

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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VALTUS CAPITAL GROUP, LLC

Plaintiff,

19 Civ. 4737 (DLC)

v.

PARQ EQUITY LIMITED PARTNERSHIP,  
PARQ HOLDINGS LIMITED PARTNERSHIP,  
PARQ VANCOUVER LIMITED PARTNERSHIP,  
PARQ VANCOUVER ULC, and 1010094 B.C. LTD.,

Defendants.

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### **ORDER OF FINAL JUDGMENT**

**WHEREAS** the Court granted summary judgment in favor of Plaintiff, Valtus Capital Group, LLC (“Valtus”), on October 9, 2019, finding that Valtus was entitled to fees based on the Bridge Loan, Second Interim Advance, and Third Lien Loan (as those terms are defined in the Court’s October 9, 2019 Order) (Dkt. No. 52); and

**WHEREAS** the Court granted summary judgment in favor of Valtus on December 15, 2020, finding that Valtus was also entitled to fees based on the First Interim Advance and Second Lien Loan (as those terms are defined in the Court’s December 15, 2020 Order), as well as for reimbursement of certain related expenses that were incurred and remain unpaid (Dkt. No. 116).

**THEREFORE** final judgment is hereby entered in favor of Valtus and against Defendants, Parq Equity Limited Partnership, Parq Holdings Limited Partnership, Parq Vancouver Limited Partnership, Parq Vancouver ULC, and 1010094 B.C. Ltd. (“Defendants”), in the amounts of: (1) **CAD\$6,679,736.68** (for past due fees);


and (2) **USD\$39,752.89** (for expenses). These amounts include pre-judgment interest accruing: (1) on the past due fees from the dates on which each of the Bridge Loan, First Interim Advance, Second Interim Advance, Second Lien Loan, and Third Lien Loan funded until December 30, 2020 at the rate of 9% per annum; and (2) on the incurred and unpaid expenses from the funding of the Third Lien Loan until December 30, 2020 at the rate of 9% per annum. The breakdown of these amounts is as follows:

1. Bridge Loan: CAD\$425,000.00 (past due fee), plus prejudgment interest in the amount of CAD\$86,455.48, totaling **CAD\$511,560.27**;
2. First Interim Advance: CAD\$318,750.00 (past due fee), plus prejudgment in the amount of CAD\$57,689.38, totaling **CAD\$376,517.98**;
3. Second Interim Advance: CAD\$255,000.00 (past due fee), plus prejudgment interest in the amount of CAD\$40,115.34, totaling **CAD\$295,178.22**;
4. Second Lien Loan: CAD\$4,553,911.39 (past due fee), plus prejudgment interest in the amount of CAD\$677,098.00, totaling **CAD\$5,232,132.28**;
5. Third Lien Loan: CAD\$230,180.34 (past due fee), plus prejudgment in the amount of CAD\$34,110.83, totaling **CAD\$264,347.93**; and
6. Expenses: USD\$34,622.17 (expenses), plus prejudgment in the amount of USD\$5,130.72, totaling **USD\$39,752.89**.<sup>1</sup>

**IT IS FURTHER ORDERED** that, in addition to the above amounts,

Valtus shall recover from Defendants, pursuant to Fed. R. Civ. P. 54(d)(1) and 28 U.S.C. 1961, costs and post-judgment interest on past due fees and expenses, respectively.

Dated this 30 day of December, 2020

  
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DENISE COTE  
United States District Judge

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<sup>1</sup> The detail for these calculations is provided on the attached **Schedule A**.

**Valtus Capital Group LLC v. Parq Equity Limited Partnership, et al.**  
**Fees/Expenses Owed, Plus Prejudgment Interest**

Security	Date of Closing/Breach	Amount of Funding (CAD)	Past Due Fee (2.125%) (CAD)	Per Diem Interest (CAD)	Prejudgment Interest Due at 9% through 12/30/20 (CAD)	Total Amount Owed to Valtus (Fees + Prejudgment Interest) (CAD)
1) Bridge Loan	9/27/2018	\$20,000,000.00	\$425,000.00	\$104.79	\$86,455.48	\$511,560.27
2) First Interim Advance	12/27/2018	\$15,000,000.00	\$318,750.00	\$78.60	\$57,689.38	\$376,517.98
3) Second Interim Advance	4/2/2019	\$12,000,000.00	\$255,000.00	\$62.88	\$40,115.34	\$295,178.22
4) Second Lien Loan	5/7/2019	\$214,301,712.60	\$4,553,911.39	\$1,122.88	\$677,098.00	\$5,232,132.28
5) Third Lien Loan	5/9/2019	\$10,832,015.99	\$230,180.34	\$56.76	\$34,110.83	\$264,347.93
<b>Totals</b>		<b>\$272,133,728.59</b>	<b>\$5,782,841.73</b>	<b>\$1,425.91</b>	<b>\$895,469.04</b>	<b><u>\$6,679,736.68</u></b>

Other Amounts Owed	Date of Final Funding/Breach	Amount of Expenses (USD)	Per Diem Interest (USD)	Prejudgment Interest Due at 9% through 12/30/20 (USD)	Total Amount Owed to Valtus (Expenses + Prejudgment Interest) (USD)
1) Expenses	5/9/2019	\$34,622.17	\$8.54	\$5,130.72	<b><u>\$39,752.89</u></b>