

# COUNSEL SLIP

COURT FILE NO CV-18-00603360-0001

DATE May 2nd, 2019

NO ON LIST 5

TITLE OF  
PROCEEDING

The Toronto Dominion Bank v. Oxford Advanced Imaging Inc. et al

COUNSEL FOR:

PHONE & FAX NOS

PLAINTIFF(S)

Shakira John, Aird + Berlis LLP

T: 416-865-4637

APPLICANT(S)

for TD Bank

F: 416-863-1515

PETITIONER(S)

COUNSEL FOR:

PHONE & FAX NOS

DEFENDANT(S)

Robert Kennedy and Mark Frenke

(T) 416-367-6756

RESPONDENT(S)

for KPMG Inc.

(F) 416-863-5000

(E) robert.kennedy@e

dentons.com

May 2, 2019

This is an application to vary the  
order of Harry J. setting the time  
for closing of a sale.

I am satisfied that there have  
been some file processes needed  
for the transaction to close,  
beyond the control of the parties,  
which have created delay and  
the need to extend the closing.

This is a regulated business and  
MOT approvals and other requirements  
were key, and took time to negotiate.  
The parties wish to close and the  
Purchaser has shown commitment  
in this regard by topping up a  
substantial amount towards the  
deposit.

This has been a fairly long  
and extended process, in part  
because of the regulatory aspects.  
~~and~~ The fees, although substantial  
~~was~~ reflect the amount of  
time invested to overcome  
the various hurdles and  
bring about a deal.  
Those with a stake in the outcome  
do not appear to oppose <sup>order to</sup>  
use in the future <sup>to</sup> ~~have~~ this day. See J.