

Superior Court of Justice  
Commercial List

FILE/DIRECTION/ORDER

Vietnamese Association Toronto  
Plaintiff(s)

AND

Duong et al  
Defendant(s)

Case Management  Yes  No by Judge: \_\_\_\_\_

Counsel	Telephone No:	Facsimile No:
<u>See counsel slip</u>		

- Order  Direction for Registrar (No formal order need be taken out)
- Above action transferred to the Commercial List at Toronto (No formal order need be taken out)
- Adjourned to: \_\_\_\_\_
- Time Table approved (as follows):

This matter appeared before me today on an urgent basis. The Notice of Application was served on/about July 7/22. The Application Record was served yesterday. This matter concerns a dispute concerning control of the Applicant.

I have reviewed the Applicant's

12 July 22  
Date

[Signature]  
Judge's Signature

Additional Pages 3

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## FILE/DIRECTION/ORDER

## Judges Endorsment Continued

materials, which include a video of a portion of the very fractious AGM.

Without, in any way, commenting on the ultimate merits, it is undisputed that some or all of the current board of directors were not present when a vote took place to elect an "interim board."

It is <sup>im</sup>not disputed that steps were later taken by some Respondents ostensibly on behalf of the "interim board."

In all of these circumstances a hearing on the merits must be conducted, and the Respondents have an opportunity to retain counsel, which they are currently in the process of doing.

**Superior Court of Justice  
Commercial List**

**FILE/DIRECTION/ORDER**

**Judges Endorsment Continued**

It is also equal important that the affairs of the Applicant be managed in a sensible fashion pending the return of this Application to the Court.

I have therefore issued the attached order. I did so after hearing the submission of counsel for the Applicant and the individual Respondents who made submissions.

In my view the order strikes a fair and reasonable balance in maintaining the status quo, but at the same time, putting in place controls over expenditures.

The order shall go as per the attached order which I have signed.

In paras indicated, the matter

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**Superior Court of Justice  
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**FILE/DIRECTION/ORDER**

**Judges Endorsment Continued**

will return before me on Tue, 26/22  
@ 12:30 pm for scheduling subject  
to the availability of Applicant's  
counsel

*McE...*

## COUNSEL SLIP

Hearing via Zoom videoconference before Honourable Justice McEwen  
July 12, 2022 at 9:45 a.m.

**VIETNAMESE ASSOCIATION, TORONTO v. NGA BICH DUONG, ET AL.**  
Court File No.: CV-22-00683834-00CL

Trung Nguyen, RAR Litigation Lawyers for Vietnamese Association, Toronto

Nga Bich Duong, Respondent

Duy Le, Respondent

Loc Xuan Le, Respondent

Tu Khiem Tran, Respondent

Hung Quoc Vu, Respondent

Phong Tien Dang, Respondent

Thu Le, Respondent

Duy Ngoc Nguyen, Respondent

Tan Van Nguyen, Respondent

Nghiep Thanh Tran, Respondent

E Dinh Nguyen, Respondent

Minh Cong Nguyen, Respondent

### **EMAILS**

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[tamphong72@yahoo.ca](mailto:tamphong72@yahoo.ca); [thuletk@hotmail.com](mailto:thuletk@hotmail.com); [jsduynguyen@gmail.com](mailto:jsduynguyen@gmail.com);  
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[mcnguyen58@yahoo.com](mailto:mcnguyen58@yahoo.com)

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

**THE HONOURABLE  
JUSTICE McEWEN**

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)  
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**TUESDAY, THE 11<sup>TH</sup>  
DAY OF JULY, 2022**

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

**VIETNAMESE ASSOCIATION, TORONTO**

Applicant

- and -

**NGA BICH DUONG, DUY LE, LOC XUAN LE, TU KHIEM TRAN,  
HUNG QUOC VU, PHONG TIEN DANG, THU LE, DUY NGOC NGUYEN,  
TAN VAN NGUYEN, NGHIEP THANH TRAN,  
E DINH NGUYEN and MINH CONG NGUYEN**

Respondents

APPLICATION UNDER Rules 14.03(d) and (g) and 40 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194 and Section 101 of the *Courts of Justice Act*, R.S.O. 1990 c C.43.

**ORDER**

**THIS APPLICATION**, made by the applicant Vietnamese Association, Toronto (“VAT”) for an Order in the form of an interim injunction was partially heard today by judicial videoconference via Zoom at Toronto, Ontario due to the COVID-19 crisis.

**ON READING** the Notice of Application, Affidavit of Thuy Thanh Nguyen, sworn July 11, 2022 and the exhibits thereto, the Factum and Brief of Authorities of the Applicant and on hearing the submissions of lawyers for the Applicant and the respondents:

1. **THIS COURT DECLARES THAT** the current board of directors of VAT has sole power and control over VAT until further order of the Court.
  
2. **THIS COURT ORDERS THAT** the *status quo* be maintained and that the state of the parties and VAT that existed as of June 25, 2022, the date prior to the AGM, continue until further order of the Court.
  
3. **THIS COURT ORDERS THAT,** until further order of the Court, the respondents are enjoined from:
  - (a) representing themselves as members of an “interim board” of VAT, or having any authority to represent, bind, manage, monitor, supervise, direct or otherwise deal with the business of VAT;
  - (b) dealing or interfering with VAT’s bank accounts; or
  - (c) filing any Notice of Change, changing the applicant’s directors or officers, or otherwise dealing or interfering with VAT’s corporate filings;
  
4. **THIS COURT ORDERS THAT** VAT shall be permitted to pay its expenses in the usual course and/or as reflected in its past practice. But shall refrain from making any extraordinary payments outside of the usual course unless approved by Court order or on consent of the parties.

5. **THIS COURT ORDERS THAT** the parties may obtain a determination of whether VAT may make an extra-ordinary payment upon 2 days notice to the parties, at a Chambers Appointment on the Commercial List.

6. **THIS COURT ORDERS THAT** this application for an interim or interlocutory order in the form of a prohibitory injunction be scheduled at a Case Conference on July 26, 2022 at 12:30 pm, subject to the availability of counsel for the applicant.

7. **THIS COURT ORDERS THAT** costs of today be reserved to be determined by the application judge.



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**VIETNAMESE ASSOCIATION, TORONTO**  
Applicant

and

**NGA BICH DUONG, et al.**  
Respondents

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

Proceeding commenced at Toronto

**ORDER**

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Lawyers for the Applicant