

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE)
JUSTICE CONWAY)
)

TUESDAY, THE 2ND _____
JUNE, 2020

B E T W E E N :

ZURICH INSURANCE COMPANY LTD.

Plaintiff

- and -

2442931 ONTARIO INC., BONDFIELD CONSTRUCTION COMPANY
LIMITED, JOHN AQUINO, VASOS GEORGIU and
UNITY HEALTH TORONTO

Defendants/Moving Party

ORDER

THIS MOTION, made by the Defendant, Unity Health Toronto, in writing, for an Order validating and substituting service on the Defendant, John Aquino, to this action,

ON READING the Motion Record of the Plaintiff, dated May 22, 2020 (the “**Motion Materials**”),

WHEREAS an emergency has been declared pursuant to Order in Council 518/2020 (Ontario Regulation 50/20) on March 17, 2020 pursuant to section 7.0.1 of the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9 (the “**Act**”), and was extended pursuant to section 7.0.7 of the Act to May 12, 2020 (the “**Emergency Order**”);

AND WHEREAS an Order has been made under subsection 7.1 (2) of the Act (Ontario Regulation 73/20) for the suspension of any time period established by any statute, regulation,

rule, by-law or order of the Government of Ontario within which any step must be taken in any proceeding in Ontario for the duration of the Emergency Order, subject to the discretion of the Court (the “**Suspension Order**”);

1. **THIS COURT ORDERS** that service of the motion upon the parties is hereby dispensed with and the motion may proceed *ex parte*.

2. **THIS COURT ORDERS** that service of the Statement of Defence and Counterclaim and Crossclaim of Unity Health Toronto in this action on the Defendant, John Aquino, by emailing jaquino@advanceforminginc.com on May 25, 2020 (as attached as Schedule A to this Order) is validated and qualifies as substituted service and shall be effective as of May 25, 2020.

3. **THIS COURT ORDERS** that service of all other pleadings and other documents in this action, by any party in this action, shall be served on the Defendant John Aquino by emailing jaquino@advanceforminginc.com.

4. **THIS COURT ORDERS** that this Order shall be served on the Defendant, John Aquino, by emailing jaquino@advanceforminginc.com.

5. **THIS COURT ORDERS THAT** the E-Service Guide of the Commercial List (the “**Guide**”) is approved and adopted by reference herein and, in this proceeding, the service of documents made in accordance with the Guide (which can be found on the Commercial List website at: ontariocourts.ca/scj/practice/practice-directions/toronto/eservice-commercial/) shall be valid and effective service. Subject to Rule 17.05 this Order shall constitute an order for substituted service pursuant to Rule 16.04 of the Rules of Civil Procedure. Subject to Rule 3.01(d) of the *Rules of Civil Procedure* and paragraph 13 of the Guide, service of documents in accordance with the Guide will be effective on transmission.

6. **THIS COURT ORDERS** that this Order is effective from today's date and is enforceable without the need for entry and filing.

7. **THIS COURT ORDERS** that the signed electronic copy of this Order is effective and shall be treated as though it were a signed original Order.



Justice Conway

ZURICH INSURANCE COMPANY LTD.
Plaintiffs

and

UNITY HEALTH TORONTO ET AL
Defendants

Court File No.: CV-20-639601-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

Proceeding commenced at TORONTO

ORDER

McCarthy Tétrault LLP
Suite 5300, Toronto Dominion Bank Tower
Toronto ON M5K 1E6

Sarit E. Batner LS#: 42797N
sbatner@mccarthy.ca | Tel: (416) 601-7756

Julie K. Parla LS#: 45763L
jparla@mccarthy.ca | Tel: (416) 601-8190

Andrew Kalamut LS#: 59838E
akalamut@mccarthy.ca | Tel: (416) 601-8241

Jacqueline L. Cole LS#: 65454L
jcole@mccarthy.ca | Tel: (416) 601-7704
Fax: (416) 868-0673

Lawyers for the Defendants/Plaintiff by Counterclaim
and Crossclaim, Unity Health Toronto.