## ONTARIO SUPERIOR COURT OF JUSTICE (Commercial List)

THE HONOURABLE MADAM	)	THURSDAY, THE 10th
JUSTICE CONWAY	)	DAY OF JUNE, 2021

### **BETWEEN:**

### JAMES MILLERSHIP and ROBERT SEGAL

**Applicants** 

- and-

#### HYPERBLOCK INC.

Respondent

APPLICATION UNDER sections 161, 162, 163 of the *Ontario Business Corporations Act* R.S.O 1990, c. B. 16, as amended

### **ORDER**

THIS MOTION, made by BDO CANADA LIMITED ("BDO") in its capacity as the court-appointed inspector (the "Inspector"), without security, of HyperBlock Inc., its subsidiaries and affiliated entities including HyperBlock LLC (collectively, "HyperBlock"), for an order:

- (a) directions regarding the completion of the Inspector's investigation including for relief against the directors and a charge against the assets of HyperBlock;
- (b) approving the Inspector's Third Report and its fee for professional services rendered from October 1, 2019 until May 14, 2020 as set out in the Inspector's Third Report dated April 29, 2020 ("**Third Report**") and the Supplemental Report to the Third Report dated May 14, 2020 ("**Supplemental Report**");

- (c) approving the Inspector's legal fees of its legal counsel, Baker & McKenzie LLP,
- (d) sealing the Confidential Brief of Appendices to the Supplemental Report dated May 14, 2020 (the "Confidential Brief"),

was heard this day via Zoom Video conference at 330 University Avenue, Toronto, Ontario.

**ON READING** the Third Report of the Inspector and the Supplemental Report and on hearing the submissions of the counsel to Applicants, the Inspector, Inder Saini, Roozbeh Ebbadi, Sean Walsh and Project Spokane LLC, and not being opposed by Crowe Soberman Inc. in its capacity as trustee of the bankruptcy estate of HyperBlock, with no one appearing for the Ontario Securities Commission although duly served,

- 1. **THIS COURT ORDERS** that the Inspector's relief against the former officers and directors of HyperBlock and for a charging order against the assets of HyperBlock is dismissed without costs.
- 2. **THIS COURT ORDERS** that the Third Report of the Inspector and the Inspector's fees for professional services rendered for the period ending May 14, 2020, as set out in the Third Report and Supplemental Report be and are hereby approved.
- 3. **THIS COURT ORDERS** that the legal fees of the Inspector's legal counsel, Baker & McKenzie LLP for the period ending May 14, 2020, as set out in the Third Report and the Supplemental Report be and are hereby approved.

- 4. **THIS COURT ORDERS** that the Inspector's motion for a sealing order in respect of the Confidential Brief is hereby withdrawn.
- 5. **THIS COURT ORDERS** that anyone that quotes or relies in any way to the draft fourth report included in the Confidential Brief in other proceedings shall only do so after advising Alan Mak or Josie Parisi at BDO and by including a caveat with its use that it is a draft report that was not completed and remains subject to unresolved comments from HyperBlock and the Applicants.
- 6. **THIS COURT ORDERS** that Inspector's motion for its discharge and further directions regarding the draft fourth report and any appendices thereto is adjourned to a date to be set with the Commercial List Office.
- 7. **THIS COURTS ORDERS** that this order is effective from today's date and is enforceable without the need for entry and filing.



HYPERBLOCK INC.

Respondent

Court File No. CV-19-00612596-0000

# ONTARIO SUPERIOR COURT OF JUSTICE (Commercial List)

PROCEEDING COMMENCED AT TORONTO

### **ORDER**

### **BAKER & McKENZIE LLP**

Barristers and Solicitors 181 Bay Street, Suite 2100 Toronto, ON M5J 2T3

## Michael Nowina (LSO #49633O)

e: michael.nowina@bakermckenzie.com t: 416.865.2312 / f: 416.863.6275

## Glenn Gibson (LSO # 72881I)

e: glenn.gibson@bakermckenzie.com t: 416.865.2317 / f: 416.863.6275

Lawyers for the Inspector, BDO Canada Limited