



PENAL NOTICE

THE WITHIN NAMED: (1) WILLIAM GREGORY SANTOR; (2) SONJA
 (aka SONJA NISTELBERGER); (3) PRODUCTIVITY MEDIA PRODUCTIONS
 (CAYMAN), LTD; (4) ERBSCHAFT CAPITAL CORP; (5) STREAM.TV (CAYMAN) LTD
 AND/OR (6) STARK INDUSTRIES LIMITED DISOBEY THIS ORDER YOU MAY BE
 HELD TO BE IN CONTEMPT OF COURT AND LIABLE (IN THE CASE OF AN
 INDIVIDUAL) TO IMPRISONMENT AND/OR (IN THE CASE OF ANY
 RESPONDENT) A FINE OR CONFISCATION OF YOUR ASSETS.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING
 WHICH HELPS OR PERMITS THE RESPONDENT TO BREACH THE TERMS OF THIS
 ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE
 IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED

IN THE GRAND COURT OF THE CAYMAN ISLANDS
 FINANCIAL SERVICES DIVISION

CAUSE FSD NO: 360 of 2024 (NSI)

IN THE MATTER OF THE GRAND COURT ACT (2015 REVISION)

B E T W E E N:

PRODUCTIVITY MEDIA INC.

(A corporation incorporated under the laws of Ontario, Canada)

(In its capacity as the General Partner of Productivity Media Income Fund I LP)

(Acting by its receiver, KSV Restructuring Inc., appointed by the 19 November 2024 Order of
 the Ontario Superior Court of Justice)

Applicant

-and-

(1) WILLIAM GREGORY SANTOR

(2) SONJA SANTOR (aka SONJA NISTELBERGER)

(3) PRODUCTIVITY MEDIA PRODUCTIONS (CAYMAN) LTD

(4) ERBSCHAFT CAPITAL CORP

(5) STREAM.TV (CAYMAN) LTD

(6) STARK INDUSTRIES LIMITED

Respondents

**INJUNCTION PROHIBITING
DISPOSAL OF ASSETS IN THE CAYMAN ISLANDS**

IMPORTANT: NOTICE TO THE RESPONDENTS

(1) This Order prohibits you from dealing with your assets up to the amount stated. The Order is subject to the exceptions at the end of the Order. You should read it all carefully. You are advised to consult an attorney as soon as possible. You have a right to ask the Court to vary or discharge this Order.

(2) If you disobey this Order you will be guilty of contempt of Court and may (in the case of an individual) be sent to prison or (in the case of any respondent) be fined or your assets may be seized.

THE ORDER

An *ex parte* application was filed on 5 December 2024, by Counsel for Productivity Media Inc. (“PMI”) (in its capacity as the General Partner of Productivity Media Income Fund I LP (“the Fund”)); both acting via their receiver, KSV Restructuring Inc. as Ontario court-appointed receiver and manager (“the Receiver”), the Applicant, and heard on 6 December 2024, by the Hon. Justice Segal (the **Ex Parte Application**).

Upon the Ontario Superior Court of Justice having, upon the Fund’s Notice for Motion dated 22 November 2024 and by order dated 2 December 2024 (“the **Ontario Order**”), *inter alia*, prohibited respondents to that application (including the Respondents) from dealing with certain of their worldwide assets and required those respondents to give certain disclosure.

And Upon the Injunction Prohibiting the Disposal of Assets in the Cayman Islands made on 6 December 2024 pursuant to the Ex Parte Application (the **Ex Parte Freezing Injunction**)

And Upon the further order of the Ontario Superior Court of Justice on 12 December 2024, continuing the Ontario Order, in amended form (the **12 December Ontario Order**).

And Upon the Registrar of Lands registering an inhibition on the register of title for West Bay Beach North, Block 10A, Parcel 150 on 9 December 2024.

And Upon reading a letter dated 13 December 2024 from the Applicant's attorneys and a letter dated 13 December 2024 from the Respondents, providing written confirmation that each Respondent agrees to the continuation of the order in the terms herein.

IT IS ORDERED that:

1. DISPOSAL OF ASSETS

- (1) The First and Third to Sixth Respondents (and each of them) must not remove from the Cayman Islands or in any way dispose of or deal with or diminish the value of any of those Respondents' assets which are in the Cayman Islands whether in the Respondents' own name(s) or not and whether solely or jointly owned, up to the value of CAN\$44,448,871 or US\$31,705,380 (whichever is higher). This prohibition includes such interests as they have in or rights that they have to the following assets in particular:
- (a) real property at West Bay Beach North, Block 10A, Parcel 150, Grand Cayman, known as "Vista Del Mar";
 - (b) real property comprising a two-bedroom condominium unit under construction located at West Bay South (WBS) Block 5C, Parcel 77, Grand Cayman
 - (c) the shares owned by the First Respondent in the Third to Sixth Respondents;
 - (d) any money in the accounts held with CIBC Caribbean (formerly CIBC FirstCaribbean) with the following account numbers;
 - (i) FCI002252 (in the name of the First Respondent);
 - (ii) 10488359 (in the name of the Third Respondent);
 - (iii) 10482214, 10482215, 10487974 & FCI002252 (in the name of the Fourth Respondent);
 - (iv) 10482217 (in the name of the Fifth Respondent);
 - (v) 10482218 & 10482219 (in the name of the Sixth Respondent).
 - (e) any money held with Butterfield Bank;
 - (f) any motor vehicles in the Cayman Islands, including:

- (i) a Porsche Cayenne (2017), with licence plate 212378;
 - (ii) a Black Jaguar SJL (2017);
 - (iii) a Jaguar F-Type;
 - (iv) a Bentley Bentayga;
- (g) any personal property, including jewellery, wine and watches, in the Cayman Islands; and
- (h) the net sale money after payment of any mortgages or charges or any other security if any of the above assets have been sold, or any borrowed monies secured against such assets.
- (2) If the total unencumbered value of any of the First or Third to Sixth Respondents' assets in the Cayman Islands exceeds CAN\$44,448,871 or US\$31,599,689 (whichever is higher) such Respondent may remove any of those assets from the Cayman Islands or may dispose of or deal with them so long as the total unincumbered value of that Respondent's assets still in the Cayman Islands remains above CAN\$44,448,871 or US\$31,599,689 (whichever is higher).
- (3) The Second Respondent must not in any way dispose of or deal with or diminish the value of Vista Del Mar or such rights or interests as she has in that property, or the net sale money after payment of any mortgages or charges if that property has been sold, or any borrowed monies (whether in the Respondent's own name or not and whether solely or jointly owned) secured against that property.

2. REGISTRATION OF INHIBITION

- (1) Pursuant to s.124 of the Registered Land Act (2018 Rev), an inhibition shall continue to be registered on the register of title for Vista Del Mar (West Bay Beach North, Block 10A, Parcel 150) inhibiting the registration of any dealing with that property until future order of the Court.

3. DISCLOSURE OF INFORMATION

- (1) Each Respondent must inform the Applicant in writing at once of all that Respondent's assets in the Cayman Islands whether in the Respondent's own name or not and whether solely or jointly owned, giving the value, location and details of all such assets. Such assets are to include, without limitation, any bank or investment accounts, securities, cash, real property, vehicles, aircraft, boats, jewellery, or other personal property where such asset is worth more than \$1,000 US. Save as set out at paragraph 3.1A below, the information must be confirmed in an Affidavit which must be served on the Applicant's attorneys by close of business on 16 December 2024.
- 1(A) In relation to any information required to be disclosed under paragraph 3 of this order (the **Required Information**) which (a) the Respondents need to have access to bank statements from CIBC Caribbean to be able to provide; and (b) do not currently have access to such bank statements:
- (a) the Respondents must make reasonable endeavours to regain access to all such CIBC Caribbean bank statements as quickly as possible;
 - (b) the Respondents must inform the Applicant's attorneys, in writing, within 2 business days of regaining access to any such bank statements, providing full details of which bank statements the Respondents have regained access to, and which (if any) they still do not have access to; and
 - (c) the Required Information must be confirmed in an Affidavit which must be served on the Applicant's attorneys by close of business, no less than 14 days after access to the necessary CIBC Caribbean bank statements has been provided.

- (2) To the extent that any Respondent contends that the information they are required to disclose pursuant to paragraph 3 of this order has already been provided to the Applicant or the Fund pursuant to paragraph 4 or any other part of the Ontario Order, and/or any other order of the Superior Court of Ontario, they may comply with the requirement to give disclosure under paragraph 3 of this order by preparing and providing to the Applicant (by the same deadline) a sworn Affidavit confirming that fact and the truth and accuracy of such earlier disclosure.
- (3) In the case of the First and Second Respondents, their Affidavits to be provided pursuant to paragraphs 3.1, 3.1A and/or 3.2 above shall further:
 - (a) identify all payments in excess of US\$10,000 made by either of them, or by any other person (and if so, which person) at their direction or on their behalf, for the acquisition of Vista Del Mar, its design, construction, improvement, fitting out, decoration, furnishing or any other expenditure pertaining thereto in the period of 1 February 2019 to the date(s) of their respective Affidavits;
 - (b) identify the bank account(s) from which any such payments were made;
 - (c) exhibit complete copies of the bank statements for such account(s) for the same period;
 - (d) identify the source of funds into those accounts used for those purposes, to include: (a) the identity of the paying party; and (b) a description of the circumstances whereby the First and/or Second Respondents became entitled to those funds.
- (4) If the provision of any of this information is likely to incriminate the First or Second Respondents, they may be entitled to refuse to provide it, but it is recommended that they take legal advice before refusing to provide the information. Wrongful refusal to provide the information referred to in this

paragraph 3 herein is a contempt of court and may render the Respondents liable to the consequences set out in the Penal Notice at the front of this Order.

4. EXCEPTIONS TO THIS ORDER

- (1) The following exceptions to this Order are without prejudice to the terms of the Ontario Order, the 12 December Ontario Order and/or the Ontario Superior Court of Justice's powers (including as to the consequences of breach of the Ontario Order, including where the following exceptions may permit actions in breach of the Ontario Order).
 - (a) such amount that the Superior Court of Ontario determines (from time-to-time) that they are permitted to spend on ordinary living expenses and legal advice and representation, including pursuant to an application by the First and Second Respondents under paragraph 3 of the Ontario Order; or
 - (b) US\$5,000 a week by each of the First and Second Respondents towards their ordinary living expenses; and
 - (c) Collectively, US\$142,219.60 in total on legal advice and representation.
- (2) This Order does not prohibit the Respondents from each spending the higher of:
 - (a) such amount that the Superior Court of Ontario determines (from time-to-time) that they are permitted to spend on ordinary living expenses and legal advice and representation, including pursuant to an application by the First and Second Respondents under paragraph 3 of the Ontario Order; or
 - (b) US\$5,000 a week by each of the First and Second Respondents towards their ordinary living expenses; and
 - (c) Collectively, US\$142,219.60 in total on legal advice and representation.
- (3) This Order does not prohibit any Respondent from making any deposits into or payments out of any account held with Butterfield Bank, as long as such payments are permitted by order of the Superior Court of Ontario (including, but not limited to the 12 December Ontario Order).
- (4) This Order does not prohibit any Respondent from dealing with or disposing of any of that Respondent's assets in the ordinary and proper course of business, provided that:
 - (a) in the case of any proposed transaction or disposal (or connected series of transactions or disposals) of or worth in excess of US\$10,000, the relevant

Respondent shall give not less than 72 hours' prior written notice of the proposed transaction or disposal to the Applicant's attorney;

- (b) such explanation must include details of: (i) the source of funds or assets being used; (ii) the counterparty to the transaction or disposal; and (iii) its purpose;
 - (c) in the event that the circumstances of the proposed transaction or disposal reasonably do not permit 72 hours' prior written notice, the Respondent shall instead give such prior written notice as is practicable in the circumstances. Where this sub-paragraph is relied upon, the written explanation shall also explain why a full 72 hours' written notice was not possible.
- (5) The Respondents may agree with the Applicant's attorneys that the above spending limits should be increased or that this Order should be varied in any other respect but any such agreement must be in writing.

5. EFFECT OF THIS ORDER

- (1) A Respondent who is an individual who is ordered not to do something must not do it themselves or in any other way. The Respondent must not do it through others acting on the Respondent's behalf or on the Respondent's instructions or with the Respondent's encouragement.
- (2) A Respondent which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees, or agents, or in any other way.

6. THIRD PARTIES

- (1) Effect of this Order - It is a contempt of Court for any person notified of this Order knowingly to assist in or permit a breach of the Order. Any person doing so may be sent to prison, fined, or have that person's assets seized.

- (2) Set off by Banks - This injunction does not prevent any bank from exercising any right of set off it may have in respect of any facility which it gave to the Respondent before it was notified of the Order.
- (3) Withdrawals by a Respondent - No bank need enquire as to the application or proposed application of any money withdrawn by the Respondent if the withdrawal appears to be permitted by this Order.

7. UNDERTAKINGS

The Applicant gives to the Court the undertakings set out in Schedule 1 to this Order.

8. DURATION OF THIS ORDER

This Order will remain in force, until it is varied or discharged by a further Order of the Court.

9. VARIATION OR DISCHARGE OF THIS ORDER

The Respondents (or anyone notified of this Order) may apply to the Court at any time to vary or discharge this Order (or so much of it as affects that person), but anyone wishing to do so must first inform the Applicant's attorneys in writing on not less than 7 clear business days' notice.

10. NAME AND ADDRESS OF APPLICANT'S ATTORNEYS

The Applicant's attorneys and their contact details are:

Mourant Ozannes (Cayman) LLP

94 Solaris Avenue
Camana Bay
Grand Cayman
KY1-1108
PO Box 1348

FAO: Nicholas Fox, Laurence Aiolfi & Luke Burgess-Shannon

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This Order was filed by Mourant Ozannes (Cayman) LLP, attorneys for the Applicant, whose address for service is 93 Solaris Avenue, Camana Bay, Grand Cayman, KY1-1108, PO Box 1348

Nicholas.Fox@mourant.com
Laurence.Aiolfi@mourant.com
Luke.Burgess-Shannon@mourant.com

T: +1 345 949 4123

11. INTERPRETATION OF THIS ORDER

- (1) In this Order "he", "him" or "his" include "she" or "her" and "it" or "its".
- (2) In this Order, any reference to a Respondent's assets include any asset which he has the power, directly or indirectly, to dispose of or deal with as if it were his own.
- (3) Where there are two or more Respondents then (unless the context indicates differently)
 - (a) references to "the Respondents" mean both or all of them;
 - (b) an Order requiring "the Respondents" to do or not to do anything requires each Respondent to do or not to do it;
 - (c) a requirement relating to service of this Order, or of any legal proceedings, on "the Respondents" means on each of them.

12. COSTS

Costs reserved.

SCHEDULE 1

Undertakings given to the Court by the Applicant

- (1) If the Court later finds that this Order has caused loss to any Respondent, and decides that such Respondent should be compensated for that loss, the Applicant will comply with any Order the Court may make but so that this undertaking is limited to the amount of monies and the net realisable value of the unpledged assets of the Fund taken into the custody or under the control of the Receiver in the course of its appointment and any superseding insolvency process less the costs, expenses or other disbursements of the receivership or any superseding insolvency process.
- (2) Anyone notified of this Order will be given a copy of it by the Applicant's attorneys.
- (3) The Applicant will pay the reasonable costs of anyone other than the Respondents which have been incurred as a result of this Order including the costs of ascertaining whether that person holds any of the Respondent's assets and that if the Court later finds that this Order has caused such a person loss, and decides that the person should be compensated for that loss, the Applicant will comply with any Order the Court may make but limited in like manner as undertaking (1) above.
- (4) The Applicant will (a) file an affidavit sworn by Krista Mooney verifying her affidavit sworn in November 2024 and filed in the proceeding before the Ontario Superior Court of Justice bearing Court File No CV-24-00731806-00CL (the **Ontario Proceedings**); and (ii) make best endeavours to file an affidavit sworn by Andrew Chang-Sang verifying his affidavit sworn in November 2024 and filed in the Ontario Proceedings.

SCHEDULE 2

Affidavits

The Judge read the following affidavits before making this Order:

(1) First affidavit of Robert Kofman dated 5 December 2024

DATED this 18th day of December 2024

FILED this 18th day of December 2024



THE HON. JUSTICE NICK SEGAL

JUDGE OF THE GRAND COURT