

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE
MR. JUSTICE HAINEY

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WEDNESDAY, THE 17TH
DAY OF APRIL, 2019

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

THIS MOTION, made by the Defendant, Lilian Fam, for an order setting aside the noting in default of Lilian Fam ("**Ms. Fam**"), varying the orders of Justice Dunphy dated August 9, 17 and September 5, 2018 (the "**Mareva Orders**"), and the Orders of Justice Dunphy and Justice McEwen, respectively, dated September 11 and October 17, 2018 (the "**Receivership Orders**") and related relief, was heard this day at the court house, 330 University Avenue, 8th Floor, Toronto, Ontario, M5G 1R7.

ON READING the Affidavit of Lilian Fam dated February 28, 2019, and the Responding Motion Record of the Plaintiff dated April 3, 2019, and upon being advised of the consent of Ms. Fam, the Plaintiff and the Receiver, Judgment having been rendered against all other defendants,

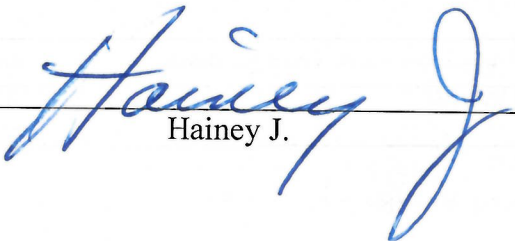
1. **THIS COURT ORDERS** that the noting in default dated August 29, 2018, is hereby set aside as against only the defendant Lilian Fam.
2. **THIS COURT ORDERS** that Ms. Fam shall serve and file a Statement of Defence by no later than May 2, 2019.
3. **THIS COURT ORDERS** that, subject to paragraphs 4, 5, 7, 8 and 9 of this Order, the Receivership Orders, the Mareva Orders and the Claims Procedure Order of Hainey J. dated March 1, 2019, otherwise remain in full force and effect.
4. **THIS COURT ORDERS** that Ms. Fam is hereby permitted to open a bank account at a Canadian registered bank into which she may deposit employment income and government benefit cheques going forward from the date of this Order (the "**Fam Account**").
5. **THIS COURT ORDERS** that Ms. Fam shall provide monthly statements for the Fam Account to the Receiver and counsel to the Plaintiff within two (2) business days of month end.
6. **THIS COURT ORDERS AND DECLARES** that Ms. Fam has admitted that she has no interest in or claim to the proceeds of the assets seized by the Receiver set out in **Schedule "A"** hereto, and that Ms. Fam shall not take a contrary position in the ongoing Claims Procedure. The admission of Ms. Fam is without prejudice to the claims of the Plaintiff and any other creditors to claim the proceeds of other assets not so admitted by Ms. Fam herein.

7. **THIS COURT ORDERS** that Ms. Fam is permitted to spend up to \$5,000.00 per month for ordinary expenses from the Fam Account, provided that Ms. Fam shall be permitted to spend in excess of \$5,000.00 per month with the prior written consent of the Receiver and the Plaintiff, acting reasonably.

8. **THIS COURT ORDERS AND DIRECTS** the Receiver to release or deposit a single, lump-sum payment of \$20,000.00 to the Fam Account following confirmation of the establishment of same pursuant to paragraph 4 above.

9. **THIS COURT ORDERS** that paragraphs 10 and 11 of Justice Dunphy's Order of August 9, 2018, are deleted with respect to Lilian Fam only, and that Ms. Fam may retrieve her passports from the Superior Court Registrar.

10. **THIS COURT ORDERS** that costs of this Motion shall be in the cause.


Hailey J.

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

APR 25 2019

PER / PAR: 

Schedule "A"

Assets collected by the Receiver which Ms. Fam has admitted she has no interest in or claim to.

Asset	Book Value	Realization Amount
Proceeds of Fam accounts at HSBC Bank bearing account numbers: CAHKBC082--150; CAHKBC082--203; and CAHKBC082-550	\$473,184	\$473,184
5045 Churchill Meadows Boulevard, Mississauga, Ontario (the " Churchill Meadows Property ")	Listing Amount: \$789,900	The purchase price set out in the agreement of purchase and sale for the Churchill Meadows Property (the " Churchill APS ") is subject to a sealing order by the Court. <i>Ms. Fam only admits no interest or claim to \$300,000.00 in relation to this property.</i>
8 Calico Court, Georgetown, Ontario	Listing Amount: \$1,079,000	\$1,000,000 (excl. commission and other costs)
2018 Land Rover, VIN SALYM2RVXJA729788	\$25,000	\$71,000
2015 Mini Cooper, VIN WMWX S 5 C53 FT830733	\$19,200	\$10,500
Georgetown Pre-Construction Property	\$519,000	\$350,044

ASTRAZENECA CANADA INC.
Plaintiff

-and- SAMEH SADEK also known as Sam Sadek et al.
Defendants

Court File No. CV-18-602745-00 CL

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PROCEEDING COMMENCED AT
TORONTO

ORDER

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Lilian Fam*

