

June 28, 2024

Motion in Writing

At a case conference yesterday morning, counsel appeared and advised me they would be bringing a motion to dismiss or discontinue as against all individual Defendants.

The Defendants, Carlo Taurasi, Dino Taurasi and Daniel Ciccone each consent to a without costs discontinuance of this action against them.

The Defendants, Melissa Taurasi, Nelda Taurasi and Stephanie Console each consent to a without costs dismissal of this action against them.

On September 28, 2023, the Plaintiff commenced the underlying class action on behalf of over 700 purchasers of pre-construction homes from the corporate defendants.

The proposed class members paid over \$77 million in deposits to the Stateview Companies. Subsequent to the commencement of this action, Tarion Warranty Corporation has begun making payments to the proposed class indemnifying them for some of their lost deposits. In addition, the Plaintiff has asserted a priority claim in the receivership proceedings based on the statutory trust provisions of the *Condominium Act, 1998*. That motion has been scheduled to be heard on September 24, 2024.

The action against the Stateview Companies is presently under a stay of proceedings pursuant to the receivership orders. Counsel for the court-appointed receiver over the Stateview Companies and counsel for the Plaintiff expect to consent to the appointment of counsel for the Plaintiff as representative counsel of the proposed class in the receivership proceedings. These developments mean that recovery of the deposits will be most efficiently advanced through the Priority motion and applying for reimbursement from Tarion.

I see no prejudice to the proposed class or to the Defendants resulting from the discontinuance and dismissal of this action.

Order to go as submitted by counsel.

  
**E.M. Morgan J.**

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

**IN THE MATTER OF** the Class Proceedings Act, 1992  
**PROCEEDING COMMENCED AT TORONTO**

**MOTION RECORD**

**SOTOS LLP**

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