



No. S1813807  
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA  
IN BANKRUPTCY AND INSOLVENCY

IN THE MATTER OF THE PART XIII OF THE  
BANKRUPTCY AND INSOLVENCY ACT, R.S.C. 1985, C. B-6,  
AS AMENDED

AND

IN THE MATTER OF MASAHIKO NISHIYAMA  
BANKRUPT UNDER THE LAWS OF JAPAN

ORDER MADE AFTER APPLICATION

	)		)
	)		)
BEFORE	)	THE HONOURABLE JUSTICE	)
	)	FRANCIS	)
	)		)

APRIL 22, 2022

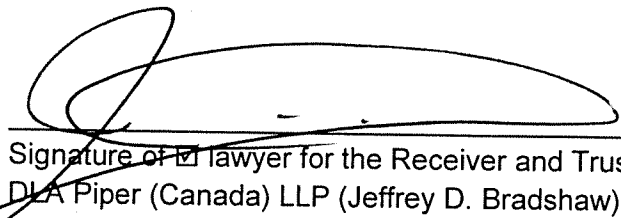
ON THE APPLICATION of Alvarez & Marsal Canada Inc., in its capacity as the Court appointed receiver over all of the assets, undertakings and property owned or beneficially owned by Masahiko Nishiyama in Canada (the "**Receiver**"), and Hiroshi Morimoto, trustee over the bankruptcy estate of Masahiko Nishiyama (the "**Trustee**") coming on for hearing at 800 Smithe Street, Vancouver, BC V6Z 2E1 on April 22, 2022 and on hearing Jeffrey D. Bradshaw, lawyer for the Receiver and Trustee and Robert Richardson, lawyer for The Resolution and Collection Corporation, and Masahiko Nishiyama and Hatsumi Kinoshita, appearing by MS Teams on their own behalf;

THIS COURT ORDERS AND DECLARES that:

1. the Notice of Application filed on October 9, 2019, by Masahiko Nishiyama ("**Nishiyama**") and Hatsumi Kinoshita ("**Kinoshita**") (the "**October Application**") is dismissed;
2. the Notice of Application filed on November 5, 2019, by Nishiyama and Kinoshita (the "**November Application**") is dismissed;

3. the October Application and the November Application are declared to be an abuse of process;
4. the Receiver is awarded special costs for this Application; and
5. endorsement on this Order by ~~counsel~~ <sup>any party as</sup> appearing on this application other than the counsel for the Receiver and Trustee is hereby dispensed with.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:

  
\_\_\_\_\_  
Signature of ☒ lawyer for the Receiver and Trustee  
DLA Piper (Canada) LLP (Jeffrey D. Bradshaw)

BY THE COURT

\_\_\_\_\_  
REGISTRAR





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**ORDER MADE AFTER APPLICATION**

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