

**SUPERIOR COURT OF JUSTICE
(Central East Region)**

IN THE MATTER OF a Contempt Order issued against Donald Best in
January 15, 2010 by the Honourable Justice Shaughnessy

THE HONOURABLE) FRIDAY, THE 3RD
MR. JUSTICE SHAUGHNESSY) DAY OF MAY, 2013

B E T W E E N:

NELSON BARBADOS GROUP LIMITED Plaintiff

- and -

RICHARD IVAN COX ET AL. Defendants

JUDGMENT

THIS APPLICATION, made by Donald Best, for an Order setting aside the Contempt Order of the Honourable Justice Shaughnessy and the Warrant of Committal issued against Donald Best on January 15, 2010, was heard this day at the Courthouse, at 150 Bond Street East, Oshawa, Ontario, L1G 0A2.

ON READING the Notice of Application and supporting Affidavits dated April 18, 2012, September 13, 2012, December 10, 2012 and January 10, 2013 and the exhibits referred to therein (collectively, the "Affidavits"), filed by Donald Best;

AND ON READING the Transcripts of the Cross-Examination of Donald Best on the Affidavits, held on January 11, 2013 and January 23, 2013;

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AND ON READING the Responding Parties Motion Record, jointly filed by Kingsland Estates Limited and PricewaterhouseCoopers East Caribbean Firm (the "Respondents");

AND ON READING the Factum filed by Donald Best and the Joint Factum and Book of Authorities filed by the Respondents;

AND ON READING the further Affidavit of Donald Best dated April 29, 2013 and the exhibits tendered to the Court on April 30, 2013 and May 1, 2013, and marked as Exhibits A - F;

AND ON HEARING the submissions of Donald Best and submissions of the lawyers for the Respondents,


1. THIS COURT ORDERS AND ADJUDGES that the Application for an Order setting aside the Contempt Order made January 15, 2010, be and is hereby dismissed.
2. THIS COURT FURTHER ORDERS AND ADJUDGES that the Application for an Order setting aside the Warrant of Committal issued against Donald Best on January 15, 2010, be and is hereby dismissed and, accordingly, the stay on the Warrant of Committal is lifted and Donald Best shall be taken into custody to serve his three (3) months sentence, as provided for in the January 15, 2010 Order of this Court, starting today.
3. THIS COURT FURTHER ORDERS AND ADJUDGES that Donald Best's passport, currently being held by Brian Greenspan, shall be returned to Donald

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Best on or after August 30, 2013, unless this Judgment is appealed, in which case, the Court of Appeal shall deal with the return of Donald Best's passport.

4. THIS COURT FURTHER ORDERS AND ADJUDGES that approval of this Judgment by Donald Best is hereby dispensed with.
5. THIS COURT FURTHER ORDERS AND ADJUDGES that the Respondents shall have their substantial indemnity costs of the Application, fixed in the amount of \$60,250.00 (inclusive of fees, disbursements and applicable taxes) in favour of the Respondent Kingsland Estates Limited and \$50,250.00 (inclusive of fees, disbursements and applicable taxes) in favour of the Respondent PricewaterhouseCoopers East Caribbean Firm, payable by Donald Best.
6. THIS COURT FURTHER ORDERS AND ADJUDGES that the costs provided for in paragraph 5 above and the Fine (in the amount of \$7,500.00) and Costs (in the amount of \$50,632.90 to Mr. Ranking's client, \$13,230.00 to Mr. Silver's clients, \$5,512.50 to Mr. Roman's clients and \$3,500.00 to Ms. Clarke's client) payable pursuant to the Order of this Court dated January 15, 2010 shall be paid by Donald Best prior to and as a condition precedent to any new attempt to purge the contempt provided for in the January 15, 2010 Order.

THIS JUDGMENT bears post-judgment interest, at the rate of three (3) per cent per annum from its date.


Justice B. Shaughnessy

NELSON BARBADOS GROUP LIMITED
Plaintiff

and RICHARD IVAN COX ET AL.
Defendant

Court File No. 141-07

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