

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE)
JUSTICE CAVANAGH) TUESDAY, THE 7TH
DAY OF JUNE, 2022

B E T W E E N:

BAO YING CAO and 13364097 CANADA INC.

Applicants

and

XIAODONG YANG and USERS OF SUNRISE TECHNOLOGY

Respondents

ANCILLARY ORDER

THIS MOTION, made by BDO Canada Limited (“**BDO**”), in its capacity as the Court-appointed receiver (in such capacity, the “**Receiver**”) without security, of the Contested Funds (as defined in the Interpleader Order) held by Bao Ying Cao and 13364097 Canada Inc. (the “**Applicants**”) for an Order, among other things: (i) approving the First Report of the Receiver, dated May 19, 2022 (the “**First Report**”) and the activities of the Receiver set out therein; (ii) approving the Receiver’s statement of receipts and disbursements; and (iii) approving the fees and disbursements of BDO and its counsel; and (iv) approving the Supplement to the First Report of the Receiver, dated May 26,

2022 (the “**Supplement to the First Report**”), was heard this day by Zoom judicial video conference.

ON READING the Motion Record of the Receiver, dated May 20, 2022, the First Report and its appendices, the Supplement to the First Report and its appendices, and on hearing the submissions of counsel for the Receiver, and counsel for the Applicants, no one else appearing for any other parties on the Service List, although properly served as appears from the affidavit of Beth Wise, sworn May 20, 2022, filed,

SERVICE AND DEFINED TERMS

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and the Motion Record is hereby validated so that this Motion is properly returnable today, and hereby dispenses with further service thereof.
2. **THIS COURT ORDERS** that capitalized terms used in this Order that are not otherwise defined shall have the meaning ascribed to them in the First Report or the Claims Process Order.

APPROVAL OF ACTIVITIES AND FEES

3. **THIS COURT ORDERS** that the Receiver’s First Report, and the Receiver’s activities set out therein, be and are hereby approved.
4. **THIS COURT ORDERS** that the Supplement to the Receiver’s First Report, and the Receiver’s activities set out therein, be and are hereby approved.

5. **THIS COURT ORDERS** that the Receiver's statement of receipts and disbursements for the period to May 18, 2022 is hereby approved.

6. **THIS COURT ORDERS** that the professional fees and disbursements of BDO in its capacity as Receiver for the period from December 7, 2021 to April 30, 2022, as set out in the Affidavit of Christopher Mazur, sworn May 18, 2022, and attached as Appendix "H" to the First Report, are hereby approved.

7. **THIS COURT ORDERS** that the professional fees and disbursements of Scarfone Hawkins LLP, counsel to the Receiver, for the period of November 15, 2021 to December 31, 2021, as set out in the Affidavit of Danielle Lampietro, sworn May 19, 2022, and attached as Appendix "I" to the First Report, are hereby approved.

8. **THIS COURT ORDERS** that the professional fees and disbursements of Scarfone Hawkins LLP, counsel to the Receiver, for the period of January 1, 2022 to April 30, 2022, as set out in the Affidavit of Danielle Lampietro, sworn May 19, 2022, and attached as Appendix "I" to the First Report, are hereby approved.

GENERAL

9. **THIS COURT ORDERS** that this Order is effective from the date that it is made and is enforceable without any need for entry and filing.

(Signature of judge, officer or registrar)

BAO YING CAO et al.
Applicants

-and- **XIAODONG YANG et al.**
Respondents

Court File No. CV-21-00672880-00CL

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PROCEEDING COMMENCED AT
TORONTO

ANCILLARY ORDER

SCARFONE HAWKINS LLP

One James Street South
14th Floor
P.O. Box 926, Depot 1
Hamilton, Ontario
L8N 3P9

Colleen Yamashita (LSO # 51468H)

cyamashita@shlaw.ca

Lauren Grimaldi (LSO # 59665S)

lgrimaldi@shlaw.ca

Tel: 905-523-1333

Lawyers for the Court Appointed Receiver,
BDO Canada Limited

Email for parties served:

Andrew Faith: afaith@polleyfaith.com

RCP-F 4C (September 1, 2020)