



Court File No. CV-21-00672289-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Electronically issued : 04-Feb-2022
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Toronto

THE HONOURABLE) THURSDAY, THE 6TH DAY
)
JUSTICE FL MYERS) OF JANUARY, 2022

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B e t w e e n:

YI HE and MOR GROUP INVESTMENT INC.

Plaintiffs
(Moving Parties)

-and-

PINYI LI, IRA E. BOOK and IRA E. BOOK PROFESSIONAL CORPORATION

Defendants
(Responding Parties)

ORDER

THIS MOTION, made by the Plaintiffs on consent of all parties in the within action and on consent of Darren Hendren (“**Hendren**”) and Delaxan Ithayaneesan (“**Ithayaneesan**”), Defendants in the related action, *Pinyi Li v Darren Hendren et al.*, CV-19-00632873-0000 (the “**Li Action**”), for an interim Order pursuant to Rule 45.02, preserving all of the past and future recovery payable to Pinyi Li, to be paid into court to the credit of this action, was heard this day at a case conference via video conference.

WHEREAS pursuant to the Order of the Honourable Associate Justice Brott dated November 15, 2021 (the “**Funds Order**”), the amount of \$523,500.00 paid to the Accountant of the Toronto Superior Court to the credit of the Li Action was to be paid out to the former lawyer for the Plaintiff, Ira E. Book (the “**1st Specific Fund**”).

AND WHEREAS the Li Action has settled on terms agreeable to the parties in that action.

AND WHEREAS a further \$100,000.00 was to be paid by each of the Defendants in the Recovery Action, Hendren and Ithayaneesan, to Ira E. Book by October 15, 2022, totalling \$200,000.00 and subject to additional default terms (the “**2nd Specific Fund**”).

AND WHEREAS the Parties in the Li Action have executed mutual releases which are held in escrow by the former lawyer for Pinyi Li, Ira E. Book, (the “**Plaintiff’s Release**”) and the lawyer for Hendren and Ithayaneesan, David Boulos, (the “**Defendants’ Release**”) pending the payment of the 2nd Specific Fund.

AND WHEREAS the Plaintiffs in this action filed a motion to preserve both the 1st Specific Fund and the 2nd Specific Fund, among other things, on December 9, 2021.

AND WHEREAS pursuant to the December 10, 2021 interim Order of the Honourable Justice FL Myers, the Accountant of the Superior Court of Justice (Ontario) was prohibited from releasing the 1st Specific Fund pending further order from this Court.

ON READING the Motion Record and Factum of the Plaintiffs, and the consents of the parties in the within action as well as the consents of Hendren and Ithayaneesan; and

ON HEARING the submissions of the parties in the within action,

1. **THIS COURT ORDERS** that Hendren and Ithayaneesan, Defendants in the Recovery Action, shall pay to the Accountant of the Superior Court of Justice (Ontario), the sum of \$100,000.00 each, (for a total gross payment by both Defendants of \$200,000.00) to the credit of this action by October 15, 2022.

2. **THIS COURT ORDERS** that in the event that either Hendren or Ithayaneesan, default in part or in whole on their payment of the 2nd Specific Fund, the defaulting Defendant(s) shall thereafter be required to pay into Court to the Credit of this action (the “**3rd Specific Fund**”):
 - (a) \$800,000.00 less any sums received by this Court pursuant to the 2nd Specific Fund;
 - (b) a further \$100,000.00;
 - (c) pre-judgement interest pursuant to the provisions of the *Courts of Justice Act*; and
 - (d) costs fixed at \$35,000.00 including disbursements and any applicable HST.

3. **THIS COURT ORDERS** that should either Yi He and Mor Group Investment Inc. or Pinyi Li wish to bring a motion for an Order granting the whole or partial release of the 1st Specific Fund, 2nd Specific Fund, or the 3rd Specific Fund, then nothing herein shall hinder or prejudice either party from doing so.

4. **THIS COURT ORDERS** that on full payment of the 2nd Specific Fund to the Accountant of the Superior Court of Justice (Ontario) (whether pursuant to paragraph 1 or 2 herein), Pinyi Li’s lawyer, Joanne Hwang of Hwang Law Barrister and Solicitor, shall provide the Plaintiff, Pinyi Li, with the Plaintiff’s Release.

5. **THIS COURT ORDERS** that on full payment of the 2nd Specific Fund to the Accountant of the Superior Court of Justice (Ontario) (whether pursuant to paragraph 1 or 2 herein), the Lawyer for Hendren and Ithayaneesan, David Boulos of Bozai Law Professional Corporation, shall provide Hendren and Ithayaneesan with the Defendants' Release.
6. **THIS COURT ORDERS** that, to the extent the parties in this action are unable to agree as to the costs of this motion, that the determination of such costs is to be reserved for the trial judge.

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FL Myers J

**YI HE and MOR GROUP INVESTMENT INC.
PLAINTIFFS**

- and -

**PINYI LI and IRA E. BOOK et al.
DEFENDANTS**

Court File No.: CV-21-00672289-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at Toronto

ORDER

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