

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

BDO CANADA LIMITED IN ITS CAPACITY AS TRUSTEE OF THE ESTATE  
OF 2283942 ONTARIO INC., A BANKRUPT

Plaintiff

and

SHIU KWAN LO AND SONS LTD., 2433591 ONTARIO INC.,  
2435982 ONTARIO INC. and HERMAN KUANG

Defendants

**ENDORSEMENT**

Tuesday, January 16, 2018

The Honorable Mr. Justice Sanfilippo

**Counsel:**

Mr. B. Sachdeva, counsel for the Plaintiff

Mr. B. Gasse, counsel for Herman Kuang

Mr. D. Ketelaars, counsel for 2433591 Ontario Inc.

Mr. O. Kahane-Rapport, counsel for 2435982 Ontario Inc.

This matter was referred by Akbarali, J. for a chambers appointment today, further to the parties' attendance at Civil Practice Court on November 24, 2017.

The Plaintiff seeks to schedule a Motion for Summary Judgment. This is emphatically opposed by all defendants on the basis that this action, and the counterclaim, present too many issues that are too complex for summary judgment. They submit that there are too many genuine issues for trial that are incapable of determination using the Hryniak principles.

Also, there is a motion pending for security for costs and proposed motions for pleading amendments and a second motion by a further defendant for security for costs.

This is a 2014 action that was denied assigned to commercial list. The plaintiff seeks an avenue to advance this case efficiently and expeditiously.

On the material before me, and submissions received, I have some doubt that a summary judgment motion is an appropriate procedure to determine the numerous issues raised by this case. I have no doubt, however, that this case would benefit from case management, wherein the multiple motions can be addressed and the plaintiff's efforts to advance this case, perhaps through expedited trial or a procedural timetable, can be addressed.

Mr. Sachdeva will make a request, under the *Rules*, for this action to be placed into case management with the appointment of a case management judge. The counsel for the defendants all submitted that they will not oppose this request for case management. No summary judgment motion to be scheduled today, but Mr. Sachdeva can review this request to the case management judge, should the request for case management be approved, or as a further civil practice court should the development of this action render this advisable at some later date.

Sanfilippo J.