

Court File Number / Numéro de dossier du greffe

CV-24-00003032-0000

CV-24-00003092-0000

CV-24-00003033-0000

CV-24-00003236-0000

CV-24-00002897-0000

CV-24-00003079-0000

CV-24-00003893-0000

CV-24-00003111-0000

CV-24-00002090-0000

CV-24-00001203-0000

CV-24-00001516-0000

Ontario Superior Court of Justice, London

Endorsement / Page
d'inscription

Plaintiffs

Kilbourne, Trott, Walmsley, Brown, Collins, Campbell, Lippold, Hughes/Barr, Hardy,
Novakowski, and Tuscan Lodge #191

Defendants

Hawken et al.

Third Parties

N/A

CASE CONFERENCE ENDORSEMENT

July 22, 2025; by teleconference.

Daniel MacKeigan for Plaintiffs Kilbourne, Trott, Walmsley and Brown

Scott Smith for Plaintiffs Collins, Campbell and Lippold

John Brennan for Plaintiffs Hughes/Barr

Mitchell Brown for Plaintiff Hardy

Mike Bronsveld for Plaintiff Novakowski

Philip Morrissey for Plaintiff Tuscan Lodge #191

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Todd Storms for the Defendants

Max Prince for GMS Investment Corporation as mortgagee

Robyn Duwyn for BDO Canada Limited, Receiver

Multiple actions have been commenced against Robert Randall Hawken aka Randy Hawken, Cheryl Hawken, and Amsaral Holdings with respect to fraudulent “laddered GIC’s”.

Mareva orders have been granted against the Defendants. On March 21, 2025, Gorman J. granted an order to appoint BDO Canada Limited to act as Receiver overseeing the distributions from the sale of three properties and for the Defendants to provide information and records to the Receiver.

On February 28, 2025, Cook J. ordered the Defendants to answer undertakings/under advisements given at cross-examinations held on December 3, 2024, and December 11, 2024, by March 28, 2025. To date, the answers remain outstanding.

The Defendants own two properties in London, which are subject to power of sale proceedings involving GMS Investment Corporation as mortgagee. The sale of 558 Waterloo is closing on July 31, 2025, and 554 Waterloo is listed for sale and will likely sell by the end of September of 2025. Once GMS’ mortgages have been paid, the net proceeds will be paid to the Receiver.

The third property, referred to as the cottage in Grand Bend, was also subject to power of sale by GMS. Recently, that mortgage was brought into good standing by the Defendants, but the source of the funds is unknown. Although GMS was seeking a writ of possession, the mortgage is now up-to-date, GMS cannot pursue its remedies.

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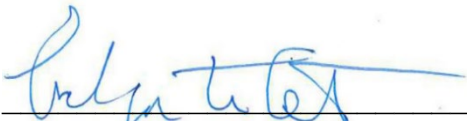
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Concerns were expressed that because power of sale proceedings are no longer being pursued, the Defendants will attempt to carve out that property from the receivership order. For clarity, I interpret the orders to mean that the net proceeds from the sale of all *three* properties, including the Grand Bend cottage, are to be paid to the Receiver.

With the consent of all parties, I make the following orders/directions:

1. The Defendants shall provide answers to all undertakings/under advisements within 30 days;
2. The Defendants shall not bring a motion to vary the order of Gorman J. dated March 21, 2025, unless they have fulfilled their undertakings/under advisements;
3. The Receiver is hereby empowered and authorized to take possession of and sell the Grand Bend property and to take possession of, and exercise control over, all net proceeds from the sale without further court approval; and
4. If the parties require further a further case conference or motion date before me, they may request same through the Civil Trial Co-ordinator at Rebecca.Nagy@ontario.ca. Any consent basket motions may be sent to the portal to my attention with a carbon copy to my Judicial Assistant, Nadine.Long@ontario.ca.


Justice E. ten Cate