

No. S1813807
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA
IN BANKRUPTCY AND INSOLVENCY**

IN THE MATTER OF THE PART XIII OF THE
BANKRUPTCY AND INSOLVENCY ACT, R.S.C. 1985, C. B-6,
AS AMENDED

AND

IN THE MATTER OF MASAHIKO NISHIYAMA
BANKRUPT UNDER THE LAWS OF JAPAN

ORDER MADE AFTER APPLICATION

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))
BEFORE)	THE HONOURABLE JUSTICE)
)	FRANCIS)
))
))

APRIL 22, 2022

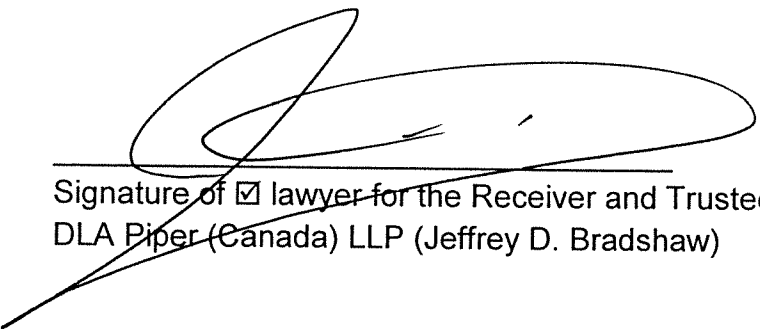
ON THE APPLICATION of Alvarez & Marsal Canada Inc., in its capacity as the Court appointed receiver over all of the assets, undertakings and property owned or beneficially owned by Masahiko Nishiyama in Canada (the "**Receiver**"), and Hiroshi Morimoto, trustee over the bankruptcy estate of Masahiko Nishiyama (the "**Trustee**") coming on for hearing at 800 Smithe Street, Vancouver, BC V6Z 2E1 on April 22, 2022 and on hearing Jeffrey D. Bradshaw, lawyer for the Receiver and Trustee and Robert Richardson, lawyer for The Resolution and Collection Corporation, and Masahiko Nishiyama and Hatsumi Kinoshita, appearing by MS Teams on their own behalf;

THIS COURT ORDERS that:

1. the unfiled Application Response by Masahiko Nishiyama and Hatsumi Kinoshita served on April 13, 2022, is struck pursuant to Rule 9-5 as an abuse of process;
2. the Receiver is awarded special costs for this Application; and

3. endorsement on this Order by ^{any party who} ~~counsel~~ appearing on this application other than the counsel for the Receiver and Trustee is hereby dispensed with.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:



Signature of ☒ lawyer for the Receiver and Trustee
DLA Piper (Canada) LLP (Jeffrey D. Bradshaw)

BY THE COURT



REGISTRAR



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AGM/day