

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE

)

WEDNESDAY, THE 18TH

)

JUSTICE HAINEY

)

DAY OF APRIL, 2018



BETWEEN:

THE CATALYST CAPITAL GROUP INC.

Plaintiff

and

**VIMPELCOM LTD., GLOBALIVE CAPITAL INC., UBS SECURITIES
CANADA INC., TENNENBAUM CAPITAL PARTNERS LLC, 64NM
HOLDINGS GP LLC, 64NM HOLDINGS LP, LG CAPITAL INVESTORS
LLC, SERRUYA PRIVATE EQUITY INC., NOVUS WIRELESS
COMMUNICATIONS INC., WEST FACE CAPITAL INC. and
MID-BOWLINE GROUP CORP.**

Defendants

JUDGMENT

THESE MOTIONS, made by the Defendants, for, among other things, orders dismissing this action as an abuse of process, were heard August 16, 17, and 18, 2017 and April 16, 2018, at the court house, 330 University Avenue, 7th Floor, Toronto, Ontario, M5G 1R7.

ON READING the Motion Records, Briefs, Compendia, Facta, and Books of Authorities of the parties, and on hearing the submissions of the lawyers for the parties,

1. THIS COURT ORDERS AND ADJUDGES that this action is dismissed as against all of the Defendants.

2. THIS COURT ORDERS AND ADJUDGES that the claims by the Plaintiff for breach of contract as against the Defendants Globalive Capital Inc. and UBS Securities Canada Inc. are struck out without leave to amend.

3. THIS COURT ORDERS AND ADJUDGES that it is not plain and obvious that this action is barred as against the Defendants VimpelCom Ltd. and UBS Securities Canada Inc. by the release contained in the Plan of Arrangement of Mid-Bowline Group Corp. approved February 3, 2016 (the **Release**), and accordingly the relief they seek in relation to the Release is denied.

4. THIS COURT ORDERS AND ADJUDGES that if the parties cannot settle the issue of costs they may schedule a 9:30 am appointment before me to determine costs.

Rm Ittleman JUL 23 2018

R. Ittleman, Registrar
Superior Court of Justice

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

JUL 23 2018

PER / PAR:

PO

THE CATALYST CAPITAL GROUP INC.
Plaintiff

-and- VIMPELCOM LTD. et al.
Defendants

Court File No. CV-16-11595-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

**IN THE MATTER OF
PROCEEDING COMMENCED AT TORONTO**

JUDGMENT

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