

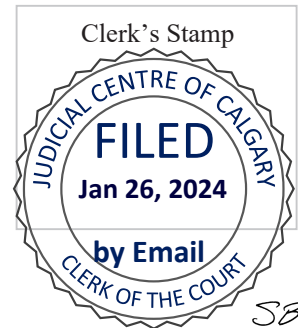
COURT FILE NUMBER **1701-10806**

COURT COURT OF KING'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

PLAINTIFF **ILAN HANDELSMAN**

DEFENDANTS **ALI GHANI, ALI GHANI AS LITIGATION
REPRESENTATIVE FOR THE ESTATE OF
ABDUL GHANI, BROADMOOR
COMMERCIAL PLAZA DEVELOPMENT
CORP., HORIZON COMMERCIAL
DEVELOPMENT CORP., HERITAGE PLAZA
DEVELOPMENTS INC., PRISM PLACE
DEVELOPMENT LTD., PRISM REAL ESTATE
INVESTMENT CORPORATION,
SUMMERSIDE DEVELOPMENT TRUST,
SUMMERSIDE COMMERCIAL TRUST, PRISM
SUMMERSIDE LIMITED PARTNERSHIP,
PRISM SUMMERSIDE DEVELOPMENT
CORP., JANE DOE, JOHN DOE, AND ABC
CORP.**



DOCUMENT **ORDER RE: DISCONTINUANCE OF
ACTION**

ADDRESS FOR
SERVICE AND
CONTACT
INFORMATION
OF PARTY FILING
THIS DOCUMENT

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File No. 444097.000001

DATE ON WHICH ORDER WAS PRONOUNCED: **JANUARY 16, 2024**

LOCATION WHERE ORDER WAS PRONOUNCED: **CALGARY, ALBERTA**

NAME OF JUSTICE WHO MADE THIS ORDER: **THE HONOURABLE JUSTICE J.
T. EAMON**

UPON the Application of the Plaintiff, Ilan Handelsman, for, *inter alia*, the discontinuance of the within Action pursuant to section 35 of the *Class Proceedings Act*, SA 2003, c C-16.5 (the “**CPA**”) filed on December 14, 2023 (the “**Application**”);

AND UPON having read the Application, the Affidavit of Ilan Handelsman sworn on November 28, 2023 and filed on December 14, 2023 (the “**Handelsman Affidavit**”), the Affidavit of Service of Jennifer Gorrie, filed on January 8, 2024, and the other pleadings and materials filed in the within proceedings;

AND UPON having heard from counsel to the Plaintiff, counsel to Naheed Ghani and from the Defendant Ali Ghani;

IT IS HEREBY ORDERED AND DECLARED THAT:

Notification and Discontinuance of Action

1. The notice of discontinuance of this Action, substantially in the form attached as **Exhibit “D”** (the “**Notice**”) to the Handelsman Affidavit complies and satisfies the requirements of subsection 35(7) of the *CPA*, and is hereby approved.
2. Within 45 days of this Order, the Plaintiff or its legal counsel shall cause the Notice (and, where practicable, a filed/certified copy of this Order) to be disseminated by:
 - (a) making best efforts to email a copy of the Notice to all Class Members who have provided their contact information to the Plaintiff;
 - (b) publishing the Notice once in the *Calgary Herald* and the *Edmonton Journal*;
 - (c) publishing a URL link to the Notice via X social media;
 - (d) publishing the Notice on the website maintained by the Plaintiff’s legal counsel for these proceedings;
 - (e) emailing the Notice to any person who requests it; and
 - (f) providing the Notice to the Canadian Bar Association National Class Action Database.
3. The costs for disseminating the Notice shall be borne by the Plaintiff.

4. The Plaintiff or its legal counsel shall serve a copy of this Order on any bank or other institution which has been previously provided notice of the Injunction Order (as defined in paragraph 6(a) below). Service of this Order on such banks or financial institutions may be effected by email or regular mail.
5. Not less than forty-five (45) days after complying with paragraph 2 hereof, and thirty (30) days after complying with paragraph 4 hereof, the Plaintiff is hereby authorized and directed to submit for filing a Discontinuance of Claim in the form attached hereto as **Schedule “A”** (the **“Discontinuance”**). The Clerk of the Court shall accept the Discontinuance for filing upon being provided a copy of this Order. Upon the filing of the Discontinuance, this Action shall be discontinued on a without costs basis.

Termination of Mareva Injunction

6. Upon the discontinuance of this Action:
 - (a) the Order pronounced by this Court on March 17, 2021 in respect of, *inter alia*, a *Mareva* injunction regarding Ali Ghani and Prism Real Estate Investment Corporation, together with any and all amendments thereto (including, without limitation, the Amending Order, re: Mareva Injunction pronounced by this Court on January 11, 2023) (collectively, the **“Injunction Order”**), shall be of no further force and effect; and
 - (b) the Plaintiff’s legal counsel shall be authorized to release to 2052227 Alberta Ltd. the sum of \$25,000.00 presently held in trust pursuant to section 4 of the Injunction Order. For greater certainty and clarity, (i) there shall be no further claims, liabilities or other obligations that attach to the foregoing sum arising from the Injunction Order, and (ii) 2052227 Alberta Ltd. shall be released from its undertaking as to damages filed in this Action on March 24, 2021 in accordance with the Injunction Order.

Termination of Class Action Website

7. Upon the discontinuance of this Action, the Plaintiff’s legal counsel shall be authorized and directed to withdraw and remove its website for these proceedings.

Miscellaneous

8. There shall be no costs awarded for this Application.
9. Notwithstanding any other Order previously granted in this Action, there shall be no costs payable by the Plaintiff to Naheed Ghani in respect of the Plaintiff's Application filed on March 4, 2022 and heard on January 11, 2023.
10. Except as otherwise contemplated herein, service of this Order shall be served only on (i) Naheed Ghani (via email to her counsel) and (ii) the Defendant Ali Ghani (via email to ali_ghani@hotmail.com), and all other service of this Order is hereby dispensed with.
11. Rule 9.4(2)(c) of the *Alberta Rules of Court*, Alta Reg 124/2010 is hereby invoked and the approval to the form of this Order is hereby dispensed with.



Justice of the Court of King's Bench of Alberta

SCHEDULE "A"

Discontinuance of Claim

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ESTATE INVESTMENT CORPORATION,
SUMMERSIDE DEVELOPMENT TRUST,
SUMMERSIDE COMMERCIAL TRUST,
PRISM SUMMERSIDE LIMITED
PARTNERSHIP, PRISM SUMMERSIDE
DEVELOPMENT CORP., JANE DOE, JOHN
DOE, and ABC CORP.**

Clerk’s Stamp

DOCUMENT **DISCONTINUANCE OF CLAIM**

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 File No. 444097.000001

The Plaintiff, Ilan Handelsman, discontinues the within Action against the Defendant Ali Ghani, Ali Ghani as Litigation Representative for the Estate of Abdul Ghani, Broadmoor Commercial Plaza Development Corp., Horizon Commercial Development Corp., Heritage Plaza Developments Inc., Prism Place Development Ltd., Prism Real Estate Investment Corporation, Summerside Development Trust, Summerside Commercial Trust, Prism Summerside Limited Partnership, Prism Summerside Development Corp., Jane Doe, John Doe, and ABC Corp., on a without costs basis.

NOTE

If you discontinue the action/part of the action, the other party is entitled to costs unless the other party consents to discontinuance without costs (Rule 4.36(4)).

The discontinuance of the action/part of the action may not be raised as a defence to any subsequent action for the same or substantially the same claim (Rule 4.36(5)).