

File No. CI 20-01-26627

THE QUEEN'S BENCH
WINNIPEG CENTRE

IN THE MATTER OF: **THE APPOINTMENT OF A RECEIVER
PURSUANT TO SECTION 243 OF THE
BANKRUPTCY AND INSOLVENCY ACT, R.S.C.,
C. B-3, AS AMENDED, AND SECTION 55 OF THE
COURT OF QUEEN'S BENCH ACT, C.C.S.M., C.
C280, AS AMENDED**

BETWEEN:

WHITE OAK COMMERCIAL FINANCE, LLC,

Applicant

- and -

**NYGÅRD HOLDINGS (USA) LIMITED, NYGARD INC., FASHION VENTURES,
INC., NYGARD NY RETAIL, LLC, NYGARD ENTERPRISES LTD, NYGARD
PROPERTIES LTD., 4093879 CANADA LTD., 4093887 CANADA LTD.,
and NYGARD INTERNATIONAL PARTNERSHIP,**

Respondents

ORDER

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(File No. 7856/370)

THE QUEEN'S BENCH
Winnipeg Centre

THE HONOURABLE) Wednesday, the 18th day of March, 2020
)
MR. JUSTICE J.G. EDMOND)

IN THE MATTER OF: THE APPOINTMENT OF A RECEIVER
PURSUANT TO SECTION 243 OF THE
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C. B-3, AS AMENDED, AND SECTION 55 OF *THE*
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Respondents

ORDER

THIS MOTION made by the Applicant for, inter alia, an Order terminating the thirty day period for making a proposal under Section 50.4(11) of the Bankruptcy and Insolvency Act R.S.C. 1985 c.B-3 ("BIA") or lifting the stay of proceedings under Section 69(1) of the BIA, was heard this day at the Law Courts Building, 408 York Avenue, Winnipeg, Manitoba.

ON READING Affidavit of Robert L. Dean affirmed March 9, 2020, the Affidavit of Debbie Mackie affirmed March 10, 2020, the Affidavit of Greg Fenske affirmed March 11, 2020, the Affidavit of Greg Fenske affirmed March 12, 2020, the Affidavit of Jami Jacyk affirmed March 12, 2020, the Affidavit of Chantale DeBlois sworn March 12, 2020, the Supplemental Affidavit of Robert L. Dean affirmed March 17, 2020, the Affidavits of Service of Chantale DeBlois sworn March 10, 2020, the Affidavit of Laura Leigh Buley sworn March 17, 2020, the Affidavit of Greg Fenske affirmed March 18, 2020 and the "Confidential" Affidavit of Greg Fenske affirmed March 18, 2020 and on hearing the submissions of counsel for the Applicant, counsel for the Respondents, counsel for the Proposal Trustee, and counsel for the proposed Receiver:

1. THIS COURT ORDERS that the time for service of this Motion is abridged and validated, and the court hereby dispenses with further service hereof;

2. THIS COURT ORDERS that the proceedings under section 50.4 of the BIA (the "NOI Proceedings") pursuant to the Notice of Intention to Make a Proposal filed on behalf of the Respondents 4093879 Canada Ltd. (Estate No. 21-2630789), 4093887 Canada Ltd. (Estate No. 21-2630777), Nygard Properties Ltd. (Estate No. 21-2630799), Nygard International Partnership (Estate No. 21-081548) and Nygard Enterprises Ltd. (Estate No. 21-2630793) (the "NOI Respondents") on March 9, 2020 in Toronto, Ontario, are hereby stayed, effective immediately, until further order of this court.

I, CATHERINE HOWDEN, OF THE FIRM PITBLADO LLP, HEREBY CERTIFY THAT I HAVE RECEIVED THE CONSENTS AS TO FORM OF THE FOLLOWING PARTIES:

Bruce Taylor / Ross McFadyen
Counsel to the Proposed Receiver

Wayne Onchulenko
Counsel to the Respondents

David Jackson
Counsel to the Proposal Trustee

AS DIRECTED BY THE HONOURABLE JUSTICE J.G. EDMOND

March , 2020

J.G.
Edmond, J.
EDMOND J.

Digitally signed by J.G. Edmond, J.
Date: 2020.03.18 15:38:08 -05'00'