



ONTARIO SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

COUNSEL/ENDORSEMENT SLIP

COURT FILE NO.: CV-25-00741044-00CL

DATE: OCTOBER 3, 2025

NO. ON LIST: 4

TITLE OF PROCEEDING: Chief Executive Officer of the Financial Services Regulatory
Authority of Ontario v. Sussman Mortgage Funding Inc., et al.

BEFORE: Justice J. Dietrich

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party:

Name of Person Appearing	Name of Party	Contact Info
Kenneth Kraft Robert Kennedy	Receiver	kenneth.kraft@dentons.com Robert.kennedy@dentons.com
Richard Williams	B. Riley Farber Inc. (Receiver)	rwilliams@brileyfin.com
David Im	Chief Executive Officer of The Financial Services Regulatory Authority of Ontario (Applicant)	dim@chaitons.com

For Defendant, Respondent, Responding Party:

Name of Person Appearing	Name of Party	Contact Info

For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info
Derek Harland	Goldfarb Group	dharland@tgf.ca
Allan Nackan	(formerly B. Riley Farber Inc.- Receiver)	anackan@glassratner.com

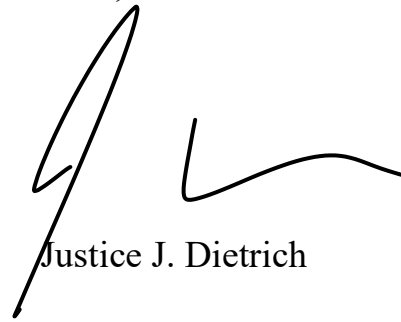
Steven Graff	Representative Counsel for the Investors	sgraff@airdberlis.com
Adrienne Ho	Representative Counsel	aho@airdberlis.com
Robert Malen	Alliance Homes, Alex Troop, 2114568 Ontario Inc. and Waterways	malen@gsnh.com

Endorsement of Justice J. Dietrich:

- [1] The Amended and Restated Receivership Order that I granted in this matter on July 25, 2025 contained a provision that prior to incurring any incremental fees above \$850,000, the Receiver must first obtain the consent of both Representative Counsel and the Goldfarb Group.
- [2] The Receiver requested this case conference as it has reached the \$850,000 threshold set out in the order and has not obtained the required consents for an increase.
- [3] The Receiver has provided updates to both the Goldfarb Group and Representative Counsel of its activities and fees/expenses in both August and September. It requested consent for an increase in the relevant amount on September 17, 2025.
- [4] For its part, the Goldfarb Group has advised that prior to agreeing to an increase in the amount it seeks (i) an interim statement of receipts and disbursements and (ii) a work plan setting out what the Receiver has accomplished to date and what it believes should be undertaken by the Receiver over the next three months together with expected timing, costs and possible recoveries. (the "**Information**").
- [5] The Receiver estimates it will take approximately 5-10 hours to complete the Information.
- [6] The amount of \$850,000 referenced above is hereby increased to \$950,000 with the provision that the first 5-10 hours should be used by the Receiver to compile and provide the Information to both counsel to the Goldfarb Group and Representative Counsel. Should substantive concerns arise with the provision of the Information, a case conference may be arranged before me through the Commercial List Office.
- [7] The increased amount for fees is intended to cover until the end of October and in that regard a motion is scheduled for **October 28, 2025 at 11:00 am (2 hours – virtual)**. That motion is anticipated to provide an update on the activities of the Receiver, seek an approval of fees of the Receiver and its counsel, seek approval of a general realization plan and other ancillary relief including an increase to the Receivers Charge and the Representative Counsel Charge.

- [8] The Receiver will deliver its motion material by October 15, 2025. Responding material is to be delivered by October 21, 2025. All material, including facta should be uploaded no later than end of day on October 24, 2025.

October 3, 2025



Justice J. Dietrich