

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
**COMMERCIAL LIST**

THE HONOURABLE MR. )

WEDNESDAY, THE 17<sup>th</sup>

JUSTICE HAINES )

DAY OF APRIL, 2019



**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 Fifth Report of the Receiver dated April 8, 2019 and the actions and activities of the Receiver described therein, including the Receiver's Final Statement of Receipts and Disbursements dated April 8, 2019 ("**Final R&D**");
- (b) approving the proposed distribution of the proceeds of the Transaction as described in the Fifth Report;
- (c) approving the fees and disbursements of the Receiver and its counsel, Lipman Zener Waxman PC ("**LZW**"), including the final accruals as set out in the Final R&D to be incurred to the completion of these proceedings;
- (d) authorizing the Receiver to destroy the books, records and other file documentation pertaining to this Receivership administration at any time subsequent to four (4) years after filing the Receiver's discharge certificate;

- (e) discharging AGI as the Receiver on filing of a certificate in the form attached to the Receiver's draft order and releasing it from any and all liability it has or may hereafter have by reason of, or in any way arising from, the acts or omissions of AGI while acting in its capacity as Receiver; and
- (f) such further and other relief as this Honourable Court may deem just, was heard this day at 330 University Avenue, 9<sup>th</sup> Floor, Toronto, Ontario.

**ON READING** the Fifth Report of the Receiver dated April 8, 2019, and appendices annexed thereto, and upon reading the fee affidavit of Bryan Gelman sworn April 8, 2019 and exhibit attached thereto (the "Receiver's Fee Affidavit") and the fee affidavit of Jason Spetter sworn April 8, 2019 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 Final R&D dated April 8, 2019 as set out in its Fifth Report, be and are hereby approved.

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

4. **THIS COURT ORDERS** that the Receiver's proposed distribution as set out in its Fifth Report be and is hereby approved.

5. **THIS COURT ORDERS** that the Receiver be and is hereby authorized to destroy the books, records and other file documentation pertaining to this Receivership administration at any time subsequent to four (4) years after filing the Receiver's discharge certificate.

6. **THIS COURT ORDERS** that upon the Receiver filing a certificate in the form annexed hereto as Schedule "A", the Receiver shall be discharged provided however that notwithstanding its discharge herein (a) the Receiver shall remain Receiver for the performance of such incidental duties as may be required to complete the administration of the receivership herein, and (b) the Receiver shall continue to have the benefit of the provisions of all Orders made in this proceeding, including all approvals and protections in favour of Albert Gelman Inc. in its capacity as Receiver.

7. **THIS COURT ORDERS AND DECLARES** that Albert Gelman Inc. is hereby released and discharged from any and all liability that Albert Gelman Inc. now has or may hereafter have by reason of, or in any way arising out of, the acts or omissions of Albert Gelman Inc. while acting in its capacity as Receiver herein, save and except for any gross negligence or wilful misconduct on the Receiver's part. Without limiting the generality of the foregoing, Albert Gelman Inc. is hereby forever released and discharged from any and all liability relating to

matters that were raised, or which could have been raised, in the within receivership proceedings, save and except for any gross negligence or wilful misconduct on the Receiver's part.

*Hainey J*

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

APR 17 2019

PER / PAR.

*a*

**SCHEDULE "A"**

**RECEIVER'S CERTIFICATE**

**RECITALS**

A. Pursuant to an Order of the Honourable Mr. Justice Hailey of the Ontario Superior Court of Justice (the "Court") dated May 22, 2018, Albert Gelman Inc. was appointed 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 (the "Debtor").

B. Pursuant to an Order of the Court dated April 17, 2019, the Court approved the proposed distribution of the proceeds of the Transaction as described in the Receiver's Fifth Report and ordered the discharge of AGI as Receiver upon filing of the within certificate.

THE RECEIVER CERTIFIES the following:

1. The distribution to creditors as authorized by the Court has been made.
2. The Receiver's mandate pursuant to the appointment Order of Hailey J. dated May 22, 2018 has been completed.
3. This Certificate was delivered by the Receiver to the court on \_\_\_\_\_ [DATE].

**Albert Gelman Inc. in its capacity as Receiver  
in aid of execution and not in its personal  
capacity**

Per: \_\_\_\_\_

Name: Bryan Gelman, CIRP, LIT

ESTATE OF MARLA BENNET et al.  
Plaintiffs  
EDWARD TRACY et al.  
Applications

- and -

ISLAMIC REPUBLIC OF IRAN et al.  
Defendants  
THE IRANIAN MINISTRY OF INFORMATION AND SECURITY et al.  
Respondents

-and-

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

*ONTARIO*

**SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

Proceeding commenced at  
TORONTO

**ORDER**

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