



Court File No.: CV-21-00665194-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE

~~THE REGISTRAR~~)

E.M. MORGAN, J)

WEDNESDAY THE 3rd

DAY OF AUGUST, 2022

B E T W E E N:

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

Plaintiffs

– and –

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

Defendants

Proceeding under the *Class Proceedings Act, 1992*

ORDER

THE PLAINTIFFS' request for an Endorsement of this Court directing the Registrar to note the Defendants Wayland Group Corp. ("**Wayland**") and Benjamin Allan Ward ("**Ward**") in default, was heard by videoconference at the parties' case management conference before the Honourable Justice E.M. Morgan on June 8, 2022.

ON READING the Letter of Urgency from counsel dated August 3, 2022, including the agreement as to the form and content of this Order of the Defendants Canaccord Genuity Corp. and GMP Securities L.P., and the endorsement of Morgan J. dated June 13, 2022, directing that the conditions of Rule 19.01(1) and 16.04(1) have been satisfied:

1. **THIS COURT ORDERS** that in accordance with Rule 19.01(1) of the *Rules of Civil Procedure*, Wayland is hereby noted in default as of the date of the Endorsement, on the bases that (i) service of the claim was accepted by its former counsel, Osler, Hoskin, and Harcourt LLP, on September 12, 2019; (ii) Wayland has failed to file a statement of defense within the prescribed time or at all; (iii) Osler no longer represents Wayland in this matter; and (iv) Wayland was liquidated through an application under the parallel *CCAA* Proceeding, *In the Matter of a Plan of Compromise or Arrangement of Wayland Group., et al.*, CV-19-00632079-00CL, and therefore no longer exists to receive service of future motion materials or to instruct counsel.

2. **THIS COURT ORDERS** that in accordance with Rule 19.01(1) of the *Rules of Civil Procedure*, Benjamin Allan Ward is hereby noted in default as of the date of the Endorsement, on the basis that it is now impossible for the Plaintiffs to effect service of any document on him as required under the *Rules*, and given that his current address is listed as no specific address in Zug, Switzerland, and he is otherwise unreachable and/or intentionally thwarting the Plaintiffs' efforts to serve him, such an Order is in the interests of justice.

3. **THE COURT ORDERS** that in accordance with Rule 19.02(1), the Defendants Wayland and Ward are now subject to all of the consequences of noting in default, including that they are no longer entitled to notice of any step in the action and need not be served with any document in the action, except where this Court orders otherwise, as of the date of the Endorsement.

Gerri Findlay Digitally signed by Gerri Findlay
Date: 2022.08.26 14:16:55 -04'00'

THE REGISTRAR