

**CITATION:** Stajic v. Wayland Group and Ward, 2025 ONSC 6393  
**COURT FILE NO.:** CV-21-00665194-00CP  
**DATE:** 20251118

**SUPERIOR COURT OF JUSTICE - ONTARIO**

**RE:** MARKO STAJIC, MORDECAI BOBROWSKY, and KYLE YAMAMURA,  
Plaintiffs

– and –

WAYLAND GROUP CORP. and BENJAMIN ALLAN WARD, Defendants

**BEFORE:** Justice E.M. Morgan

**COUNSEL:** *Andrew Morganti, Ian Literovich, and Jonathan Bradford*, for the Plaintiffs

*Corey Groper*, for Mariana Bracic

*Michael Byers*, for Crawley MacKewn Brush

**HEARD:** November 17, 2025

**RENEWAL AND EXTENSION OF MAREVA INJUNCTION**

[1] On November 7, 2025, I issued a Norwich Order and Mareva Injunction against the Defendant, Benjamin Allan Ward (“Ward”). The injunction was initially done on an *ex parte* basis, and was valid for 10 days.

[2] During the past 10 days, the Plaintiffs have endeavored to serve Ward at a number of addresses where he has resided or is known to have formerly resided, where his family members reside, as well as at his known email address. They have also delivered the motion material to law firms which formerly represented Ward, to a number of financial institutions with which Ward is known to have dealt, and to the Ontario Securities Commission where there is an active file with respect to Ward.

[3] Today’s motion by the Plaintiff seeks to renew and extend the Order, and hearing time has been set aside to provide an opportunity for Ward to challenge it. Ward has not appeared today to respond to the motion. I am advised that the Plaintiffs have had no response from Ward to the motion or the Order.

[4] Ward’s spouse, Mariana Bracic (“Bracic”), who is the defendant in a separate action by one of the Plaintiffs (*Stajic v. Bracic*, CV-24-00717509-00CP), was also served with the motion material and Order and has appeared at today’s motion through her counsel. Bracic does not take

any position here on the Order as against Ward. However, her counsel objects to some of the references to her in my endorsement of November 7, 2025 that recited some of the allegations made by the Plaintiff against Bracic.

[5] In my view, Bracic and her counsel may be reading more into a few short paragraphs than is really there. But I understand their concern and am prepared to clarify. I do not want to be taken as having made any findings or come to any conclusions with respect to Bracic in last week's endorsement. That endorsement was made in the context of a motion in the present action in which Bracic is not a party and where she did not make an appearance either personally or through counsel.

[6] To the extent that my November 7<sup>th</sup> endorsement sets out or describes Bracic's participation in any wrongful conduct, those statements are a recitation of allegations made by the plaintiff in the action against her; they are not findings of fact. The Bracic action has not been tried and Bracic's involvement as solicitor for Ward or for Wayland Group Corp. has not been adjudicated. Unless it settles or is dismissed or otherwise resolved, the claim against Bracic will one day be considered on its merits, but no court has yet done so and I did not do so on November 7, 2025.

[7] Turning to the one contentious issue addressed by counsel at today's motion, in their efforts to enforce the Mareva, the Plaintiffs have sought information from a law firm that previously represented Ward: Crawley MacKewn Brush ("CMB"). Specifically, Plaintiffs' counsel have inquired as to what bank account Ward used in paying CMB's fees.

[8] CMB has taken the position that the Order of November 7, 2025 does not require them to divulge that information. Counsel for Bracic takes the same position with respect to any such information sought from Bracic's law firm, MBC Legal; in fact, Bracic's counsel advised the court that he and his client did not know until CMB raised it at the motion that the prospect of seeking account information from a law firm was even an issue under the Mareva.

[9] CMB's counsel points out that the terms of the Order require freezing any assets or funds belonging to Ward. They also require that banks and financial institutions divulge account information of Ward's. However, nowhere do those terms state that a law firm must give away information regarding its former client.

[10] Furthermore, counsel for CMB submits that the information sought by the Plaintiffs may fall under the umbrella of solicitor-client privilege. To this effect, he references Justice Cavanagh's statement in *Sakab Saudi Holding Company v. Saad Khalid S Al Jabri*, 2024 ONSC 1601, at para. 26 that, "a law firm's administrative information and accounting records relating to the solicitor and client relationship, including records showing the identity of persons paying the lawyer's bills, are presumptively privileged."

[11] Although the banking information that the Plaintiffs seek is not going to be used to investigate any particular matter for which Ward retained his former lawyers, issues of solicitor-client privilege do potentially hang over the request. It is possible, for example, that the mere name

or location of the bank used by a client might reveal the geographic location of a property or transaction for which the client retained the law firm. In that case, disclosure of banking information could tread on privileged information that a law firm should not be divulging without the client's consent.

[12] On the other side of the coin, litigants cannot generally hide their assets using privilege as an excuse to do so. In *106307 Ontario Inc. v. Wang*, 2022 ONSC 7288, at para. 44, Justice Koehnen expressed the view that, "If [the account identification] is information that [the party] could be asked in an examination in aid of execution, it is not privileged." To put the matter another way:

It may be helpful to ask in such a case whether the client himself, if he were the witness, could refuse on the ground of the solicitor-and-client privilege to disclose particulars of a transaction directed by him through his solicitor's trust account... The solicitor-and-client privilege does not enable a client to retain anonymity in transactions in which the identity of the participants has become relevant in properly constituted proceedings.

*Ontario (Securities Commission) v. Greymac Credit Corp.*, (1983), 146 D.L.R. (3d) 73, at para. 24 (Div Ct).

[13] Counsel for CMB submits that in order to extend my Order so that it includes information about the payment of legal fees, the Plaintiffs would have to bring a separate motion so that they can serve Ward with it and he can have a chance to argue the privilege point. As the matter stands, CMB feels obliged to protect the information of their former client, but is no longer retained by Ward and cannot represent Ward now in making any further submissions.

[14] I understand CMB's (and MBC Legal's) dilemma. Their objection here is the proper course of action for a law firm in their position; they have fulfilled their obligation to Ward in this respect.

[15] Having said that, I am prepared to order that CMB and MBC Legal divulge the information that the Plaintiffs seek. In coming to this conclusion, I am following the line of thought expressed by Koehnen J. in *Wang*, at para. 45: "I am satisfied in the foregoing circumstances that the interests of justice favour granting the order sought. The order is required only because of [Ward's] refusal to meet [his] legal obligations."

[16] As Plaintiffs' counsel point out, Ward has not defended the present action and was long ago noted in default. He has failed to respond to all attempts to serve him and to notify him through his former lawyers, his family members, his business associates, financial institutions with which he is known to have done business, and the securities regulators with whom he is engaged. Financial records produced by Wayland Group show that he previously had millions of dollars in various accounts, all of which has now vanished from those accounts.

[17] The Plaintiffs represent a putative class of investors who claim large scale losses as a result of Ward's wrongdoing. A Mareva injunction has been issued against him in an effort to protect those investors from any further dissipation of Ward's assets. What the Plaintiffs seek is a limited

amount of information that does not include the nature of the law firm's retainer, the subject matter that it covered, any description of the work performed, or any description of the amount of work performed.

[18] Under the circumstances, the interests of justice very much favour extending the Mareva order to include the identity of the bank, its address, and the account number from which Ward paid fees to any law firm. Upon request, that information is to be communicated to Plaintiffs' counsel by any law firm that was at some point in time paid fees or disbursements by Ward and that has retained a record of the payment information – including CMB and MBC Legal. The theoretical possibility that this information might breach some element of privilege is greatly outweighed by the disappearance of Ward and the vanishing of his funds in the face of claims of loss by thousands of investors.

[19] There will be an Order to go that renews my Order of November 7, 2025 and extends it to include the information from Ward's former lawyers as described in the paragraph above. A draft Order (in Word format) approved as to form and content by all counsel at today's motion should be sent by Plaintiffs' counsel to my assistant.

[20] The next appearance in this action will be on March 9, 2026 with the Plaintiffs' motion for default judgment against Ward. The balance of that day and the next day, March 10, 2026, is reserved for two potential motions in the Bracic action: Bracic's motion to strike the claim against her and the Plaintiff's motion to amend the claim if necessary.

**Date:** November 18, 2025

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**Morgan J.**