

**SUPERIOR COURT
(Civil Division)**

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

N°: 500-17-112282-200

DATE : 30 May 2020

BY THE HONOURABLE CHANTAL MASSE, J.S.C.

THE FEDERAL REPUBLIC OF NIGERIA

Plaintiff

v.

TIBIT LIMITED

GIUSEPPINA RUSSA

Defendants

-and-

AÉROPORTS DE MONTRÉAL

TRANSPORT CANADA

NAV CANADA

Mises en cause

JUDGMENT

- [1] **HAVING** read the allegations in the *Originating Application for the Issuance Ex Parte of a Seizure Before Judgment and Other Relief and Originating Application in Damages* (the "**Application**"), and the Exhibits in support thereof;
- [2] **HAVING** read the affidavit of Babatunde Olabode Johnson dated 29 May 2020;
- [3] **HAVING** heard the submission of counsel for Plaintiff;

FOR THESE REASONS, THE COURT, DOES HEREBY:

- [4] **GRANT** the application for a seizure before judgment and other relief (the "**Order**").
- [5] **AUTHORIZE** the Plaintiff to serve the Application and the Order upon all the Defendants, Mises en cause and/or any third party in accordance with the conclusions of this Order, outside legal hours, on any day and at any time, by any means permitted by law, including without limitation, by email, facsimile transmission or registered or certified mail.
- [6] **AUTHORIZE** the bailiffs, Jean Jobin, from Charron Boissé Lévesque, Huissiers de Justice inc. ("**Bailiffs**") to execute this Order outside legal hours, on any day and at any time, at any place necessary.
- [7] **ORDER** the seizure before judgment of the following movable property:
- (a) Bombardier 6000 Jet (type BD-700-1A10) with Tail number M-MYNA and serial number 9471, registered in the Defendant's name with the Isle of Man Aircraft Registry (the "**Jet**"); and
 - (b) The Jet's log book (the "**Log Book**").
- [8] **AUTHORIZE** the Bailiffs to take control of and possession of the Jet and the Log Book, and take all necessary action to ensure their preservation.
- [9] **ORDER** that the Bailiffs be appointed guardian of the Log Book, and that the Defendant, or any third party currently acting as guardian, be appointed interim guardian of the Jet ("**Interim Guardian**"), until further order from this Court.
- [10] **ACKNOWLEDGE** Plaintiff's undertaking to inform the Court by June 2, 2020, of the name of a party that will act as guardian of the Jet as a replacement for the Interim Guardian.

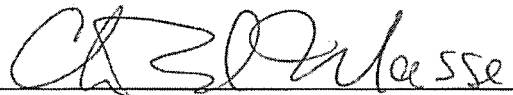
- [11] **ORDER** the special clerk, Bailiffs, law enforcement officers, and authorities in the location where this Order is to be enforced to forthwith assist in carrying out the terms thereof and to prevent any breach or apprehended breach of peace or any obstruction in the implementation of the Order.
- [12] **ORDER** that Defendants and their lawyers shall be entitled, although not obligated, to be present during the seizure.
- [13] **ORDER** that the Order to be issued herein remain in full force and effect until a further hearing before this Court until the later of (i) final judgment on the merits of these proceedings, or (ii) final judgment on the merits of the proceedings before the High Court of Justice of Virgin Islands, Court Number BVIHC (COM) 0067 OF 2020.
- [14] **PERMIT** the Defendant or anyone notified of this Order to apply to the Court at any time to vary or rescind this Order to the extent it affects such person, provided anyone wishing to do so shall provide Plaintiff's lawyers with at least three (3) juridical day-notice thereof.
- [15] **ORDER** the provisional execution of the Order issued herein notwithstanding appeal.
- [16] **DISPENSE** Plaintiff from providing security.

C.M.J.C.S. ~~[17] **ORDER** any other relief necessary to protect the rights of the parties.~~

~~**THE WHOLE WITH COSTS against Defendants including disbursements.**~~

COSTS to follow.

C.M.J.C.S.



CHANTAL MASSE, J.S.C

Me George Pollack
Me Léon H. Moubayed
Me Patrice Labonté
Davies Ward Phillips & Vineberg LLP
For Plaintiff The Federal Republic of Nigeria

Date of hearing: 30 May 2020.