

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE MR.
JUSTICE DIAMOND

)
)
)

WEDNESDAY, THE 27th
DAY OF OCTOBER, 2021

B E T W E E N:



(Court Seal)

ONTARIO PROFESSIONAL FIRE FIGHTERS' ASSOCIATION

Plaintiff

and

PAUL ATKINSON, COLIN GRIEVE, PROFESSIONAL FIREFIGHTERS
ADVOCATES INC., SHERWIN H. SHAPIRO, SHAPIRO LAWYERS
PROFESSIONAL CORPORATION, FRANCES FURMANOV and FRANCES
FURMANOV PARALEGAL SERVICES

Defendants

JUDGMENT

WHEREAS on April 1, 2016 the Plaintiff, the Ontario Professional Fire Fighters' Association, commenced the action bearing Court File CV-16-550104 against the Defendants;

AND WHEREAS the Plaintiff claimed damages as against Paul Atkinson, Colin Grieve and Professional Firefighters Advocates Inc. ("PFAI") for fraud, civil conspiracy, breach of trust, breach of fiduciary duty, inducing breach of contract, intentional interference with economic relations, unjust enrichment, and passing off, and claimed punitive damages against Atkinson, Grieve and PFAI;

AND WHEREAS the Court granted a Mareva Order dated June 25, 2019 as against Atkinson, Grieve and PFAI freezing all of their assets;

AND ON HAVING REVIEWED the Consent filed,

1. **THIS COURT ORDERS AND ADJUDGES** that the Plaintiff's claims as against Colin Grieve are granted.
2. **THIS COURT DECLARES** that this Judgment establishes a liability arising out of fraud pursuant to section 178(1)(d) of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3.
3. **THIS COURT ORDERS AND ADJUDGES** that Colin Grieve is jointly and severally liable to the Plaintiff in the amount of \$4,082,336 and shall pay the Plaintiff that amount.
4. **THIS COURT ORDERS AND ADJUDGES** that the Plaintiff holds a constructive trust over any and all assets and property of Colin Grieve held either directly or indirectly by Colin Grieve, or for his benefit, including but not limited to:
 - (a) Colin Grieve's 50% or greater interest in the property municipally known as 24 Dolman Street in Hamilton, Ontario; and
 - (b) All funds held in trust by Ricardo Federico.
5. **THIS COURT ORDERS AND ADJUDGES** that the Plaintiff is entitled to \$750,000 for costs of the action up to the date of this Judgment.

THIS JUDGMENT BEARS INTEREST in accordance with the *Courts of Justice Act*, RSO 1990, c. C.43 commencing on the date of this Judgment.



(Signature of Judge)

ONTARIO PROFESSIONAL FIRE FIGHTERS' ASSOCIATION
Plaintiff

-and- PAUL ATKINSON et al.
Defendants

Court File No. CV-16-550104

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT
TORONTO

JUDGMENT

LAX O'SULLIVAN LISUS GOTTLIEB LLP
Counsel
Suite 2750, 145 King Street West
Toronto ON M5H 1J8

Rahool P. Agarwal LSO#: 54528I
ragarwal@olg.ca
Tel: 416 645 1787
Niklas Holmberg LSO#: 63696G
nholmberg@olg.ca
Tel: 416 645 3787

Lawyers for the Plaintiff