|----------------|--------------------------------|--|
| COUNSEL FOR: | | Phone & Fax No |
| Plaintiff (s) | <u>JAMES Gibson</u> | |
| Applicant (s) | | |
| Petitioner (s) | <u>jjgibson@raymarklaw.com</u> | <u>P: (416) 640-1592</u> <u>F: (647) 660-5060</u> |

| | | |
|----------------|--|----------------|
| COUNSEL FOR: | | Phone & Fax No |
| Defendant (s) | | |
| Respondent (s) | | |

There has been no response from any of the Defendants although properly served and called out of court today.

The originals were also served on Mr. ^{Young} Lee a counsel who appeared for Mr. Lee on one occasion but has ^{served} ~~not~~ many documents in support of Mr. Lee. ^{Mr. Lee}

This is an appropriate case of default judgment. The ~~fully~~ damages and finding of fraud are also reasonable given the affidavit and record that I have reviewed.

No costs have been awarded in this case to date including for the ~~any~~ ^{substantial} injunction order. Given the findings of fraud, costs on a ~~full~~ ^{substantial} indemnity scale are appropriate.

Ⓞ Judgment to issue as per signed & amended draft.
C. [Signature]
Justice C.A. Gilmore

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE) MONDAY, THE 16TH
JUSTICE Justice C.A. Gilmore) DAY OF MARCH, 2020
)

BETWEEN:

SNOWANGEL PRODUCTIONS LTD., SNOW PUPPIES LTD., SNOWTOPIA
LTD., SNOW FROG LTD., SNOW FROG S2 LTD., SNOW FROG S3 LTD.,
FANCY SNOW S2 LTD., and GREEN SNOW S1 LTD.

Plaintiffs

- and -

DAVID LUU and CINDY HUYNH

Defendants

JUDGMENT

THIS MOTION, made by the Plaintiffs for default judgment, was heard this day at 330 University Avenue, Toronto.

ON READING the pleadings, the Motion Record and the Supplementary Motion Record filed by the Plaintiffs and on hearing the submissions of counsel for the Plaintiffs, no one appearing for the defendants who were noted in default but nevertheless properly served,

1. THIS COURT ORDERS AND ADJUDGES that the defendant David Luu pay to the plaintiffs the sum of \$ 743,683.21

2. ^{CS} THIS COURT ORDERS AND ADJUDGES that the defendant Cindy Huynh pay to the plaintiffs the sum of \$ 307,812.15

3. ^{CS} THIS COURT ORDERS AND ADJUDGES that the defendants pay to the plaintiffs for the costs of this action and this motion the sum of \$ 38,742.82

4. THIS COURT DECLARES that the liability of the defendant David Luu for this judgment arises out of fraud, embezzlement, misappropriation or defalcation while acting in a fiduciary capacity.

THIS JUDGMENT BEARS INTEREST at the rate of 3.0 per cent per year commencing today.

C. M. Moore, J.

SNOWANGEL PRODUCTIONS LTD. et. al.
Plaintiffs

DAVID LUU et. al.
Defendants

- and -

Court File No. CV-19-00630247-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

PROCEEDING COMMENCED AT TORONTO

JUDGMENT

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