

Commercial List No.: CV-18-602745-00 CL

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

THE HONOURABLE JUSTICE DUNPHY)
)
) THURSDAY, THE 9TH
) DAY OF AUGUST, 2018

BETWEEN:

ASTRAZENECA CANADA INC.

Plaintiff

- and -

SAMEH SADEK also known as SAM SADEK, ST. MAHARIAL PHARMACY INC. dba MD
HEALTH PHARMACY, ST. MAHARIAL CLINIC INC., SRX INVESTMENT INC.,
SHEPHERD RX PHARMACY INC., and LILIAN FAM

Defendants

ORDER

NOTICE

If you, a Defendant, disobey this order you may be held to be in contempt of court and may be imprisoned, fined or have your assets seized. You are entitled to apply on at least seventy-two (72) hours' notice to the Plaintiff, for an order granting you sufficient funds for ordinary living expenses and legal advice and representation.

Any other person who knows of this order and does anything which helps or permits the Defendant to breach the terms of this Order may also be held to be in contempt of court and may be imprisoned, fined or have their assets seized.

THIS MOTION, made on short notice by the Plaintiff, AstraZeneca Canada Inc., for an interlocutory Order in the form of a *Mareva* injunction restraining the Defendants, Sameh Sadek (aka Sam Sadek), St. Maharial Pharmacy Inc. dba MD Health Pharmacy, St. Maharial Clinic Inc., SRX Investment Inc., Shepherd Rx Pharmacy Inc., and Lilian Fam, from dissipating their assets and other relief, was heard this day at the Courthouse, 361 University Avenue, Toronto, Ontario.

FOR THE PURPOSE OF THIS ORDER, the “Defendants” shall exclude Shepherd Rx Pharmacy Inc.

ON READING the Motion Record dated August 8, 2018 (the “Motion Record”), the factum and book of authorities of the Plaintiff, on hearing the submissions of counsel for the Plaintiff, and on hearing the submissions of counsel for the Defendants, and on noting the undertaking of the Plaintiff to abide by any Order this Court may make concerning damages arising from the granting and enforcement of this Order,

Mareva Injunction

1. **THIS COURT ORDERS** that each of the Defendants, and their servants, employees, agents, assigns, officers, directors and anyone else acting on their behalf or in conjunction with any of them, and any and all persons with notice of this injunction, are restrained from directly or indirectly, by any means whatsoever:
 - (a) selling, removing, dissipating, alienating, transferring, assigning, encumbering, or similarly dealing with any assets of the Defendant, wherever situate, including but not limited to the assets and accounts listed in Schedule “A” hereto;
 - (b) instructing, requesting, counselling, demanding, or encouraging any other person to do so; and
 - (c) facilitating, assisting in, aiding, abetting, or participating in any acts the effect of which is to do so.
2. **THIS COURT ORDERS** that paragraph 1 applies to all of the Defendants’ assets whether or not they are in a Defendant’s own name and whether they are solely or jointly owned. For the purpose of this order, a Defendant’s assets include any asset which he, she, or it has the power, directly or indirectly, to dispose of or deal with as if it were his, her or its own. The Defendants are each to be regarded as having such power if a third party holds or controls the assets in accordance with his, her or its direct or indirect instructions.
- 2A. **THIS COURT ORDERS** that the defendants Sameh Sadek and Lilian Fam, and anyone acting on their behalf, are restrained from directly or indirectly, by any means whatsoever, exercising his or her powers as an officer, director and/or shareholder of a corporation to:
 - (a) sell, remove, dissipate, alienate, transfer, assign, encumber, or similarly deal with any assets of a corporation, wherever situate;
 - (b) instruct, request, counsel, demand, or encourage any other person to do so; and
 - (c) facilitate, assist in, aid, abet, or participate in any acts the effect of which is to do so.

Ordinary Living Expenses

3. **THIS COURT ORDERS** that the Defendants, or any of them, may apply for an order, on August 17, 2018, specifying the amount of funds which such Defendant is entitled to spend on ordinary living expenses and legal advice and representation.
- 3A. **THIS COURT ORDERS** that the Defendants may withdraw \$10,000.00 from Account [REDACTED] at TD Bank at 7685 Hurontario, Brampton to spend on ordinary living expenses and legal fees.

Disclosure and Delivery of Information

4. **THIS COURT ORDERS** that each of the Defendants prepare and provide to the Plaintiff by August 16, 2018, a sworn statement describing the nature, value, and location of their assets worldwide, whether in their own name or not and whether solely or jointly owned.
5. **THIS COURT ORDERS** that each of the Defendants prepare and provide to the Plaintiff, or an explanation why impractical, by August 16, 2018, a sworn statement enclosing copies of all of the following documents in their possession, control or power:
 - (a) their accounting records, bank account statements, financial statements and tax returns relating to the period from June 1, 2017 to present; and
 - (b) any records relating to the patient choice programs which permit reimbursement for certain AstraZeneca Canada medications, including but not limited to records of all claims for reimbursement for an AstraZeneca Canada medication filed under any patient choice program by any of the Defendants, the prescription(s) underlying each such filed claim, and any records relating to payments received by any of the Defendants.
6. **THIS COURT ORDERS** that the Defendants submit to examinations under oath before September 14, 2018.
7. **THIS COURT ORDERS** that if the provision of any of this information is likely to incriminate a Defendant, they may be entitled to refuse to provide it, but is recommended to take legal advice before refusing to provide the information. Wrongful refusal to provide the information referred to in paragraphs 4 and 5 herein is contempt of court and may render a Defendant liable to be imprisoned, fined, or have their assets seized.

Third Parties

8. **THIS COURT ORDERS** TD Canada Trust, RBC Royal Bank, Canadian Imperial Bank of Commerce, Bank of Montreal, Scotiabank, and Amex Bank of Canada (the "Banks") to forthwith freeze and prevent any removal or transfer of monies or assets of the Defendants, or any of them, held in any account or on credit on behalf of any Defendant, with the Banks, until further Order of the Court, including but not limited to the accounts listed in Schedule "A" hereto.

9. **THIS COURT ORDERS** that the Banks forthwith disclose and deliver up to the Plaintiff any and all records held by the Banks concerning the Defendants' assets and accounts, including the existence, nature, value and location of any monies or assets or credit, wherever situate, held on behalf of any Defendant by the Banks.

Leaving the Jurisdiction

10. **THIS COURT ORDERS** that the Defendants are hereby prohibited from leaving the Province of Ontario pending further order of this Court.
11. **THIS COURT ORDERS** that the individual Defendants forthwith surrender their passports to the Local Registrar of the Court in Toronto.

Certificates of Pending Litigation

12. **THIS COURT ORDERS** that the Plaintiff is hereby granted leave to have, and the Registrar shall issue, a Certificate of Pending Litigation registered with respect to the properties known as 5045 Churchill Meadows Boulevard, Mississauga, Ontario and 2334 Hammond Road, Mississauga, Ontario, and further described in Schedule "B" hereto. The net proceeds of any sale of either property are to be paid into Court to the credit of this action.

Variation, Discharge or Extension of Order

13. **THIS COURT ORDERS** that anyone served with or notified of this Order may apply to the Court at any time to vary or discharge this order, on five (5) days notice to the Plaintiff.
14. **THIS COURT ORDERS** that this order is without prejudice to the rights of all parties to seek further orders from the Court in respect of the matters addressed in this order.

Costs

15. **THIS COURT ORDERS** that the costs of this motion are reserved to the Judge hearing the return of the motion on August 17, 2018.

Service

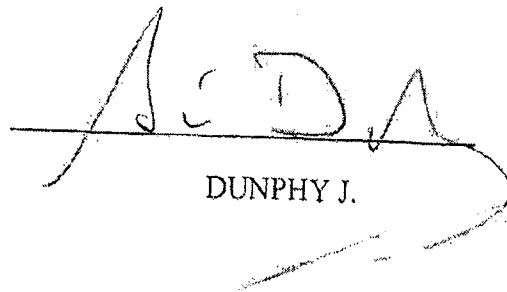
16. **THIS COURT ORDERS** that the time for service of the Motion Record, the Plaintiff's factum and book of authorities is hereby abridged.
17. **THIS COURT ORDERS** that service of the Motion Record, the Plaintiff's factum and book of authorities on the Defendants is hereby validated, *nunc pro tunc*.

Return date

18. **THIS COURT ORDERS** that this matter is returnable before me on August 17, 2018, at 10⁰⁰ a.m./~~p.m.~~ for 45 minutes.

ATD

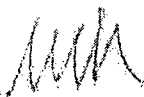
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DUNPHY J.

ENTERED AT / INSCRIT À TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO:

AUG 10 2018

PER / PAR:



SCHEDULE "A"

| BANK | ADDRESS | ACCOUNT NAME | ACCOUNT INFORMATION |
|---------------------|--|-------------------------------|---|
| TD Canada Trust | 7685 Hurontario Street South Brampton, ON L6W 0B4 | Sameh Sadek | Account Number: [REDACTED] (presumed as of 2015) |
| TD Canada Trust | 7685 Hurontario Street South Brampton, ON L6W 0B4 | SRX Investment Inc. | |
| TD Canada Trust | 7685 Hurontario Street South Brampton, ON L6W 0B4 | St. Maharial Pharmacy Inc. | Account Number: [REDACTED] |
| TD Canada Trust | 1585 Mississauga Valley Boulevard Mississauga, ON L5A 3W9 | Lilian Fam | |
| Amex Bank of Canada | P.O. Box 3204, Station F, Toronto, ON M1W 3W7 | Sameh Sadek | Account Number: XXXX-XXXXX [REDACTED] Credit Card Numbers: [REDACTED] [REDACTED] |
| Amex Bank of Canada | P.O. Box 3204, Station F, Toronto, ON M1W 3W7 | St. Maharial Pharmacy Inc. | Account Number: XXXX-XXXXX [REDACTED] |
| Amex Bank of Canada | P.O. Box 3204, Station F, Toronto, ON M1W 3W7 | Lilian Fam | Account Number: XXXX-XXXXX [REDACTED] Credit Card Number: XXXX- [REDACTED] |

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SCHEDULE "B"Owned by Lilian Fam

PIN 14360 - 1750 (LT) *Interest/Estate Fee Simple*

Description PART OF LOT 11, PLAN 43M1663, DES PART 6, PL 43R30324; MISSISSAUGA. S/T EASEMENT FOR ENTRY AS IN PR806741. S/T EASEMENT FOR ENTRY AS IN PR1007490.

Address 5045 CHURCHILL MEADOWS BOULEVARD MISSISSAUGA, ONTARIO, L5M 7Z8

Owned by SRX Investment Inc.

PIN 13439 - 0416 (LT) *Interest/Estate Fee Simple*

Description PT LT 26, PL 396, DES PART 1, 43R29866; MISSISSAUGA. S/T EASEMENT OVER PT LT 26, PL 396, DES PART 1, 43R29866, AS IN PR1037379.

Address 2334 HAMMOND ROAD MISSISSAUGA, ONTARIO, L5K 1T2

ASTRAZENECA CANADA INC.
Plaintiff

- and -

Commercial List No.: CV-18-602745-00 CL

SAMEH SADEK aka SAM SADEK ET AL.
Defendants

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)
PROCEEDING COMMENCED AT TORONTO

ORDER

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