

COURT OF APPEAL FOR ONTARIO

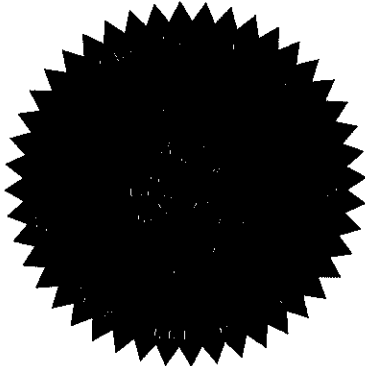
THE HONOURABLE JUSTICE TULLOCH

THE HONOURABLE JUSTICE BENOTTO

THE HONOURABLE JUSTICE HUSCROFT

THURSDAY, THE 2ND DAY
OF MAY, 2019

BETWEEN:



THE CATALYST CAPITAL GROUP INC.

Plaintiff (Appellant)

- and -

**VIMPELCOM LTD., GLOBALIVE CAPITAL INC., UBS SECURITIES CANADA INC.,
TENNEBAUM 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 (Respondents)

ORDER

THIS APPEAL, brought by the Appellant, The Catalyst Capital Group Inc., for an order setting aside the Judgment of the Honourable Justice G. Hainey of the Superior Court of Justice in Toronto dated April 18, 2018, was heard on February 19 and 20, 2019 at Osgoode Hall, 130 Queen Street West, Toronto, Ontario.

ON READING the Appeal Book and Compendium, Supplementary Appeal Book and Compendium, Exhibit Book Vols. 1-22, Factum, Book of Authorities, Supplementary Book of Authorities, and Compendium of the Appellant; and upon reading the Joint Compendium Vols. 1-5 of the Respondents; the Factum of the Respondent Globalive Capital Inc.; the Factum of the Respondent Novus Wireless Communications Inc.; the Factum of the Respondents Tennenbaum Capital Partners LLC, 64NM Holdings GP LLC, 64NM Holdings LP and LG Capital Investors LLC; the Factum of the Respondent Serruya Private Equity Inc.; the Factum of the Respondent UBS Securities Canada Inc.; the Factum of the Respondent Vimpelcom Ltd.; the Factum of the Respondent West Face Capital Inc.; and the Joint Book of Authorities Vols. 1-7 of the Respondents,

ON HEARING the submissions of the lawyers for the Appellant and Respondents, and the judgment having been reserved until this day,

1. **THIS COURT ORDERS** that the appeal is dismissed.
2. **THIS COURT ORDERS**, on consent, that the Appellant shall pay costs to the Respondents collectively, fixed in the amount of \$300,000, inclusive of all taxes and disbursements.

THIS ORDER BEARS INTEREST at the rate of 3% per year commencing on May 2, 2019

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

AUG 26 2019



REGISTRAR
COURT OF APPEAL FOR ONTARIO

PER / PAR: 

THE CATALYST CAPITAL GROUP INC.

Plaintiff (Appellant)

- and - VIMPELCOM LTD., et. al.

Court of Appeal File No. C-65431
Court File No. CV-16-11595-00CL

Defendants (Respondents)

COURT OF APPEAL FOR ONTARIO

PROCEEDING COMMENCED AT TORONTO

ORDER

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