

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE )  
 )  
MONAHAN )

TUESDAY, THE 13<sup>TH</sup>  
DAY OF FEBRUARY, 2018

**BETWEEN:**

**BERNADINE SACH in her capacity as Power of Attorney for ALBERTINA  
ALEXANDRE**

Plaintiff

- and -

**DAMASIA VIOLA**

Defendant



**AND BETWEEN**

**DAMASIA VIOLA**

Plaintiff by Counterclaim

-and-

**BERNADINE SACH in her capacity as Power of Attorney for ALBERTINA  
ALEXANDRE and BERNADINE SACH personally**

Defendants by Counterclaim

**ORDER**

**THIS APPEAL** made by the Plaintiff/Defendants by Counterclaim, Bernardine Sach ("Ms. Sach") in her Capacity as Power of Attorney for Albertina Alexandre ("Mrs. Alexandre") and Ms. Sach personally, for an Order appealing the Order of Master Short dated October 5, 2017, was heard this day at Toronto.

**ON READING** the Supplementary Appeal Record, the Fresh as Amended Factum and Fresh as Amended Book of Authorities of the Plaintiff/Defendants by Counterclaim, the

Transcript from the October 5, 2017 Case Conference before Master Short, the Responding Appeal Record, Responding Factum and Responding Book of Authorities of the Defendant/Plaintiff by Counterclaim, and on hearing the submissions of counsel for the parties,

1. **THIS COURT ORDERS** that the appeal is allowed and the Order of Master Short dated October 5, 2017 is hereby set aside;
2. **THIS COURT ORDERS** that the Plaintiff/Defendants by Counterclaim are permitted to file and rely on the affidavit of Mario Paiva, dated October 3, 2017, the Affidavit of Albertina Alexandre sworn on October 4, 2017, and the affidavit of Abraham Jonas dated September 29, 2017 in the pending Certificate of Pending Litigation motion, which is currently returnable on May 29, 2018;
3. **THIS COURT ORDERS** that costs of this motion are payable to the Plaintiff/Defendants by Counterclaim in the amount of \$8,220.30.

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

FEB 13 2018

PER / PAR:



**BERNARDINE SACH in her Capacity as Power of Attorney  
et al  
Plaintiff/ Defendants by Counterclaim**

**DAMASIA VIOLA**  
Defendant/Plaintiff by Counterclaim

Court File No. CV-16-564154

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
PROCEEDING COMMENCED AT  
TORONTO**

**ORDER**

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**Lawyers for the Plaintiff and Defendants by  
Counterclaim**