



SUPERIOR COURT OF JUSTICE

**COUNSEL SLIP/ ENDORSEMENT FORM**

COURT FILE NO.: CV-23-00700695-00CL DATE: 7 March 2025

NO. ON LIST: 2

TITLE OF PROCEEDING: MARSHALLZEHR GROUP INC. v LA PUE INTERNATIONAL INC.

BEFORE: MADAM JUSTICE STEELE

**PARTICIPANT INFORMATION**

**For Plaintiff, Applicant, Moving Party, Receiver:**

Name of Person Appearing	Name of Party	Contact Info
Maya Poliak	Counsel for the Applicant	<a href="mailto:maya@chaitons.com">maya@chaitons.com</a>
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Noah Goldstein	Court Appointed Receiver	<a href="mailto:ngoldstein@ksvadvisory.com">ngoldstein@ksvadvisory.com</a>

**For Defendant, Respondent, Responding Party, Defence, Lien Claimants, Other:**

Name of Person Appearing	Name of Party	Contact Info
Fernando Souza	Counsel for Buttcon Limited	<a href="mailto:fsouza@lawtoronto.com">fsouza@lawtoronto.com</a>
Andrew Beney	Counsel for Lien Claimant HC Matcom	<a href="mailto:beney@paveylaw.com">beney@paveylaw.com</a>

**For Other, Self-Represented:**

Name of Person Appearing	Name of Party	Contact Info

**ENDORSEMENT OF JUSTICE STEELE:**

- [1] Case conference held via Zoom on March 7, 2025.
- [2] The applicant had originally scheduled a motion for today on the issue of priorities as between Marshallzehr Group Inc. and certain lien claimants. The applicant's materials were delivered four days late (January 14, 2025, instead of January 10, 2025). The lien claimant responding materials filed by Buttcon Limited were also filed late (February 19, 2025, instead of February 5, 2025). With the schedule that had been timetabled having been thrown off, Marshallzehr requested that the motion be adjourned, and a case conference proceed.
- [3] Buttcon takes the position that Marshallzehr's priority motion should be scheduled and heard. HC Matcom, another lien claimant (which has filed its supporting documents) agrees with Buttcon that the priority motion should proceed first. Marshallzehr is now of the view that it would be more efficient for the priority issue and the quantum of lien claimant holdback issue to be determined together. The Receiver indicated that there were potential risks of inconsistent findings if the two issues were heard separately. In addition, the Receiver agrees with Marshallzehr that it would be more efficient for the two issues to be heard together.
- [4] The Receiver has asked the lien claimants for documents supporting their lien claims, which have not been provided by certain lien claimants. The Receiver is unable to provide its report to the Court without this information.
- [5] Accordingly, the following is ordered:
- a. Buttcon and any other lien claimants who have not yet delivered their supporting lien documents, shall file materials with the Receiver by March 14, 2025, and advise the Receiver if their lien claims are included in Buttcon's lien claim;
  - b. The Receiver shall provide its report by March 31, 2025; and
  - c. The Case Conference is adjourned to **April 4, 2025 at noon before me (30 minutes)**.
- [6] At the return of the Case Conference, with the benefit of the Receiver's report, the court may make procedural directions regarding whether the priority issue shall be determined first, or whether both issues (the priority issue and the quantum of lien holdback issue) shall be heard together.




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**Justice Steele**

**DATE: 7 March 2025**