

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE )  
JUSTICE CONWAY )  
)

TUESDAY, THE 2<sup>ND</sup> \_\_\_\_\_  
JUNE, 2020

B E T W E E N :

ZURICH INSURANCE COMPANY LTD.

Plaintiff

- and -

2442931 ONTARIO INC., BONDFIELD CONSTRUCTION COMPANY  
LIMITED, JOHN AQUINO, VASOS GEORGIOU and  
UNITY HEALTH TORONTO

Defendants/Moving Party

**ORDER**

**THIS MOTION**, made by the Defendant, Unity Health Toronto, in writing, for an Order sealing certain exhibits within the Motion Record of Unity Health Toronto, served on June 1, 2020, was read today.

**ON READING** the Motion Record of the Defendant Unity Health Toronto, dated June 1, 2020 (the “**Motion Record**”), including the unsworn Affidavit of Michael Keen, the unsworn Affidavit of Susan Neil, and the unsworn Affidavit of Augusto Patmore,

1. **THIS COURT ORDERS** that the exhibits within the Motion Record, as set out in Schedule “A” to this Order, are hereby sealed and do not form part of the public record and are not to be disclosed to any anyone, including any party or intervener to this action other than the named parties to the Public Private Partnership Performance Bond bearing Bond No. 634517,

dated January 27, 2015 by Zurich Insurance Company Ltd., along with the Multiple Obligee Rider (the “**Performance Bond**”). For further clarity, those parties for which the exhibits as set out in Schedule “A” to this Order are not sealed are:

- (a) Zurich Insurance Company Ltd.;
- (b) Ernst & Young Inc. in their capacity as the Monitor to Bondfield Construction Company Ltd.;
- (c) Alvarez & Marsal Canada Inc. in their capacity as the Receiver of 2442931 Ontario Inc.;
- (d) Unity Health Toronto; and
- (e) Bank of Montreal.

  
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*Justice Conway*

### **SCHEDULE “A”**

1. Sealed Exhibit “1” to the unsworn Affidavit of Michael Keen (the “**Keen Affidavit**”);
2. Sealed Exhibit “2” to the Keen Affidavit;
3. Sealed Exhibit “3” to the Keen Affidavit;
4. Exhibit “A” to the unsworn Affidavit of Susan Neil (the “**Neil Affidavit**”);
5. Any references within the Neil Affidavit that refer to values or calculations from Exhibit “A” to the Neil Affidavit;
6. Exhibit “A” to the unsworn Affidavit of Augusto Patmore (the “**Patmore Affidavit**”);  
and
7. Any references within the Patmore Affidavit that refer to values or calculations from Exhibit “A” to the Patmore Affidavit.

ZURICH INSURANCE COMPANY LTD.  
Plaintiffs

and

UNITY HEALTH TORONTO ET AL  
Defendants

Court File No.: CV-20-639601-00CL

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
**(COMMERCIAL LIST)**

Proceeding commenced at TORONTO

**ORDER**

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Lawyers for the Defendants/Plaintiff by Counterclaim  
and Crossclaim, Unity Health Toronto.