

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

THE HONOURABLE) THURSDAY, THE 8TH DAY
JUSTICE HAINEY) OF NOVEMBER, 2018

BETWEEN:

**DISH NETWORK L.L.C., AL JAZEERA MEDIA NETWORK, ASIA TV USA LTD.,
B4U U.S. INC., GEO USA LLC, MBC FZ LLC, MSM ASIA LTD., SOUNDVIEW
BROADCASTING LLC, SOUNDVIEW ATN LLC, STAR INDIA PRIVATE LTD., and
VIACOM18 MEDIA PRIVATE LIMITED**

Plaintiffs

- and -

**SHAVA IPTV NETWORK LLC, IMRAN BUTT AND NAEEM BUTT, INDIVIDUALLY
AND TOGETHER DOING BUSINESS AS SHAVA TV, CRES IPTV, IRAA
ENTERPRISES AND MAPLE ELECTRONICS**

Defendants

**ORDER FOR *MAREVA* INJUNCTION,
DISCLOSURE, AND ANCILLARY RELIEF**

THIS MOTION, made without notice by the Plaintiffs, for an interim Order in the form of a *Mareva* injunction restraining the Defendant Naeem Butt and others from dissipating his assets; for disclosure orders against the Defendants Naeem Butt and Imran Butt; for *Norwich Pharmacal* orders directed to financial institutions and accountants; and for other ancillary relief, was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Notice of Motion, the Affidavit of Timothy M. Frank sworn November 6, 2018, and the exhibits thereto, the Affidavit of Julie Laura Peacock sworn November 6, 2018, and the exhibits thereto, the Affidavit of Gavin Phillips sworn October 30, 2018, and the exhibits thereto, and the Affidavit of Lawrence R. Katzin sworn November 1,

2018, and the Factum and Brief of Authorities of the Plaintiffs; on hearing the submissions of counsel for the Plaintiffs, the Defendants not having been served; and on noting the undertaking of the Plaintiff DISH Network L.L.C. to abide by any order concerning damages arising out of the granting of this Order,

Mareva Injunction

1. **THIS COURT ORDERS** that the Defendant Naeem Butt, and his servants, agents, employees, assigns, and anyone else acting on his behalf or in conjunction with him, and any and all persons with notice of this injunction, are hereby restrained from directly or indirectly, by any means whatsoever:

- (a) selling, removing, dissipating, alienating, transferring, assigning, encumbering, or similarly dealing with any assets of the Defendant Naeem Butt, whether solely or jointly owned, wherever situated in the world, including but not limited to the proceeds of sale of the property municipally known as as 16 Peridot Road, Brampton, Ontario, L6P 0Z5 (the “Peridot Property”);
- (b) instructing, requesting, counselling, demanding, or encouraging any other person to do so; and
- (c) facilitating, assisting in, aiding, abetting, or participating in any acts which would have the effect of doing so.

2. **THIS COURT ORDERS** that paragraph 1 applies to all of the Defendant Naeem Butt’s assets, whether or not held in his own name, whether solely or jointly owned, and wherever located in the world, including any assets which he has the power or authority, directly or indirectly, to dispose of or deal with, including where a non-party or third party holds or controls the assets in accordance with his instructions.

Ordinary Living Expenses

3. **THIS COURT ORDERS** that the Defendant Naeem Butt may apply for an order, on at least twenty-four (24) hours’ notice to the Plaintiffs, specifying the amount of funds which the Defendant Naeem Butt is entitled to spend on ordinary living expenses and legal advice and representation.

Disclosure of Information by the Defendants

4. **THIS COURT ORDERS** that the Defendants Naeem Butt and Imran Butt shall, within five (5) days of the date of service of the Order sought herein, provide to the Plaintiffs' lawyers Borden Ladner Gervais LLP ("BLG") sworn affidavits setting out particulars of the nature, value and location of all of their assets worldwide, whether in their own name or not, and whether solely or jointly owned, including without limitation: (i) any bank or investment accounts, securities, cash, real property, vehicles and other personal property, (ii) any accounts and assets of any entities controlled or owned by them including Shava IPTV Network LLC, Cres IPTV, IRAA Enterprises, Maple Electronics and Good Ace Limited (the "Affidavits"), and (iii) particulars of the quantum and current whereabouts of the proceeds of sale of the Peridot Property and the property municipally known as 52 West Park Avenue, Bradford, Ontario, L3Z 0A7 (the "West Park Property").

5. **THIS COURT ORDERS** that the Defendants Naeem Butt and Imran Butt shall submit to examinations under oath in respect of their Affidavits and the assets within five (5) days of the delivery of the Affidavits at Victory Verbatim, 222 Bay Street, Suite 900, Toronto, M5K 1H6.

Disclosure of Information by Financial Institutions and Accountants

6. **THIS COURT ORDERS** that any banks or financial institutions holding any accounts of the Defendants, or any entities controlled by them, that are served with this Order (the "Financial Institutions") shall disclose and deliver up to BLG, at the Plaintiffs' expense, within five (5) business days of the date of service of this Order, or such other date as may be agreed by BLG, any and all records held by the Financial Institutions concerning the accounts and assets of the Defendants, and including records of the existence, nature, value and location of any funds or assets or credit, wherever situated, held by the Financial Institutions on behalf of the Defendants, whether solely or jointly held, including, but not limited to:

- (a) a list of all accounts, registered savings plans, safety deposit boxes, or other assets, and/or credit products now or formerly held;
- (b) all account opening documentation, corporate resolutions, signature cards, and powers of attorney;

- (c) the name(s) and contact information of the individual(s), sole proprietorship(s), partnership(s) and/or corporation(s) who or which opened and/or who or which hold the accounts and any other accounts of the Defendants;
- (d) the current balances in all accounts;
- (e) all monthly and/or periodic account statements from August 8, 2017 to the present;
- (f) copies of all cheques, payment instruments, debit vouchers, wire transfer instructions, deposit records, transfer records or other documents relating to withdrawals, transfers or deposits from August 8, 2017 to the present; and
- (g) all applications for credit.

7. **THIS COURT ORDERS** that any accountant(s) or accounting firm(s) of the Defendants (the "Accountants") that are served with this Order shall disclose and deliver up to BLG, at the Plaintiffs' expense, within five (5) business days of the date of service of this Order, or such other date agreed, any and all records held by them concerning the assets and accounts of the Defendants, and including records of the existence, nature, value and location of any funds or assets or credit, wherever situated, of the Defendants, whether solely or jointly held, including, but not limited to:

- (a) all tax and accounting records of the Defendants including all source documentation;
- (b) all tax returns and notices of assessment of the Defendants from August 8, 2017 to the present; and
- (c) all documents pertaining to any assets or accounts of the Defendants.

Certificate of Pending Litigation

8. **THIS COURT ORDERS** that the Registrar shall forthwith issue and the Plaintiffs shall be at liberty to register a Certificate of Pending Litigation in respect of the property municipally known as 139 Sunforest Drive, Brampton, L6Z 4B2, more particularly described as: PCL 68-1, SEC 43M752 ; LT 68, PL 43M752 ; BRAMPTON.

Confirmation or Variation/Discharge of Order

9. **THIS COURT ORDERS** that the terms of this Order shall remain in force and be effective for ten (10) days.

10. **THIS COURT ORDERS** that the Plaintiffs shall apply to the Court for an extension of this Order on November 16, 2018, at 10:00 a.m., at 330 University Ave., Toronto, Ontario, failing which this Order will terminate. *SA*

11. **THIS COURT ORDERS** that the Defendants or anyone served with or notified of this Order may apply to the Court at any time to vary or discharge this Order, on four (4) days' notice to the Plaintiffs.


HAINEY J.

ENTERED AT / INSCRIT À TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO:

NOV 08 2018

PER / PAR: 

DISH NETWORK L.L.C., et al.

- and -

SHAVA IPTV NETWORK LLC, et al.

Plaintiffs

Defendants

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

PROCEEDINGS COMMENCED AT TORONTO

ORDER

BORDEN LADNER GERVAIS LLP

Barristers & Solicitors
Bay Adelaide Centre - East Tower
22 Adelaide Street West
Toronto, ON M5H 4E3
Fax: 416-367-6749

Ira Nishisato (LSUC# 36839W)

Tel: 416-367-6349

Ashley Thomassen (LSUC# 73361M)

Tel: 416-367-6509

Lawyers for the Plaintiffs