



COUNSEL SLIP

9:58 AM
[insert time]

****PLEASE WRITE CLEARLY AND IN FULL****

COURT FILE NO. CV-18-00605862-00CL

DATE: NOVEMBER 25, 2019

No. ON LIST 3

TITLE OF PROCEEDING **FACTBANC CORPORATION - v - B & G FLEET MANAGEMENT**

COUNSEL FOR:		Phone & Fax No
Plaintiff (s)		
Applicant (s)		
Petitioner (s)	Email	

COUNSEL FOR:		Phone & Fax No
Defendant (s)		
Respondent (s)	Email	

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Nov 25/19

~~2 copies of the production of all information~~
 After discussion w/ counsel today, they have worked out a procedure for the production of the info in question as per Sch A attached. DTG Re same. I am pleased with it.
 I have listened to counsel on the issue of costs. Conway
 The REC seeks costs of the JURISDICTION motion and the PRODUCTION motion. Am-Trust seeks costs for the JURISDICTION motion. It is clear to me that the

(to draw)

Issue of the freezing order sought by the Rec & the responding jurisdiction motion brought by Amtrwa were integrally intertwined & once one fell, so did the other. Much of the cost could have been avoided by both sides had there been better communication among counsel, at a much earlier stage. Under the circumstances, I am not prepared to make any costs order - each side shall bear its own costs. WRT production, again, this could well have been avoided. Counsel have come up w/ a procedure in SCHA for an exchange of info re productions - which are ongoing. I see no basis for a costs award on this motion either. If further issues arise, that will be a separate matter & I will consider costs depending on how this procedure plays out.

Conway J.

after today.

SCA A

- ① Receiver's counsel to provide a letter to the AmTrust parties' counsel detailing additional information sought ~~by the parties~~ by December 2, 2019.
- ② Receiver's counsel's letter to include request for more detailed legend of claims information already produced. The more detailed legend to be provided by AmTrust Parties by December 10, 2019.
- ③ The balance of the information requested in the Receiver's counsel's letter referenced in point 1 above shall be provided by the AmTrust Parties by January 17, 2020;
- ④ The parties shall make best efforts to arrange a conference call between the Receiver, and the AmTrust Parties for the purpose of discussing any concerns/issues that may arise from the Receiver's counsel letter in point 1 above. Counsel shall be permitted to also participate in the call.
- ⑤ ~~The parties~~ If there are outstanding issues or requests that result from the AmTrust Parties' response referenced in point 3 above, Receiver's counsel shall advise of those issues or requests in writing by January 31st, 2020.
- ⑥ If the parties cannot resolve any residual issues regarding production, they may appear before me at a Chambers appointment on the first available date after.
- ⑦ The parties agree to act in good faith with respect to document requests and document production. Any disputes going forward which cannot be resolved may be brought before me at a 9:30 chambers appointment or case conference (30-60 minutes)