

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

B E T W E E N :

DAVID IVANY, JEAN DUVAL AND KAREN ABERNOT

Plaintiffs

- and -

FINANCIERE TELCO INC.  
and CFM CONSULTANT FINANCEMENT MULTIPLE INC.  
a.k.a. MFC MULTIPLE FINANCING CONSULTANT and BRIAN VERBEEK and  
THE VERBEEK GROUP CORP. and DUNDEE SECURITIES CORPORATION  
and BUCKINGHAM SECURITIES CORPORATION and  
CANADIAN WESTERN TRUST COMPANY and  
VOX TECHNOLOGIE INC. and INVESTISSEMENTS EDIMAX INC. and  
INTERMAX TECHNOLOGIE INC. a.k.a. 9080-6746 QUEBEC INC. formerly  
INTERMAX TECHNOLOGIES INC. and VIA NET TECHNOLOGIE INC. and  
RENE BEAUREGARD

Defendants

**NOTICE OF MOTION  
(Motion for Directions on Dundee settlement)**

The Plaintiffs will make a motion to Casullo J. in writing at the court house located at 75 Mulcaster Street, Barrie, ON L4M 3P2.

PROPOSED METHOD OF HEARING: The motion is to be heard in writing under subrule 37.12.1(1).

THE MOTION IS FOR:

- (a) an Order validating notice of the within motion by posting this Notice of Motion on the website of the settlement administrator RicePoint Administration Inc. ("RicePoint"), <http://dundeeselement.com> and on the website of the Plaintiffs' lawyers ("Class Counsel"), <http://moodiemair.com>;

- (b) an Order extending the claims deadline for the 41 Settlement Class Members (as that term is defined in the Settlement Agreement attached to the Order of Mullins J. dated September 5, 2017) as directed by Class Counsel to participate in the settlement; and
- (c) such further and other relief as counsel may request and this Court may deem just.

THE GROUNDS FOR THE MOTION ARE:

- (a) on September 5, 2017, Mullins J. issued an Order approving the Settlement Agreement in this proceeding with the Defendant Dundee Securities Corporation (“Dundee”) dated May 10, 2017 (the “Settlement Agreement”);
- (b) the Order provides that the court will retain an ongoing supervisory role for the purpose of implementing, administering, and enforcing the Settlement Agreement;
- (c) the Order approved a Distribution Protocol;
- (d) the Order approved the appointment of RicePoint to act as the settlement administrator pursuant to the Settlement Agreement, with RicePoint’s appointment to be guided by the Distribution Protocol;
- (e) the net settlement amount available for distribution to the Dundee Subclass was determined to be \$3,134,498.38;
- (f) RicePoint distributed the sum of \$1,656,446.51 pursuant to the Distribution Protocol;

- (g) the Distribution Protocol provided that Class Counsel would provide RicePoint with a list of Dundee Subclass members, including his or her last known address;
- (h) Class Counsel have determined that last known addresses for 12 members of the Dundee Subclass who did not make claims to participate in the settlement were not provided to RicePoint;
- (i) Class Counsel have determined that additional contact information for 29 Dundee Subclass members who did not make claims to participate in the settlement, while not required to be provided to RicePoint by the Distribution Protocol, were not provided;
- (j) the potential distribution to an additional 41 Dundee Subclass members is \$1,046,500.00, and it will not require additional contribution from Dundee;
- (k) an additional distribution from the remaining settlement funds of up to \$1,046,500.00 is consistent with the intent of the within settlement;
- (l) Rules 1.04, 12, 16.08, and 37 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 190, as amended; and
- (m) such further and other grounds as counsel may advise and this Honourable Court may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

- (a) the affidavit of C. Michael J. Kealy sworn in support of this motion, and the exhibits attached thereto; and
- (b) such further and other evidence as this Honourable Court may permit.

February 25, 2021

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Dundee Securities Corporation

IVANY et al.      FINANCIERE TELCO et al.  
Plaintiffs      and      Defendants

Court File No.: 01-B2684

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SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Barrie

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