

CW-19-00628293-000
Court File No.

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE MR.)
JUSTICE HAINEY)

MONDAY, THE 30TH
DAY OF SEPTEMBER, 2019

BETWEEN:

(Court Seal)



CANADIAN IMPERIAL BANK OF COMMERCE

Plaintiff

and

SIMRANJIT DHILLON, MANDHIR DHILLON, SARBJIT DHILLON,
MANDEEP DHILLON, 908593 ONTARIO LIMITED, operating as Eagle Travel
Plaza, 1393382 ONTARIO LIMITED, 2145744 ONTARIO LIMITED, 2145754
ONTARIO LIMITED, 1552838 ONTARIO INC., 2189788 ONTARIO INC.,
2123618 ONTARIO LIMITED, 1849722 ONTARIO LTD., 2469244 ONTARIO
LIMITED, 2364507 ONTARIO LIMITED, 1254044 ONTARIO LIMITED and
2612550 ONTARIO LIMITED

Defendants

**ORDER
Mareva Injunction**

If you, the Defendants, disobey this order you may be held to be in contempt of court and may be imprisoned, fined or have your assets seized. You are entitled to apply on at least twenty-four (24) hours' notice to the Plaintiff, for an order granting you sufficient funds for ordinary living expenses and legal advice and representation.

Any other person who knows of this order and does anything which helps or permits the Defendants to breach the terms of this Order may also be held to be in contempt of court and may be imprisoned, fined or have their assets seized.

THIS MOTION, made without notice by the Plaintiff for an interim Order in the form of a Mareva injunction restraining the Defendants Simranjit Dhillon, Mandhir Dhillon, Sarbjit Dhillon and Mandeep Dhillon (the “**Individual Defendants**”) from dissipating their assets and other relief, was heard this day at 330 University Avenue

ON READING the Motion Record of the Plaintiff dated September 30, 2019, and upon hearing the submissions of counsel for the Plaintiff, and on noting the undertaking of the Plaintiff to abide by any Order this Court may make concerning damages arising from the granting and enforcement of this Order,

MAREVA INJUNCTION

1. **THIS COURT ORDERS** that the Individual Defendants, and their employees, agents, assigns, and anyone else acting on their behalf or in conjunction with any of them, and any and all persons with notice of this injunction, are restrained from directly or indirectly, by any means whatsoever:

- (a) selling, removing, dissipating, alienating, transferring, assigning, encumbering, or similarly dealing with any assets of the Individual Defendants, wherever situate, including but not limited to the assets and accounts listed in Schedule “A” hereto;
- (b) instructing, requesting, counselling, demanding, or encouraging any other person to do so; and
- (c) facilitating, assisting in, aiding, abetting, or participating in any acts the effect of which is to do so.

2. **THIS COURT ORDERS** that paragraph 1 applies to all of the Individual Defendants assets whether or not they are in his own name and whether they are solely or jointly owned. For the purpose of this order, the Individual Defendants' assets include any asset which he has the power, directly or indirectly, to dispose of or deal with as if it were his own. Each Individual Defendant is to be regarded as having such power if a third party holds or controls the assets in accordance with his direct or indirect instructions.

3. **THIS COURT ORDERS** that if the total value free of charges or other securities of the Individual Defendants' assets in Ontario exceeds \$83 million, the Individual Defendants may sell, remove, dissipate, alienate, transfer, assign, encumber, or similarly deal with them so long as the total unencumbered value of the Individual Defendants' assets in Ontario remains above \$83 million.

ORDINARY LIVING EXPENSES

4. **THIS COURT ORDERS** that the Individual Defendants may apply for an order, on at least twenty-four (24) hours' notice to the Plaintiff, specifying the amount of funds which the Individual Defendants are entitled to spend on ordinary living expenses and legal advice and representation.

DISCLOSURE OF INFORMATION

5. **THIS COURT ORDERS** that the Individual Defendants shall prepare and provide to the Plaintiff within 7 days of the date of service of this Order, a sworn statement describing the nature, value, and location of their assets worldwide, whether in his own name or not and whether solely or jointly owned.

6. **THIS COURT ORDERS** that the Individual Defendants shall submit to examinations under oath within 7 days of the delivery by the Individual Defendants of the aforementioned sworn statements.

7. **THIS COURT ORDERS** that if the provision of any of this information is likely to incriminate the Individual Defendants, or any of them, they may be entitled to refuse to provide the information, but it is recommended they take legal advice before refusing. Wrongful refusal to provide the information is contempt of court and may render the Individual Defendant liable to be imprisoned, fined, or have his assets seized.

THIRD PARTIES

8. **THIS COURT ORDERS** that the Bank of Montreal, the Libro Credit Union, all financial institutions and money service businesses including credit unions with notice of this order (the “Banks”) shall forthwith freeze and prevent any removal or transfer of monies or assets of the Individual Defendants held in any account or on credit on behalf of Simranjit Dhillon, Mandhir Dhillon, Sarbjit Dhillon and Mandeep Dhillon with the Banks, until further Order of the Court, including but not limited to the accounts listed in Schedule “A” hereto.

9. **THIS COURT ORDERS** that the Banks forthwith disclose and deliver up to the Plaintiff any and all records held by the Banks concerning the assets and accounts of each of the Individual Defendants, including the existence, nature, value and location of any monies or assets or credit, wherever situate held on behalf of the Individual Defendants by the Banks.

ALTERNATIVE PAYMENT OF SECURITY INTO COURT

10. **THIS COURT ORDERS** that this Order will cease to have effect if the Individual Defendants provide security by collectively paying the sum of \$83 million into Court, and the Accountant of the Superior Court of Justice is hereby directed to accept such payment.

VARIATION, DISCHARGE OR EXTENSION OF ORDER

11. **THIS COURT ORDERS** that anyone served with or notified of this Order may apply to the Court at any time to vary or discharge this order, on four (4) days' notice to the Plaintiff.

12. **THIS COURT ORDERS** that the Plaintiff shall apply for an extension of this Order on or before October 11, 2019 failing which this Order will terminate.


SEALING ORDER

13. **THIS COURT ORDERS** that, until further Order of this Court, the Motion Record in support of this Motion shall be sealed and not form part of the public record and any persons served with a copy of it shall keep it and its contents confidential and shall not disclose its contents to any person except their legal counsel.



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

SEP 30 2019

PER / PAR: 

CANADIAN IMPERIAL BANK OF COMMERCE
Plaintiff

-and- SIMRANJIT DHILLON et al.
Defendants

Court File No.

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SUPERIOR COURT OF JUSTICE
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PROCEEDING COMMENCED AT TORONTO

ORDER

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