

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

THE HONOURABLE MR.) WEDNESDAY, THE 31st
JUSTICE HAINEY)
) DAY OF OCTOBER, 2018

**IN THE MATTER OF AN APPLICATION PURSUANT TO THE
RECIPROCAL ENFORCEMENT OF JUDGMENTS ACT, R.S.O. 1990, c.
R.5**

**AND IN THE MATTER OF AN AMENDED ORDER OF THE SUPREME
COURT OF NOVA SCOTIA ISSUED MARCH 22, 2013**



BETWEEN:

**ESTATE OF MARLA BENNETT, MICHAEL BENNETT,
LINDA BENNETT and LISA BENNETT**

Plaintiffs

and

**ISLAMIC REPUBLIC OF IRAN and
IRANIAN MINISTRY OF INFORMATION AND SECURITY**

Defendants

and

THE ATTORNEY GENERAL FOR CANADA

Intervener

AND BETWEEN:

**EDWARD TRACY, by his Litigation Guardian Charles Murphy, ELIZABETH
CICCIPIO-PULEO, estate of HELEN FAZIO, estate of DOMENIC CICIPPIO,
DAVID B. CICIPPIO, ERIC R. CICIPPIO, RICHARD DENNIS CICIPPIO,
THOMAS J. CICIPPIO, estate of PAUL V. CICIPPIO, ALLEN JOHN
CICIPPIO, estate of ROSE ABELL, ANTHONY CICIPPIO, estate of
ALEXANDER CICIPPIO, NICHOLAS B. CICIPPIO and estate of JOSEPH J.
CICIPPIO JR.**

Applicants

and

THE IRANIAN MINISTRY OF INFORMATION AND SECURITY,
THE ISLAMIC REPUBLIC OF IRAN and
THE IRANIAN REVOLUTIONARY GUARD CORP.

Respondents

ORDER

THIS MOTION made by **ALBERT GELMAN INC.** ("Receiver"), in its capacity as equitable receiver and receiver in aid of execution of 290 Sheppard Avenue West, Toronto, Ontario and 2 Robinson Avenue, Ottawa, Ontario (the "Ottawa Property") which properties were found by the court to be beneficially owned by the Islamic Republic of Iran, for an Order, *inter alia*,

- (a) approving the Third Report of the Receiver dated October 19, 2018 ("Third Report") and the actions and activities of the Receiver as described therein;
- (b) approving the Confidential Fourth Report of the Receiver dated October 18, 2018 accompanied with an Order sealing the Confidential Fourth Report, until such time as the Ottawa Property has been sold and conveyed to a purchaser(s);
- (c) authorizing the Receiver to destroy the Documents found in the safes, as described in the Receiver's First Report and Second Report, and to authorize the Receiver to either dispose or sell the two safes;
- (d) approving the interim distribution proposed by the Receiver; and
- (e) approving the professional fees and disbursements of the Receiver and its legal counsel;

was heard this day at 330 University Avenue, 9th Floor, Toronto, Ontario.

ON READING the Third Report and the Fourth Confidential Report of the Receiver dated October 18, 2018, and appendices annexed thereto, and upon reading the fee affidavit of Bryan Gelman sworn October 19, 2018 and exhibit attached thereto (the "Receiver's Fee

Affidavit”) and the fee affidavit of Jason Spetter sworn October 19, 2018 and the exhibit attached thereto in relation to the fees of legal counsel to the Receiver (the “Legal Counsel Fee Affidavit” and collectively with the Receiver’s Fee Affidavit, the “Fee Affidavits”) and on hearing the submissions of counsel for the Receiver and such other parties as are present,

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and the Motion Record be and are hereby abridged and validated such that this motion is properly returnable this day and hereby dispenses with further service thereof.

2. **THIS COURT ORDERS** that the activities and actions of the Receiver, including the Interim Statement of Receipts and Disbursements dated October 18, 2018 as set out in its Third Report, be and are hereby approved.

3. **THIS COURT ORDERS** that the Receiver’s proposed sales process for the Ottawa Property as described in its Third Report be and are hereby approved.

4. **THIS COURT ORDERS** that the Receiver’s Confidential Fourth Report dated October 18, 2018 be and is hereby approved and that the ~~Fourth~~ Confidential ^{Fourth} ~~First~~ Report shall be sealed until such time as the Ottawa Property has been sold and conveyed to the purchaser(s).

5. **THIS COURT ORDERS** that the Receiver’s proposed interim distribution as set out in its Third Report be and is hereby approved.

6. **THIS COURT ORDERS** that the Receiver is authorized to destroy the Documents found in the safes as described in the Receiver’s First Report and Second Report and is authorized to either dispose or sell the two safes.

7. **THIS COURT ORDERS** that the fees and disbursements of the Receiver and its legal counsel, all as set out in the Third Report and Fee Affidavits, be and are hereby approved.

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

OCT 31 2018

PER / PAR:

ESTATE OF MARLA BENNETT et al.
Plaintiffs

EDWARD TRACY et al.
Applications

-and-

- and -

THE IRANIAN MINISTRY OF INFORMATION AND SECURITY et al.

ISLAMIC REPUBLIC OF IRAN et al.
Defendants

Respondents

Court File No. CV-13-10204-00CL
Court File No. CV-14-10403-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST
Proceeding commenced at
TORONTO

ORDER

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