

ONTARIO
SUPERIOR COURT OF JUSTICE
ESTATES LIST

THE HONOURABLE
JUSTICE *Rattillo*

) Thursday, the 4th day of
)
) March, 2019

IN THE MATTER OF THE ESTATE OF PAUL ZIGOMANIS, deceased

BETWEEN:

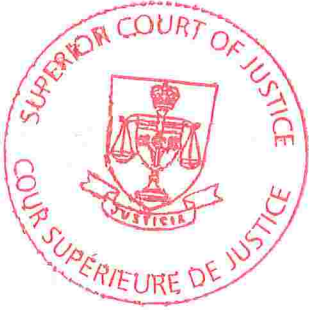
GAIL MacDONALD

Applicant

- and -

VIOLET COOPER

Respondent



DISCHARGE ORDER

THIS MOTION, made by Jonathan Cooperman of A. Farber & Partners Inc., in his capacity as the Court-appointed Estate Trustee During Litigation of the Estate of Paul Zigomanis (the “Trustee”) for an order:

1. approving the Fourth Report of the Trustee dated March 5, 2019, the Trustee’s Final Statement of Receipts and Disbursements dated February 28, 2019 and the activities of the Trustee as set out in the Fourth Report;
2. approving the fees and disbursements of the Trustee of \$312,920.24 and his counsel of \$337,796.06 (including H.S.T.);

3. discharging Jonathan Cooperman as Trustee of all property and assets of the estate, including all proceeds thereof, of Paul Zigomanis; and
4. releasing Jonathan Cooperman from any and all liability, as set out in paragraph 4 of this Order,

was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Fourth Report, the affidavits of the Trustee and his counsel as to fees (the "Fee Affidavits"), and on hearing the submissions of counsel for the Trustee, no one else appearing although served as evidenced by the Affidavit of Sarah Nath sworn March 6, 2019, filed;

1. THIS COURT ORDERS that the Fourth Report of the Trustee dated March 5, 2019, the Statement of Receipts and Disbursements dated February 28, 2019 and the activities of the Trustee as set out in the Fourth Report, are hereby approved, provided, however, that only the Trustee, in his personal capacity and only with respect to his own personal liability, shall be entitled to rely upon or utilize in any way such approval;

2. THIS COURT ORDERS that the fees and disbursements of the Trustee of \$312,920.24, and his counsel of \$337,796.06, including H.S.T., as set out in the Trustee's Fourth Report and the Fee Affidavits, are hereby approved.

3. THIS COURT ORDERS that upon the Trustee filing a certificate (the "Trustee's Discharge Certificate"), substantially in the form attached hereto, certifying that he has completed the other activities described in the Fourth Report, the Trustee shall be discharged as Trustee of the property and assets of the estate, including all proceeds thereof, of Paul Zigomanis, provided however that notwithstanding his discharge herein (a) the Trustee shall remain Trustee for the performance of such incidental duties as may be required to complete the administration of the estate herein, and (b) the Trustee shall continue to have the benefit of the provisions of all Orders made in this proceeding, including all approvals, protections and stays of proceedings in favour of the Trustee.

4. THIS COURT ORDERS AND DECLARES that Jonathan Cooperman is hereby released and discharged from any and all liability that Jonathan Cooperman now has or may hereafter

have by reason of, or in any way arising out of, the acts or omissions of Jonathan Cooperman while acting in his capacity as Trustee herein, save and except for any gross negligence or wilful misconduct on the Trustee's part. Without limiting the generality of the foregoing, Jonathan Cooperman is hereby forever released and discharged from any and all liability relating to matters that were raised, or which could have been raised, in the within estate proceedings, save and except for any gross negligence or wilful misconduct on the Trustee's part.

SUPERIOR COURT OF JUSTICE
ENTERED
MAR 15 2019
AD
COUR SUPÉRIEURE DE JUSTICE
ENTRÉ

As Passino, J.

ONTARIO
SUPERIOR COURT OF JUSTICE
ESTATES LIST

IN THE MATTER OF THE ESTATE OF PAUL ZIGOMANIS, deceased

B E T W E E N:

GAIL MacDONALD

Applicant

- and -

VIOLET COOPER

Respondent

TRUSTEE'S DISCHARGE CERTIFICATE

RECITALS

A. Pursuant to an Order of the Honourable Justice Conway of the Ontario Superior Court of Justice (Commercial List) (the "**Court**") dated October 14, 2015, Jonathan Cooperman of A. Farber & Partners Inc. was appointed the estate trustee during litigation (the "**Trustee**"), without security, of all property and assets of the estate, including all proceeds thereof of Paul Zigomanis (the "**Estate**").

B. Pursuant to an Order of the Court dated March 14, 2019 (the "**Discharge Order**"), Jonathan Cooperman was discharged as the Trustee of the Estate, with such discharge to be effective upon the filing with the Court of a certificate confirming that he has completed the activities described in the Fourth Report of the Trustee dated March 5, 2019 (the "**Fourth Report**") provided, however, that notwithstanding its discharge: (a) the Trustee shall remain Trustee for the performance of such incidental duties as may be required to complete the

administration of the Estate; and (b) the Trustee shall continue to have the benefit of the provisions of all Orders made in this proceeding, including all approvals, protections and stays of proceedings in favour of Jonathan Cooperman in his capacity as the Trustee.

THE TRUSTEE CERTIFIES the following:

1. All matters to be completed by the Trustee in connection with the Estate described in the Fourth Report have been completed to the satisfaction of the Trustee; and
2. This Certificate was filed by the Trustee on the ____th day of _____, 2019.

Jonathan Cooperman of A. Farber & Partners
Inc., in his capacity as the Court-appointed estate
trustee during litigation, without security, of all
property and assets of the estate, including all
proceeds thereof, of Paul Zigomanis

GAIL MacDONALD

- and -

VIOLET COOPER

Applicant

Respondent

Court File No. 05-145-15

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Toronto

TRUSTEE'S DISCHARGE CERTIFICATE

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Lawyers for the Estate Trustee During Litigation for Paul
Zigomanis

GAIL MacDONALD

- and -

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Applicant

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ORDER

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Zigomanis