

ONTARIO SUPERIOR COURT OF JUSTICE (TORONTO REGION)**CIVIL ENDORSEMENT FORM**

BEFORE (Rule 59.02(2)(c)(i))	JUDGE, CASE MANAGEMENT MASTER OR PRESIDING OFFICER: A. RAMSAY		COURT FILE NUMBER: [REDACTED]
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Title of
Proceeding:

[REDACTED]

Plaintiff(s)

-v-

ONCA, SIGE ARSENE et al

Defendant(s)

CASE MANAGEMENT:	YES		NO	X
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Participants and Non-Participants (Rule 59.02(2)((vii)):

	PLAINTIFF/APPLICANT	PLAINTIFF/APPLICANT	OTHER
COUNSEL NAME	Daniel Rizzi [REDACTED]	Tanya Walker [REDACTED]	
COUNSEL PH NO	647-772-8816	647-342-2334 x 302	
COUNSEL EMAIL	daniel.rizzi.s@gmail.com	tanya@tcwalkerlawyers.com	

Date Heard (Rule 59.02(2)(c)(iii): TEXT

Nature of Hearing (Mark with an "X") (Rule 59.02(2)(c)(iv):

Motion	X	Appeal		Case Conference		
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Format (Mark with an "X") (Rule 59.02(2)(c)(iv):

In Writing		Telephone		Videoconference	X	
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In Person at Courthouse Address

Oral Reasons Given:

Relief Requested (Rule. 59.02(2)(c)(v)):

1. The plaintiffs [REDACTED], bring this motion for an order extending a Mareva injunction dated October 30, 2020, extended by Myers J. on December 15, 2021 until the hearing of this motion, and further seeking an order for judgment in accordance with an accepted offer to settle dated November 17, 2020 pursuant to rule 49.07 (6) and 49.09(a) of the *Rules of Civil Procedure*. The plaintiffs are also requesting a payment plan and an order directing that the defendant, Mr. Onca, deliver an affidavit of bank accounts and assets in accordance with a previous order of the court dated October 30, 2020.

Brief Reasons, if any, (Rule 59.02(2)(b)):

2. Mr. Onca and his companies, through counsel, entered into a settlement agreement on November 17, 2020 in which he agreed to pay \$382,050.24, all inclusive, to the plaintiffs. Counsel advises that Mr. Onca has not paid any amount on account of the settlement.
3. The evidentiary record indicates that Mr. Onca has asked for a number of indulgences to make payment to the plaintiffs. The court is mindful of Mr. Onca's submissions that he is having difficulty dealing with his bank, but at the same time, given the circumstances of this case, and the agreed upon settlement, Mr. Onca and his companies should be held to the bargain that he completed.
4. Mr. Onca and his companies are now unrepresented. Mr. Onca says that he intends to retain counsel. He has yet to bring a motion in accordance with rule 15.01 (2) to seek leave to have the corporations represented by non-lawyer or to appoint new counsel.
5. Mr. Onca complains about the original Mareva injunction and the circumstances surrounding the granting of that order. However, he has not brought any motion to set aside the order granting the Mareva injunction.


Disposition (Operative Terms Ordered) (Rule 59.02(2)(c)(vi)):

6. This court orders that:
 - i. Mr. Onca shall provide an affidavit of assets by March 19, 2021, as previously directed in my October 20, 2020 order.
 - ii. Mr. Onca and his companies have 60 days to pay the settlement dated November 17, 2020 reached with the plaintiffs, while he had the benefit of counsel.

- iii. The Mareva injunction is extended for 90 days, to May 25, 2021, however, if Mr. Onca pays a settlement prior to that date, he may move, with notice to the plaintiffs, to set it aside.
- iv. Mr. Onca shall pay costs to the plaintiff [REDACTED] in the amount of 2619.11, inclusive payable, within 30 days of the date of this order.
- v. Mr. Onca shall pay costs to the plaintiffs [REDACTED] in the amount of \$1,966.90 within 30 days of the date of this order.
- vi. If Mr. Onca is in breach of any relief granted herein, the plaintiffs may move, on notice to Mr. Onca, on an urgent basis for such other relief as they deem appropriate.
- vii. The order of Myers J. dated December 15, 2020 is varied, and Mr. Onca shall pay any costs to the firm of the plaintiff's legal representatives, in trust.

8. Counsel may submit a draft order to my assistant, Ms. Diamante, at Polly.Diamante@ontario.ca, and approval of Mr. Onca of the draft order is not required.

Costs: See paragraphs 5 and 6 above.

DATE (Rule 59.02(2)(c)(ii))	Signature of Judge, Case Management Master or Presiding Officer (Rule 59.02(2)(c)(i))
March 5, 2021, 2021	 _____