



ONTARIO SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)

**COUNSEL/ENDORSEMENT SLIP**

COURT FILE NO.: CV-25-00742000-00CL

DATE: OCTOBER 3, 2025

NO. ON LIST: 2

TITLE OF PROCEEDING: Bank of Montreal vs. Cheema Carriers Corp. / 1000083465 Ontario Inc.

BEFORE: Justice J. Dietrich

**PARTICIPANT INFORMATION**

**For Plaintiff, Applicant, Moving Party:**

Name of Person Appearing	Name of Party	Contact Info
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**For Defendant, Respondent, Responding Party:**

Name of Person Appearing	Name of Party	Contact Info
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**For Other, Self-Represented:**

Name of Person Appearing	Name of Party	Contact Info
William Main	Proposed Receiver Counsel To the Proposed Receiver	<a href="mailto:wmain@reconllp.com">wmain@reconllp.com</a>
Birpal Benipal	Daimler Truck Financial Services Canada Corporation (DTFS)	<a href="mailto:birpal@benipallaw.ca">birpal@benipallaw.ca</a>

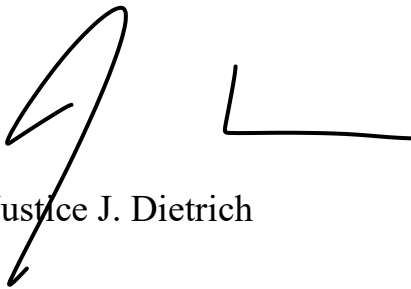
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## Endorsement of Justice J. Dietrich:

- [1] Bank of Montreal (the "**Bank**") seeks an order appointing Goldhar & Associates Ltd. ("**Goldhar**") as receiver and manager over all of the assets, properties and undertakings of the Debtors—Cheema Carriers Corp. and 1000083465 Ontario Inc.—including a commercial real property located at 860 Progress Court, Oakville, Ontario.
- [2] This application first came before me on May 14, 2025. At that time, the matter was opposed and I set a schedule which included a hearing on June 16, 2025. On June 16, 2025, the parties agreed to adjourn the matter until today, on terms set out in my endorsement of June 16, 2025. Those terms included that if the Bank had not been repaid by October 1, 2025, that the Debtors consented to the form of order sought – with the caveat that the Debtors may object to Goldhar as the proposed receiver. If the Debtors objected to Goldhar, the Bank could propose an alternative licensed insolvency trustee and the Debtors consented to that alternative receiver.
- [3] The parties have now agreed to further adjourn the receivership application on terms of a revised consent order that has been uploaded to Case Center (the "**Consent Order**"). Those terms include that: (a) the transaction contemplated by the APS (the "**Transaction**") is to close and payment of the proceeds of the Transaction in an amount of at least \$10 million are to be received by the Bank by December 1, 2025; (b) the Debtors are to pay to the Bank \$300,000 within three (3) business days of this Endorsement, which amount represents the deposit monies received by the Debtors to the date in connection with the Transaction; and (c) the Debtors' lawyers shall confirm receipt to the Bank of a further \$300,000 of deposit monies held in trust in connection with the Transaction within three (3) business days of this Endorsement.
- [4] The Debtors have agreed that if the Transaction is terminated or if any of 3(a), (b) or (c) are not satisfied in accordance with the specified timelines, they consent to the appointment of Goldhar on the terms set out in the Consent Order.
- [5] Separately, Mohammad Abu-Qube of Daimler Truck Financial Services Canada Corporation ("**Daimler**") also filed an affidavit supporting the appointment the receiver requested by the Bank. Daimler is a secured creditor of Cheema Carriers Corp. ("**Cheema**"). Daimler leased seven vehicles to Cheema. The affidavit of Mr. Abu-Qube indicates that not only has Cheema failed to pay amounts owing to Daimler under the relevant leases, but Cheema has also taken steps to frustrate Daimler's ability to locate and inspect the vehicles. Counsel for the Debtors indicates that he has not yet had a chance to receive instructions with respect to Daimler's request for payment and inspection of the vehicles.

- [6] As agreed by Counsel to the Debtors, the Debtors are expected to cooperate with Daimler in good faith and provide information to Daimler in a reasonable manner. To the extent that Daimler has ongoing concerns with the Debtors' cooperation, Daimler may seek relief from this Court and may contact the Commercial List Office to arrange a case conference or scheduling appointment before me as necessary.
- [7] The Bank's application is adjourned, in accordance with the terms above until December 3, 2025 at 10:00 am for 30 minutes (virtual). Aide memoires are to be uploaded by end of day on December 1, 2025.

October 3, 2025



Justice J. Dietrich