



Court File No. **CV-2007-201**

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE

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FRIDAY, THE 17TH DAY

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JUSTICE K. E. CULLIN

)

OF MARCH, 2023

**B E T W E E N:**

2089322 ONTARIO CORPORATION

Applicant

- and -

LUC W. DES ROCHES, ~~NICOLE L. DES ROCHES~~  
and REZMART GAS AND TOBACCO

Respondents

**ORDER**

**ON APPLICATION** heard September 27-28, 2021, October 4-5, 2021, November 1-2, 2021, December 2-3, 2021 and April 26, 2022 in part by personal attendance and in part by Zoom video conference at Parry Sound, Ontario.

**UPON READING** the affidavits filed by the parties, and hearing viva voce evidence and expert evidence adduced by the parties, and upon hearing submissions by counsel for the parties:

1. **THIS COURT ORDERS AND DECLARES** that the Joint Venture Agreement, dated February 3, 2006 and containing initialed redactions on pages 1 and 14 of the agreement, is the original authentic joint venture agreement between the Applicant, 2089322 Ontario Corporation and the Respondents, Luc Des Roches and Rezmart Gas & Tobacco.

2. **THIS COURT ORDERS AND DECLARES** that the Joint Venture Agreement, dated February 3, 2006, is not wholly or partially voided by the operation of s. 28 of the *Indian Act*, R.S.C. 198 c. I-5.
3. **THIS COURT ORDERS** that the Trial Co-Ordinator shall schedule a date for a Case Conference before me to establish a litigation plan for the continuation of this Application to determine the ultimate relief which should be granted by this Court.
4. **THIS COURT ORDERS** that if a motion for interim relief pending the outcome of this Application is necessary, the parties may contact the Trial Co-Ordinator to schedule a date before me for argument, or it may be discussed at the Case Conference.
5. **THIS COURT ORDERS** that, on consent, the Respondent shall pay costs to the Applicant fixed at \$56,000.
6. **THIS COURT ORDERS** that the costs ordered in paragraph (5) shall be payable within (60) days of this Order being entered.



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Justice, Ontario Superior Court

BETWEEN:

Court file no. CV - 2007 201

2089322 ONTARIO CORPORATION

LUC W. DES ROCHES

Applicant

Respondent

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ONTARIO  
SUPERIOR COURT OF JUSTICE

Proceeding commenced at Parry Sound

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**ORDER**

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