



SUPERIOR COURT OF JUSTICE

ENDORSEMENT

COURT FILE NO.: CV-23-00703534-00CL DATE: August 1, 2023

NO. ON LIST: 4

TITLE OF PROCEEDING: HSBC BANK CANADA V DMI EXIM LIMITED

BEFORE: Mr. Justice Penny

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party:

Name of Person Appearing	Name of Party	Contact Info
D.J. Miller (she)	HSBC Bank Canada, Applicant	djmiller@tgf.ca
Alexander Soutter (he)	HSBC Bank Canada, Applicant	asoutter@tgf.ca

For Defendant, Respondent, Responding Party:

Name of Person Appearing	Name of Party	Contact Info

For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info
Aryo Shalviri	Independent Counsel to KPMG Inc., the proposed Receiver	aryo.shalviri@blakes.com
Daniel Loberto	Independent Counsel to KPMG Inc., the proposed Receiver	daniel.loberto@blakes.com
Anamika Gadia	KPMG Inc., as proposed Receiver	agadia@kpmg.ca

ENDORSEMENT OF PENNY J.

[1] This is an application for the appointment of a Receiver.

[2] The Applicant, HSBC Bank Canada, is DMI's senior secured creditor. It is also DMI's largest creditor, being owed more than US\$21.6 million and CA\$520,000.

[3] DMI made a proposal in June and July. It has been assigned into bankruptcy. The Trustee consents to the appointment of a Receiver.

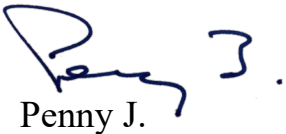
[4] DMI has defaulted under its agreements with the HSBC. The HSBC demanded repayment. The defaults remain outstanding and the demand unsatisfied. The GSA provides for the appointment of a receiver as a remedy.

[5] The appointment of the Receiver will be the most effective and cost-efficient means of realizing on DMI's assets, particularly its accounts receivable.

[6] There is no opposition to the application.

[7] The unique features of the order sought have been thoroughly reviewed and are appropriate in the circumstances.

[8] Order to issue in the form signed by me this day.


Penny J.

