

SUPERIOR COURT
(Civil Division)

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTRÉAL

N° : 500-17-125795-230

DATE : OCTOBER 28, 2024

BY THE HONOURABLE BABAK BARIN, J.S.C.

THE PIERRE ELLIOTT TRUDEAU FOUNDATION

Plaintiff

- v -

MILLENIUM GOLDEN EAGLE INTERNATIONAL (CANADA) INC.

Defendant

- and -

ATTORNEY GENERAL OF CANADA

- and -

AGENCE DU REVENU DU QUÉBEC

Impleaded Parties

JUDGMENT

- [1] **THE COURT** is seized with an application to have a case set down for judgment by default presented by the Plaintiff, the Pierre Elliott Trudeau Foundation (the **Foundation**), pursuant to section 175 of the *Code of Civil Procedure (CCP)*, because the Defendant, Millenium Golden Eagle International (Canada Inc.) (**Millenium**), has failed to answer the Application instituting proceedings for resolution of contracts and for declaratory judgment after having been duly served on July 18, 2023.

- [2] **CONSIDERING** the Application instituting proceedings for resolution of contracts and for declaratory judgment in respect of two donations in the respective amounts of seventy thousand dollars (\$70,000) made by Millenium to the Foundation on July 26, 2016 and July 28, 2017;
- [3] **CONSIDERING** that Millenium was duly served with a copy of the Application instituting proceedings for resolution of contracts and for declaratory judgment on July 18, 2023;
- [4] **CONSIDERING** that Millenium has failed to answer the application in accordance with section 145 of the CCP;
- [5] **CONSIDERING** the fact that an amount of \$140,000 was restituted by the Foundation to Millenium, by way of cheque cashed by Millenium on April 13, 2023;
- [6] **CONSIDERING** section 1439 of the *Civil Code of Québec*, which provides that a contract may be resolved by agreement of the parties;
- [7] **CONSIDERING** that Millenium agreed to the resolution of the two donations by cashing the cheque in the amount of \$140,000 on April 13, 2023;
- [8] **CONSIDERING** the Affidavit of Me Bruce McNiven, director of the Foundation, dated November 28, 2023, and the exhibits attached hereto, including evidence that the cheque in the amount of \$140,000 was cashed by Millenium;
- [9] **CONSIDERING** the Affidavit of Bettina B. Cenerelli, President and Chief Executive Officer (*pro tem*) of the Foundation, dated September 25, 2024, and the exhibit attached hereto;

[10] **AFTER** having heard representations from counsel for the Foundation; *and in the absence of any contestation on the part of the Impleaded Parties, although present in Court;*

FOR THOSE REASONS, THE COURT:

GRANTS the Application Instituting Proceedings;

DECLARES that the donation in the amount of seventy thousand dollars (\$70,000) made by Millennium Golden Eagle International (Canada) Inc. to the Pierre Elliott Trudeau Foundation on July 26, 2016, is resolved and is deemed never to have existed;

DECLARES that the donation in the amount of seventy thousand dollars (\$70,000) made by Millennium Golden Eagle International (Canada) Inc. to the Pierre Elliott

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Trudeau Foundation on July 28, 2017, is resolved and is deemed never to have existed;

ACKNOWLEDGES that the restitution of prestations occurred on April 13, 2023;

ORDERS to the Pierre Elliott Trudeau Foundation to update its books and records consistent with the judgment in order to give it full effect;

THE WHOLE without legal costs given the nature of the proceeding.



BABAK BARIN, J.S.C.

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M^e Brigitte Landry
DIRECTION PRINCIPALE DU CONTENTIEUX – REVENU QUÉBEC
Counsel for the Impleaded Party, Agence du revenu du Québec

COPIE CERTIFIÉE CONFORME
AU DOCUMENT DÉTENU PAR LA COUR



Personne désignée par le greffier