

COURT FILE NUMBER **1701-10806**

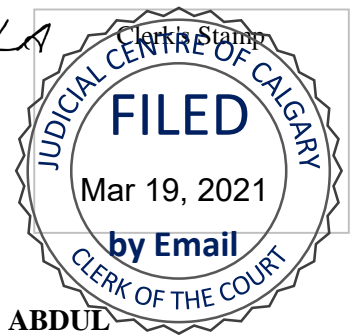
COURT COURT OF QUEEN'S BENCH OF ALBERTA

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.**



302684

DOCUMENT

**MAREVA INJUNCTION, re: ALI GHANI
and PRISM REAL ESTATE
INVESTMENT CORPORATION**

ADDRESS FOR SERVICE
AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT

Matthew J. Epp / Robyn Gurofsky / Jack R. Maslen
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jmaslen@blg.com
File No. 444097-000001

I hereby certify this to be a true copy of
the original Injunction - Order

Dated this 19th day of march 2021

Arguelles

for Clerk of the Court

DATE ON WHICH ORDER WAS PRONOUNCED: **March 17, 2021**

LOCATION WHERE ORDER WAS PRONOUNCED: **Calgary, Alberta**

NAME OF JUSTICE WHO MADE THIS ORDER: **The Honourable Associate Chief
Justice J.D. Rooke**

UPON the Application of the Plaintiff for a *Mareva* Injunction filed on March 4, 2021 (the "**Application**");
AND UPON reading the Second Amended Statement of Claim filed on October 30, 2020; **AND UPON**
reading and relying upon the Affidavit of Ilan Handelsman sworn on February 24, 2021 and filed on March

4, 2021; **AND UPON** having granted permission for the Affidavit of Robert Sanderson sworn on November 20, 2020 (the “**Sanderson Affidavit**”) and filed in Court of Queen’s Bench File No. 2001-14412 (the “**Sanderson Proceeding**”) to be admitted in these proceedings; **AND UPON** reading and relying upon the Sanderson Affidavit, and (i) the Receivership Order pronounced by Justice M.J. Lema on November 25, 2020 in the Sanderson Proceeding and (ii) the Order pronounced by Justice K. Horner on March 1, 2020 in the Sanderson Proceeding; **AND UPON** noting that the Defendant Ali Ghani (“**Ghani**”) submitted no evidence in response to this Application; **AND UPON** reading the Plaintiff’s Brief of Law and Argument filed in support of this Application on March 10, 2021 (the “**Plaintiff’s Brief**”), and relying upon the Plaintiff’s Brief as the reasons for granting this Application; **AND UPON** reading the Brief of Ghani filed on March 15, 2021 (the “**Ghani Brief**”), including the decision of Justice Romaine in *Heneghaixin Corp v Deng*, 2021 ABQB 168 attached to the Ghani Brief; **AND UPON** this Court having not accepted any part of Ghani Brief, which includes (inappropriately) evidence; **AND UPON** noting the Affidavit for Certification Application of Ilan Handelsman filed on June 28, 2019, the Affidavit of Ali Ghani filed on January 24, 2018, Affidavit of Geoff LaFleur filed on October 27, 2018, the Statement of Defence filed by Ali Ghani (in his personal capacity and as Litigation Representative for the Estate of Abdul Ghani) on February 16, 2021, the Noting in Default in respect of Prism Real Estate Investment Corporation (and other Defendants) filed on December 11, 2018, and such other pleadings and proceedings filed herein; **AND UPON** hearing the submissions of counsel for the Plaintiff and those of Ghani, who were present at the hearing of this Application, which occurred via WebEx Video Conference; **AND UPON** being satisfied that the Plaintiff has a strong *prima facie* case against Ghani and the Defendant Prism Real Estate Investment Corporation (“**PREIC**”, and together the “**Defendants**”); **AND UPON** being satisfied that there are reasonable grounds for believing that there is a risk that the Defendants’ assets will be dissipated or removed before any judgment in this Action is awarded or satisfied;

IT IS HEREBY ORDERED AND DECLARED THAT:

General

1. The time for service of this Application, together with all supporting materials, is hereby abridged, if necessary, and declared to be good and sufficient and no other person is required to have been served with such documents, and this hearing is properly returnable before this Honourable Court today and further service thereof is hereby dispensed with.

Freezing Order

2. All persons are hereby enjoined and prohibited from withdrawing, debiting or transferring (or causing or participating in withdrawal, debit or transfer of) funds from any financial institution accounts of (or controlled by) Ghani, PREIC, or any trust accounts for the benefit of Ghani or PREIC.
3. Upon written request by Ghani to the Plaintiff (through his counsel), Ghani shall be entitled to withdraw, debit, or transfer funds from any of the financial institution accounts listed in his name, up to a maximum amount of \$10,000 each month, for the purpose of Ghani paying his and his immediate family's ordinary and reasonable living expenses. The Plaintiff (through his counsel) shall provide a response in writing to any such request submitted by Ghani within a reasonable period of time, and any financial institution in receipt of the Plaintiff's written response shall be authorized to rely on such written response as authorization to release the applicable funds to Ghani in the amount and on the terms provided therein.

Undertaking of 2052227 Alberta Ltd.

4. The Plaintiff shall, forthwith, cause 2052227 Alberta Ltd. ("227") to execute and file with the Court an undertaking as to damages in form attached hereto as Schedule "A" (the "**Undertaking**"). For greater clarity and certainty, the Undertaking shall be that of 227 and shall be limited to the all-inclusive sum of CAD\$25,000.00 (the "**Fortified Sum**"). 227 shall forthwith deposit the Fortified Sum into the trust account of Borden Ladner Gervais LLP, which shall not be released until this Order is terminated or discharged, unless otherwise ordered by this Court.

Financial Institutions

5. Any branches of the banks, financial institutions or other financial entities that are served with a copy of this Order are enjoined from disbursing or dealing with any funds or assets deposited in all accounts, including without limiting the generality of the foregoing, safety deposit boxes, investments, loans or other customer accounts held in the name of Ghani, PREIC or any trust accounts for the benefit of Ghani or PREIC, or such accounts in which Ghani or PREIC are authorized to conduct transactions or otherwise control, except as otherwise permitted by the Plaintiff in accordance with paragraph 4 hereof.

Disclosure of Assets

6. Ghani shall forthwith, and in any event, within fifteen (15) days of service of this Order, deliver to counsel for the Plaintiff sworn evidence of the nature and location of all funds held in financial institution accounts in the name of or controlled by Ghani, PREIC, or any trust accounts for the benefit of Ghani or PREIC.

Exceptions to this Order

7. Notwithstanding the provisions herein, the Plaintiff and the Defendants may, by signed written agreement, temporarily or permanently exclude specified property or financial institution accounts from the effect of this Order.

Duration of this Order

8. Unless this Order is varied or discharged by further Order of the Court, this Order shall remain in force until the earlier of:
 - (a) the dismissal or discontinuance of the Plaintiff's claim; or
 - (b) the expiry of 60 days following the pronouncement of final judgment in this matter by this Court, including any necessary assessment of damages, but not the assessment of costs or completion of all execution proceedings.
9. This Order will cease to have effect if Ghani and/or PREIC provide sufficient alternative security in a form and amount as agreed to by the Plaintiff in writing, and approved by the Court, or determined by the Court on application.

Variation or Discharge of this Order

10. Any interested person may apply to the Court at any time to vary or discharge this Order on giving no less than 48 hours' notice to the Plaintiff's solicitor of his or her intention to do so, but this Order will remain in force until further Order even if such an application is pending.
11. All applications to vary or discharge this Order, or arising out of the issuance or enforcement of this Order, shall be heard by the Justice who issued this Order unless otherwise directed by the Judge.

Miscellaneous

12. Costs of this application may be spoken to upon further application before this Court.

13. This Order may be served upon Ghani and PREIC by email to ali_ghani@hotmail.com and by courier to 144 California Place NE T1Y 6S8.
14. Rule 9.4(2)(c) of the *Alberta Rules of Court* is hereby invoked and the approval of the Defendants to the form of this Order is hereby dispensed with.
15. This Order is effective immediately.


A.C.J.C.Q.B.A.

made 18/21

SCHEDULE "A" – UNDERTAKING AS TO DAMAGES

COURT FILE NUMBER **1701-10806**

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

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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.**

Clerk's Stamp

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Email: mepp@blg.com / rgurofsky@blg.com /
jmaslen@blg.com
File No. 444097-000001

I, Ilan Handelsman, am authorized by **2052227 ALBERTA LTD.** to give its undertaking, and it does hereby undertake, to abide by any Order that this Court may make as to damages in the event that the Court is hereafter of the opinion that the the Defendant Ali Ghani, or the Defendant Prism Real Estate Investment Corporation, has sustained damages by reason of this Order.

DATED at the _____ of _____, in the Province of _____, this _____ day of March, 2021.

2052227 ALBERTA LTD.

Per: Ilan Handelsman

Title: President and Director

SCHEDULE "A" – UNDERTAKING AS TO DAMAGES

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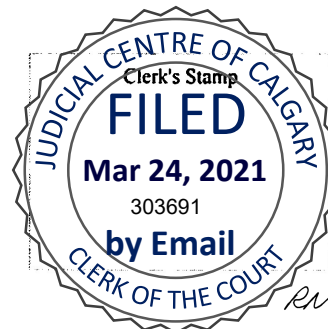
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DATED at the _____ City _____ of _____ Victoria _____, in the Province of _____ BC _____, this _____ 22 _____ day of March, 2021.



2052227 ALBERTA LTD.

Per: Ilan Handelsman
Title: President and Director