

Court File No. CV-20-00649154-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

B E T W E E N:

CLEARFLOW COMMERCIAL FINANCE CORP.

Applicant

-and-

TRIGGER WHOLESALE, INC., THE EN CADRE GROUP INC.,
MARK GDAK, JAIMEE LYNN GDAK and JAIMAK REAL PROPERTIES INC.

Respondents

APPLICATION UNDER Sections 243(1) and 47(1) of the *Bankruptcy and Insolvency Act*,
R.S.C.1985, c. B-3, Section 101 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43 and Rule 40.01
of the *Rules of Civil Procedure*

**SECOND FURTHER SUPPLEMENTARY
REPLY APPLICATION RECORD**
(Motion Returnable March 17, 2021)

March 10, 2021

TORKIN MANES LLP
Barristers & Solicitors
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Lawyers for the Applicant,
ClearFlow Commercial Finance Corp.

TO: **THE SERVICE LIST**

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BETWEEN:

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-and-

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MARK GDAK, JAIMEE LYNN GDAK and JAIMAK REAL PROPERTIES
INC.

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APPLICATION UNDER Sections 243(1) and 47(1) of the *Bankruptcy and Insolvency Act*,
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40.01 of the *Rules of Civil Procedure*

FURTHER REPLY AFFIDAVIT OF ALEXANDRA (SANDY) KANICHIS

(Sworn March 9, 2021)

I, Alexandra (Sandy) Kanichis, of the Town of Woodbridge, in the Province of Ontario,
MAKE OATH AND SAY:

1. I am the Director of Operations of the Applicant in this proceeding, and as such, have knowledge of the following matters, either through my direct knowledge or by informing myself in respect thereof, in which case I indicate the source of my information and belief.

-2-

2. I swear this Affidavit to provide the Court with additional detail which I believe is critical to the Court's determination of the liability of Jaimee Gdak pursuant to her Guarantee dated April 30, 2015.

3. In preparing for this case, I recalled that Clearflow uses software called Cadence, pursuant to which Clearflow's customers are able to log in in order to upload documents such as invoices and reports, and to view and update their exact financial position vis a vis Clearflow.

4. Until Mike Nero of Trigger took over this function in 2018, Jaimee was frequently the individual at Trigger who accessed Cadence to upload invoices and CanPar bills of lading (all fraudulent).

5. Cadence also provides the particular users with basic information regarding the debtor's position with, and indebtedness owed to, Clearflow.

6. The last time that Clearflow's records show that Jaimee logged into Cadence was February 21, 2018. Jaimee sent me a follow up email the same day confirming that it was specifically her who had logged into Cadence that day, and not Mark or someone else.¹ Jaimee had logged in that day to upload a number of invoices and Canpar Bills of Lading.

¹ Attached hereto as Exhibit "A" is copy of Jaimee's email to myself and others dated Feb. 21/18.

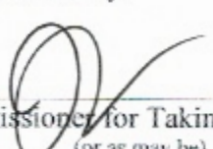
-3-

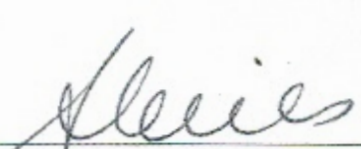
7. Upon logging into Cadence, Jaimee, like any user, would have seen a standard-form opening screen that contains the current balance of the account, which stood at \$8,404,091.56, and a bar chart showing the purchase and collection history of Trigger with respect to Clearflow.²

8. This bar chart, and supporting email from Jaimee indicate that Jaimee was specifically aware that the total A/R/ balance owed to Clearflow, for which she was responsible under her Guarantee, was \$8,404,091.56 as of February 21, 2018. Clearly, Jaimee was aware as of this date that her liability under her Guarantee greatly exceeded the original \$900,000 loan limit.

9. I make this Affidavit in support of the within application and for no other or improper purpose.

SWORN remotely by Alexandra (Sandy) Kanichis of the Town of Woodbridge, in the Regional Municipality of York before me at the City of Toronto, in the Province of Ontario, on March 9, 2021 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

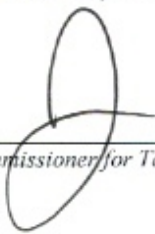

Commissioner for Taking Affidavits
(or as may be)


ALEXANDRA (SANDY) KANICHIS

RCP-E 4D (July 1, 2007)

² Attached hereto as Exhibit "B" is a copy of the standard-form introduction screen from Cadence. The bar chart reflects current information, but I have adjusted the "starting" and "ending" dates to reflect the exact information that Jaimee would have seen in the "Current Balances" section when she logged in on February 21, 2018.

This is Exhibit "A" referred to in the Affidavit of Alexandra (Sandy)
Kanichis sworn March 9, 2021.



Commissioner for Taking Affidavits (or as may be)

Jeffrey Simpson

From: Jaimee Gdak <jaimie@triggerwholesale.com>
Sent: February 21, 2018 7:03 PM
To: Erika Albert; Sandy Kanichis
Cc: Mark Gdak; Mike Nero
Subject: Schedule 10439
Attachments: TWI, Sales, Feb 21.pdf; SignedSchedule10439 feb 21 2018.pdf

Hello Erika and Sandy,

I have attached schedule 10439 along with the invoices and POD's. The upload was completed successfully.
Amount: \$185 683.90

Sincerely,

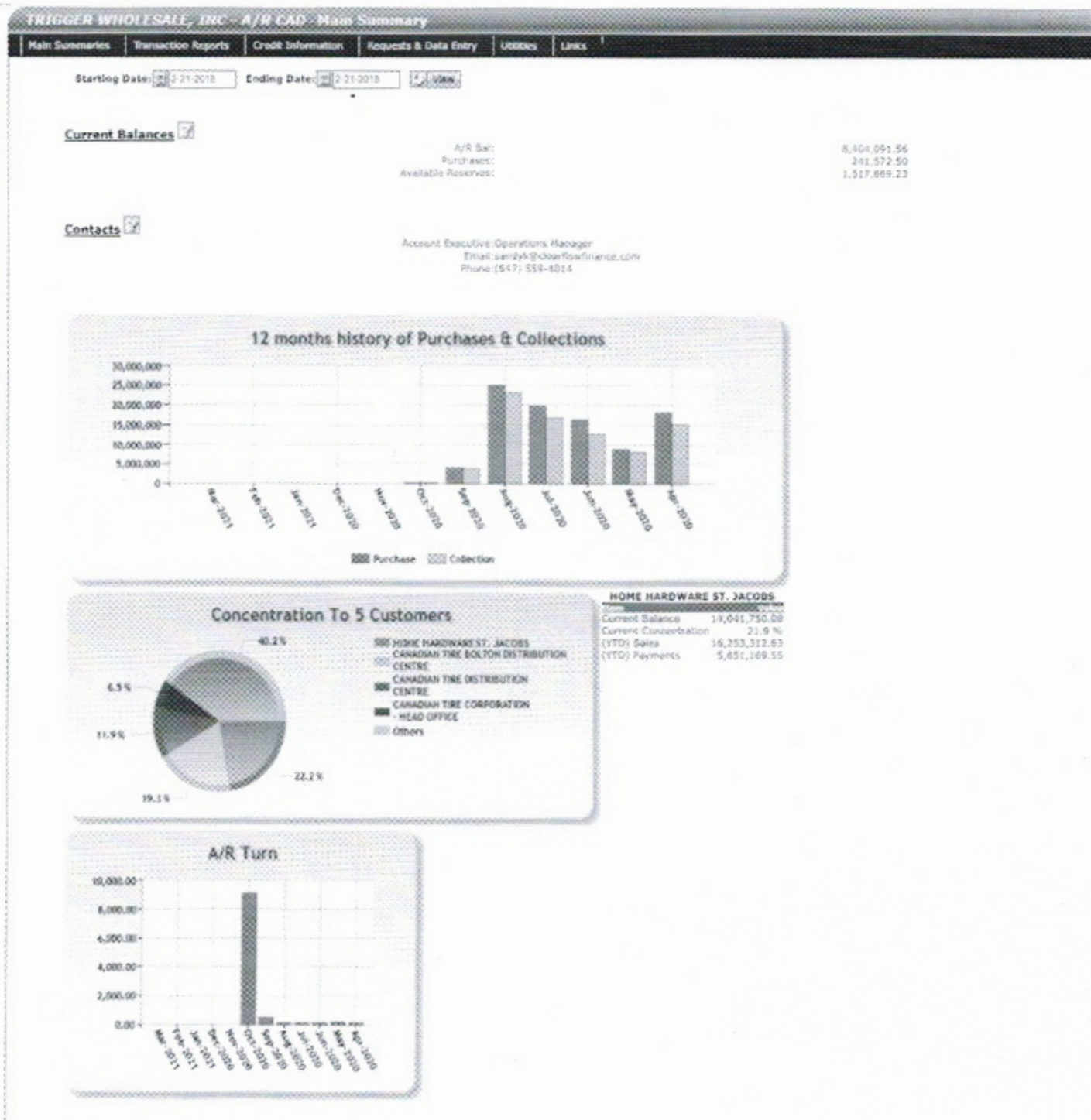
Jaimee Gdak
Trigger Wholesale Inc.
triggerwholesale.com
1-877-650-5515, Ext 102 (TF)
1-877-767-2292 (FX)
1-519-572-5773 (M)

This is Exhibit "B" referred to in the Affidavit of Alexandra (Sandy)
Kanichis sworn March 9, 2021.



Commissioner for Taking Affidavits (or as may be)

Exhibit B:
Opening Page of Cadence Current Balances on February 21, 2018



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PROCEEDING COMMENCED AT
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Lawyers for the Applicant,
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RCP-E 4C (May 1, 2016)

34656.0004/17560596_1

34656.0004/25691483_1

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