

CV-19-006192 75-0064

Commercial List No.:

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

The Honourable)
Mr. Justice)
Penny)

May 2, 2019

BETWEEN:

PAXUM INC.

Applicant

-and-

DCR STRATEGIES INC., DCR MARKETING INC., DIANA FLETCHER
AND HUGUETTE MASSE

Respondents



ORDER

NOTICE

If you, the Respondent, 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 twenty-four (24) hours notice to the Applicant, 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 without notice by the Applicant, PAXUM INC., for an interim Order in the form of a *Mareva* injunction restraining the Respondents, DCR STRATEGIES INC. and DCR MARKETING INC. from dissipating their assets and other relief, was heard this day at the Court House, at 330 University Avenue, Toronto, ON.

ON READING the Affidavit of **Andrei Octav Moise** sworn May 2, 2019, on hearing the submissions of counsel for the Applicant, and on noting the undertaking of the Applicant 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 the Respondents, 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 Respondents, 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 Respondents' assets whether or not they are in his/their own name and whether they are solely or jointly owned. For the purpose of this order, the Respondents' assets include any asset which he has the power, directly or indirectly, to dispose of or deal with as if it were his own. The Respondents are to be regarded as having such power if a third party holds or controls the assets in accordance with his direct or indirect instructions.

Ordinary Living Expenses

3. **THIS COURT ORDERS** that the individual Respondents may apply for an order, on at least twenty-four (24) hours notice to the Applicant, specifying the amount of funds which the Respondent is entitled to spend on ordinary living expenses and legal advice and representation.

Disclosure of Information

4. **THIS COURT ORDERS** that the Respondents prepare and provide to the Applicant within 10 days of the date of service of this Order, a sworn statement describing the nature, value, and location of his assets worldwide, whether in his own name or not and whether solely or jointly owned.

5. **THIS COURT ORDERS** that the Respondent submit to examinations under oath within 15 days of the delivery by the Respondents of the aforementioned sworn statements.

6. **THIS COURT ORDERS** that if the provision of any of this information is likely to incriminate the Respondent, he 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 paragraph 5 herein is contempt of court and may render the Respondent liable to be imprisoned, fined, or have his assets seized.

Third Parties

7. **THIS COURT ORDERS** WCFU Credit Union a.k.a. Windsor Credit Union, the Bank of Nova Scotia a.k.a. Scotiabank, Keybank, Wells Fargo and TD Bank (the "Banks") to forthwith freeze and prevent any removal or transfer of monies or assets of the Respondents held in any account or on credit on behalf of the Respondent, with the Banks, until further Order of the Court, including but not limited to the accounts listed in **Schedule "A"** hereto.

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

9. **THIS COURT ORDERS** that the law firm of Waters Law Office Pllc (the "Law Firm") located at 1104 South First Street - Hamilton, Montana, U.S.A. 59840 to forthwith freeze and prevent any removal or transfer of monies or assets of the Respondents held in any account or on credit on behalf of the Respondents, until further Order of the Court.

10. **THIS COURT ORDERS** that the Law Firm forthwith disclose and deliver up to the Applicant any and all records held by the Law Firm concerning the Respondent's assets and accounts, including the existence, nature, value and location of any monies or assets or credit, wherever situate, held on behalf of the Respondent by the Law Firm.

Alternative Payment of Security into Court

11. **THIS COURT ORDERS** that this Order will cease to have effect if the Respondents provide security by paying the sum of (USD) \$2,770,000.00 into Court, and the Accountant of the Superior Court of Justice is hereby directed to accept such payment.

Variation, Discharge or Extension of Order

12. **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 four (4) days notice to the Plaintiff.

13. **THIS COURT ORDERS** that the Plaintiff shall apply for an extension of this Order within ten (10) days hereof, failing which this Order will terminate.



SCHEDULE "A"

Country	Bank	Account Name	Currency	Account No.
Canada	Desjardins	DCR Strategies Inc.	CAD	4800611
Canada	Desjardins	DCR Strategies Inc.	US	8400053
Canada	WFCU Credit Union 3000 Marentette Avenue Windsor ON N8X 4G2	DCR Strategies Inc.	CAD	0747308511
Canada	WFCU Credit Union 3000 Marentette Avenue Windsor ON N8X 4G2	DCR Strategies Inc.	CAD	0747308512
Canada	WFCU Credit Union 3000 Marentette Avenue Windsor ON N8X 4G2	Third Party Cheques	USD	0747308516
Canada	WFCU Credit Union 3000 Marentette Avenue Windsor ON N8X 4G2	Settlement Account VISA	CAD	747334111
Canada	WFCU Credit Union 3000 Marentette Avenue Windsor ON N8X 4G2	Settlement Account MC	CAD	747334112
Canada	WFCU Credit Union 3000 Marentette Avenue Windsor ON N8X 4G2	Settlement Account MC	USD	747334116
US	Keybank	DCR Strategies Inc.	USD	359681485009
US	Wells Fargo	Trust account for DCR Strategies Inc	USD	9747840695

PAXUM INC.

Applicant

-and-

DCR STRATEGIES INC et al

Respondents

Court File No: CV-19-00619245-0006

**ONTARIO
SUPERIOR COURT OF JUSTICE**

(COMMERCIAL LIST)

Proceedings commenced at Toronto

ORDER

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