

Court File Nos.: BK-25-03212487-0031
BK-25-03214507-0031
Estate/Court File Nos.: BK-31-3212487
BK-31-3214507

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)
IN BANKRUPTCY AND INSOLVENCY

IN THE MATTER OF THE *BANKRUPTCY AND INSOLVENCY ACT*, R.S.C. 1985, c. B-3, AS AMENDED

AND IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF HAKIM OPTICAL LABORATORY LIMITED, IN THE CITY OF TORONTO, IN THE PROVINCE OF ONTARIO

AND IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF LAWRENCE OPHTHALMIC LAB INC., IN THE CITY OF TORONTO, IN THE PROVINCE OF ONTARIO

AFFIDAVIT

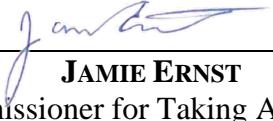
I, LINDA FRASER-RICHARDSON, of the City of Mississauga, in the Province of Ontario,
MAKE OATH AND SAY:

1. I am an associate with the law firm of Bennett Jones LLP, counsel to the Hakim Optical Laboratory Limited (“**HOLL**”), Lawrence Ophthalmic Lab Inc. (“**Lawrence Lab**”) and Hakim Optical Worldwide Lenses Inc. (also known as Hakim Optical Lenses Worldwide Inc. and Hakim Optical Worldwide Lenese Inc. [sic]) (together with HOLL and Lawrence Lab, the “**Applicants**”) in the above-captioned proceedings.

2. On May 13, 2025, myself and Jesse Mighton received an email from counsel to Tri Eagle Investments Inc. notifying us that on May 6, 2025, they were awarded judgment in the amount of \$179,285.98 plus interest and costs against the Defendant Hakim Optical Worldwide Lenses.

Attached as **Exhibit “A”** to this affidavit is a copy of the email. Attached as **Exhibit “B”** to this affidavit is a copy of the order (No. VLC-S-S-243427 Vancouver Registry – Madam Justice McDonald, May 6, 2025), referred to in the attached email.

SWORN BEFORE ME over videoconference on this 14th day of May, 2025. The affiant was located in the City of Toronto, in the Province of Ontario and the Commissioner was located in the City of Toronto, in the Province of Ontario. This affidavit was commissioned in accordance with Ontario *Regulation 431/20*.

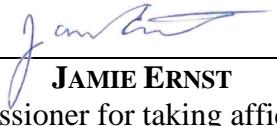


JAMIE ERNST
Commissioner for Taking Affidavits
(or as may be)



LINDA FRASER-RICHARDSON

THIS IS EXHIBIT "A" REFERRED TO IN THE
AFFIDAVIT OF SERVICE OF
LINDA FRASER-RICHARDSON
SWORN THE
14TH DAY OF MAY, 2025



JAMIE ERNST

A Commissioner for taking affidavits, etc.

Martine Vieira

From: Suzan El-Khatib <suzan.elkhatib@aquilini.com>
Sent: Tuesday, May 13, 2025 9:08 PM
To: Jesse Mighton; Linda Fraser-Richardson
Cc: Mitch Vininsky; Jordan Wong; Jamie Ernst
Subject: RE: Tri Eagle Investments Inc. et al v. Hakim Optical Worldwide Lenses Inc., BCSC Action No. 243427
Attachments: Order Made after Application (filed).pdf

Hi Jesse

We were awarded judgment in the amount of \$179,285.98 plus interest and costs against the Defendant Hakim Optical Worldwide Lenses. Please see attached order. I can advise that your NOI, letter correspondence and this email chain were brought to the attention of the Court. Notwithstanding such, the Court ordered judgment. I have received your materials with respect to your motion returnable on May 15, 2025 which I note was not served in accordance with the Rules of Civil Procedure, despite your covering email. The writer is not available on such date but I ask that you advise the court that we obtained judgment and any list of creditors going forward has the corrected judgment amount due and owing to Aquilini Properties Limited Partnership. I would also ask that you confirm that any stay would not be retroactive to Hakim Optical Worldwide Lenses as you only took steps to include such entity as an applicant after we obtained our judgment.

I look forward to hearing from you.

Suzan El-Khatib
Vice President & General Counsel

Aquilini Group
Aquilini Centre, Gate 16 in Rogers Arena
89 West Georgia Street| Vancouver BC|Canada| V6B 0N8

D 604.899.7565| E suzan.elkhatib@aquilini.com

From: Jesse Mighton <MightonJ@bennettjones.com>
Sent: May 7, 2025 5:52 AM
To: Suzan El-Khatib <suzan.elkhatib@aquilini.com>; Linda Fraser-Richardson <fraserrichardsonl@bennettjones.com>
Cc: Mitch Vininsky <mvininsky@ksvadvisory.com>; Jordan Wong <jwong@ksvadvisory.com>; Jamie Ernst <ernstj@bennettjones.com>
Subject: RE: Tri Eagle Investments Inc. et al v. Hakim Optical Worldwide Lenses Inc., BCSC Action No. 243427

Suzan, please provide an update on the status of your attendance yesterday, along with any orders and endorsements issued by the Court.

Thank you,

Jesse Mighton

Partner*, Bennett Jones LLP

*Denotes Professional Corporation

3400 One First Canadian Place, P.O. Box 130, Toronto, ON, M5X 1A4

T. 416 777 6255 | F. 416 863 1716 | M. 416 302 9228

BennettJones.com



From: Suzan El-Khatib <suzan.elkhatib@aquilini.com>

Sent: Friday, May 2, 2025 5:45 PM

To: Jesse Mighton <MightonJ@bennettjones.com>; Linda Fraser-Richardson <fraserrichardsonl@bennettjones.com>

Cc: Mitch Vininsky <mvininsky@ksvadvisory.com>; Jordan Wong <jwong@ksvadvisory.com>; Sean Beesla <sean.beesla@aquilini.com>

Subject: RE: Tri Eagle Investments Inc. et al v. Hakim Optical Worldwide Lenses Inc., BCSC Action No. 243427

Please provide the authority you rely on that a separate corporate entity is subject to the stay of proceedings and I will re-consider my position.

From: Jesse Mighton <MightonJ@bennettjones.com>

Sent: May 2, 2025 1:50 PM

To: Suzan El-Khatib <suzan.elkhatib@aquilini.com>; Linda Fraser-Richardson <fraserrichardsonl@bennettjones.com>

Cc: Mitch Vininsky <mvininsky@ksvadvisory.com>; Jordan Wong <jwong@ksvadvisory.com>; Sean Beesla <sean.beesla@aquilini.com>

Subject: RE: Tri Eagle Investments Inc. et al v. Hakim Optical Worldwide Lenses Inc., BCSC Action No. 243427

Proceed at your own risk Suzan. If my firm behalf of the company or the Proposal Trustee is required to take steps in your proceeding, we will be seeking costs on behalf of the estate.

Please confirm whether you intend to bring our letter and position regarding the stay of proceedings to the court's attention at your attendance, if you elect to proceed notwithstanding our position.

Jesse Mighton

Partner*, Bennett Jones LLP

*Denotes Professional Corporation

3400 One First Canadian Place, P.O. Box 130, Toronto, ON, M5X 1A4

T. 416 777 6255 | F. 416 863 1716 | M. 416 302 9228

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From: Suzan El-Khatib <suzan.elkhatib@aquilini.com>

Sent: Friday, May 2, 2025 4:28 PM

To: Linda Fraser-Richardson <fraserrichardsonl@bennettjones.com>

Cc: Jesse Mighton <MightonJ@bennettjones.com>; Mitch Vininsky <mvininsky@ksvadvisory.com>; Jordan Wong

<jwong@ksvadvisory.com>; Sean Beesla <sean.beesla@aquilini.com>

Subject: RE: Tri Eagle Investments Inc. et al v. Hakim Optical Worldwide Lenses Inc., BCSC Action No. 243427

Good afternoon Mr. Mighton

Further to your letter of May 2nd, 2025, please be advised that the NOI (as defined in your letter) was filed on behalf of Hakim Optical Laboratory Limited ("Hakim Laboratory") and not on behalf of Hakim Optical Worldwide Lenses Inc. ("Hakim Worldwide"). Hakim Worldwide currently remains active and is a separate and distinct entity from Hakim Laboratory. To proceed with the litigation proceedings against Hakim Worldwide is not contrary to the NOI and no Stay of Proceeding (as defined in your letter) is required. As such, we will be proceeding with the Notice of Application scheduled to be heard on May 6th, 2025.

Thank you.

Suzan El-Khatib
Vice President & General Counsel

Aquilini Group

Aquilini Centre, Gate 16 in Rogers Arena
89 West Georgia Street| Vancouver BC|Canada| V6B 0N8

D 604.899.7565| E suzan.elkhatib@aquilini.com

From: Linda Fraser-Richardson <fraserrichardsonl@bennettjones.com>

Sent: May 2, 2025 9:48 AM

To: Suzan El-Khatib <suzan.elkhatib@aquilini.com>

Cc: Jesse Mighton <MightonJ@bennettjones.com>; Mitch Vininsky <mvininsky@ksvadvisory.com>; Jordan Wong <jwong@ksvadvisory.com>

Subject: Tri Eagle Investments Inc. et al v. Hakim Optical Worldwide Lenses Inc., BCSC Action No. 243427

Good afternoon,

Please see the attached correspondence.

Best,

Linda Fraser-Richardson

Associate, Bennett Jones LLP
3400 One First Canadian Place, P.O. Box 130, Toronto, ON, M5X 1A4
T. 416 777 7869 | F. 416 863 1716

BennettJones.com



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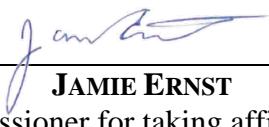
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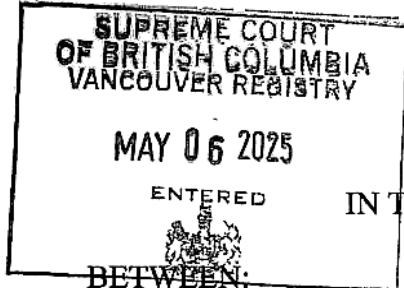
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THIS IS EXHIBIT "B" REFERRED TO IN THE
AFFIDAVIT OF SERVICE OF
LINDA FRASER-RICHARDSON
SWORN THE
14TH DAY OF MAY, 2025



JAMIE ERNST

A Commissioner for taking affidavits, etc.



No. VLC-S-S-243427
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

TRI EAGLE INVESTMENTS INC., TRI EAGLE CAPITAL INC.,
TRI EAGLE LANDS INC., TRI POWER LANDS INC.,
and AQUILINI PROPERTIES LIMITED PARTNERSHIP

PLAINTIFFS

AND:

HAKIM OPTICAL WORLDWIDE LENSES INC.

DEFENDANT

ORDER MADE AFTER APPLICATION

BEFORE

Madam Justice
McDonald

)
)
)

06/MAY/2025

ON THE APPLICATION of the Plaintiffs, Tri Eagle Investments Inc., Tri Eagle Capital Inc., Tri Eagle Lands Inc., Tri Power Lands Inc. and Aquilini Properties Limited Partnership, dated April 23, 2025, coming on for hearing at 800 Smithe Street, Vancouver, British Columbia, on May 6, 2025, and on hearing Suzan El-Khatib and Sean Beesla, Counsel for the Plaintiffs, and no one else appearing although duly served;

THIS COURT ORDERS that:

1. The Defendant, Hakim Optical Worldwide Lenses Inc., be ordered to pay to the Plaintiffs the sum of \$179,285.98, inclusive of interest;
2. The Plaintiffs be awarded costs against the Defendant, Hakim Optical Worldwide Lenses Inc., for this application; and
3. Signature of the Defendant, Hakim Worldwide Lenses Inc., is hereby dispensed with.

ENDORSEMENTS ATTACHED

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



Signature of Sean Beesla,
Counsel for the Plaintiffs

By the Court.

Donald J.

Registrar



Court File No.:
Court File Nos.: BK-25-03212487-0031
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ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)
IN BANKRUPTCY AND INSOLVENCY
Proceedings Commenced in Toronto

AFFIDAVIT
(Sworn May 14, 2025)

BENNETT JONES LLP
One First Canadian Place
Suite 3400, P.O. Box 130
Toronto, Ontario
M5X 1A4

Sean Zweig (LSO# 57307I)
Jesse Mighton (LSO# 62291J)
Jamie Ernst (LSO# 88724A)
Linda Fraser-Richardson (LSO# 89718B)

Tel: 416-863-1200
Fax: 416-863-1716

Lawyers for the Applicants