

ENDORSEMENT/DIRECTION/ORDER

BEFORE: Justice E.M. Morgan

COURT FILE NO.: CV-21-00665194-00CP
CV-22-00687490-00CP
CV-23-00693650-00CP

JONATHAN LUBUS, MARCO STAJIC, MORDECAI BOBROWSKY,
and KYLE YAMAMURA

Plaintiffs

•v•

WAYLAND GROUP CORP., BENJAMIN A. WARD,
CANACCORD GENUITY CORP. and GMP SECURITIES L.P.

Defendants

* * *

MARKO STAJIC

Plaintiffs

•v•

SCOTT LANGILLE, GERHARD MULLER, PAUL PATHAK, ERIC SILVER,
MICHAEL STEIN, and JOHN DOES 1-3

Defendants

* * *

MICHAEL BORDELEAU-TASSILE

Plaintiff

•v•

WAYLAND GROUP CORP., BENJAMIN A. WARD,
CANACCORD GENUITY CORP., GMP SECURITIES L.P., and VIII CAPITAL
CORPORATION

Defendants

COUNSEL:

Andrew Morganti and Jonathan Bradford, for the Plaintiffs all three actions

Dana Peebles, for the Defendant, Wayland Group Corp.

Lawrence Ritchi, Shawn Irving, and Emilie Dillon, for the Defendants, Scott Langille, Gerhad Muller, Paul Pathak, Eric Silver, and Michael Stein

John Febello and Colette Koopman, for the Defendants, Canaccord Genuity Corp. and GMP Securities LP

CASE CONFERENCE

Mr. Morganti has indicated that the Plaintiffs intend to bring a motion for default judgment against the Defendant, Benjamin Ward. Mr. Ward has previously been noted in default. The motion is estimated to take at least 2 hours, or perhaps a bit longer, in order for the damages claim to be presented.

In the meantime, Mr. Peebles has indicated there is a serious prospect of settlement of all three of the actions. The prospective settlement would be with all Defendants except for Mr. Ward. Given the other Defendants' position and the prospect of further litigation, the Defendants represented at this morning's case conference all request that the motion for judgment against Mr. Ward be heard after, or at least consecutively with, any settlement approval motion. In that way, they hope to be finished with the three actions here when and if judgment is issued against Mr. Ward.

Mr. Morganti agrees that a prospective settlement is in the works. However, he also is very concerned that Mr. Ward may be removing assets from Ontario. For that reason, his clients are anxious to obtain judgment against Mr. Ward as soon as possible. At the case conference, it was suggested to Mr. Morganti that a procedurally expeditious way to address this issue might be for him to move for a Mareva injunction against Mr. Ward and his assets. I indicated, without venturing a view on the merits of any proposed Mareva, that in the first instance I would be willing to consider a motion to that effect in writing and without notice.

I advised Mr. Morganti that if an injunction were granted on that basis, notice might then have to be given and Mr. Ward could be entitled to challenge the order within a short time thereafter. But, of course, none of those considerations are before me today.

Mr. Morganti indicated that he would anticipate that it would take about 7 days to prepare a motion record for an injunction. I recommend that, if he decides to proceed with an injunction motion, he file it in the usual way with the civil motions office, and that he also send a copy, with a draft Order, directly to my assistant so that it comes to my immediate attention.

As for the prospective settlement, I indicated to counsel that I am generally willing to consider a motion to approve the form and method of notice of a proposed settlement in writing. That, however, depends on there being nothing controversial about the notice that would necessitate its being spoken to. I leave it to all counsel to make that determination when they reach that stage of the settlement process.

In a related action against Mr. Ward's spouse, *Stajic v. Bracic*, Court File No. CV-24-00717509-00CP, I have two days booked – March 9 and 10, 2026 – for a certification motion and for the defendant's motion to strike the claim. Mr. Morganti advises me that one day will likely suffice for that proceeding, and that the second day can be used for the default judgment

motion against Mr. Ward as well as for the settlement approval motion. That is acceptable to me in terms of scheduling.

That said, I will point out that counsel for Ms. Bracic, who is not in attendance at today's case conference, will have to be advised of this scheduling issue as well. I would understand that for reasons of confidentiality, that will likely have to wait until after the Mareva injunction motion is completed. But I flag that point here so that Mr. Morganti will have it in mind down the road.

In summary, I do not need to book any new motion date, as March 9 and 10, 2026 are already set aside for a related matter. Those hearing dates remain in place, and we will simply add the settlement approval and default judgment motions to be heard at the same time.



DATE: September 29, 2025

Morgan J.