

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE CHIEF) **THURSDAY, THE 26th**
)
JUSTICE MORAWETZ) **DAY OF AUGUST, 2021**

IN THE MATTER OF MAPLE BANK GmbH
AND IN THE MATTER OF THE *WINDING-UP AND RESTRUCTURING ACT*,
R.S.C. 1985, C.W-11, AS AMENDED
AND IN THE MATTER OF THE *BANK ACT*, S.C. 1991, C.46, AS AMENDED

BETWEEN:

THE ATTORNEY GENERAL OF CANADA

Applicant

-and-

MAPLE BANK GmbH

Respondent



ORDER

THIS MOTION, made by KPMG Inc. (“**KPMG**”), in its capacity as court-appointed liquidator (the “**Liquidator**”) in respect of the winding-up of the business in Canada of Maple Bank GmbH (“**MBTOR**”) for an Order extending the appointment of the Liquidator as custodian of certain data and records of Maple Bank (the “**Data Custodian**”), and other ancillary relief, was heard this day via videoconference pursuant to the Court’s Practice Direction pertaining to the COVID-19 crisis.

ON READING the materials filed, namely the Motion Record filed by the Liquidator (the “**Motion Record**”), the Fifteenth Report of the Liquidator, and on hearing the submissions of counsel to the Liquidator, counsel to the German Insolvency Administrator (“**GIA**”), counsel to Ontario Teachers’ Pension Plan (“**OTPP**”) and National Bank of Canada (“**NB**”), as former shareholders of Maple Financial Group Inc. (“**MFGI**”), no other parties appearing although duly served with the Motion Record as evidenced by the affidavit of service of Adriana Gasparini sworn, and filed.

1. **THIS COURT ORDERS** that all defined terms used herein, not otherwise defined shall have the meaning attributed to them in the Fifteenth Report.

2. **THIS COURT ORDERS** that paragraph 6 of the Data Custodian Order, dated July 23, 2020, is hereby amended to extend the appointment of the Liquidator as Data Custodian to conclude and be terminated on the earlier of (i) the date upon which KPMG is discharged as Liquidator for MBTOR, and (ii) further Order of the Court. All other provisions of the Data Custodian Order shall remain operative and in effect.

3. **THIS COURT ORDERS** that the Fifteenth Report of the Liquidator, and the activities set out therein, including the statement of receipt and disbursements for the period February 16, 2016 to July 31, 2021, are hereby approved; provided, however that only the Liquidator, in its personal capacity and only with respect to its own personal liability, shall be entitled to rely upon or utilize in any way such approval.

4. **THIS COURT ORDERS** that Alex Ilchenko is hereby discharged as ICC, *nunc pro tunc*, effective as of August 16, 2021.

5. **THIS COURT ORDERS** that Alex Ilchenko, in his capacity as Bankruptcy Registrar (the “**Registrar**”) be and is hereby authorized to continue and complete his review and assessment of the Professional Fees of the Liquidator and its counsel, including the completion of the ICC Report, and in furtherance of conducting such review and assessment, the Registrar shall be permitted access to any and all documents and materials previously utilized by the ICC.

6. **THIS COURT HEREBY REQUESTS** the aid, assistance and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada, the United States, United Kingdom, the Republic of Germany, including the assistance of the Amtsgericht Frankfurt am Main [Insolvency Court] to give effect to this Order and to assist the Data Custodian and its agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Data Custodian, as an officer of this Court, as may be necessary or desirable to give effect to this Order or to assist the Data Custodian and its agents in carrying out the terms of this Order.



Chief Justice G.B. Morawetz

IN THE MATTER OF THE MAPLE BANK GMBH
AND IN THE MATTER OF THE *WINDING-UP AND RESTRUCTURING ACT*, R.S.C. 1985, C.W-11, AS AMENDED
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PROCEEDINGS COMMENCED AT TORONTO

ORDER

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the business in Canada of Maple Bank GmbH