

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, AN SECITON 55  
OF THE COURT OF QUEEN'S ENCH ACT,  
C.C.S.M., C. C280, AS AMENDED

BETWEEN:

WHITE OAK COMMERCIAL FINANCE, LLC,

Applicant,

- and -

NYGARD 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.

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**AFFIDAVIT OF DEBBIE MACKIE**  
AFFIRMED this 10th day of March, 2020

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**LEVENE TADMAN GOLUB LAW CORPORATION**

Barristers and Solicitors  
700 - 330 St. Mary Avenue  
Winnipeg, MB R3C 3Z5

**WAYNE M. ONCHULENKO**  
Telephone No. (204) 957-6402  
Fax No. (204) 957-1696  
File No. 113885/WMO

QB BOX 105

**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, AN SECITON 55  
OF THE COURT OF QUEEN'S ENCH ACT,  
C.C.S.M., C. C280, AS AMENDED

BETWEEN:

WHITE OAK COMMERCIAL FINANCE, LLC,

Applicant,

- and -

NYGARD 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.

**AFFIDAVIT OF DEBBIE MACKIE**

I, **DEBBIE MACKIE**, of the City of Winnipeg, in the Province of  
Manitoba, **MAKE OATH AND SAY THAT:**

1. I am a Legal Assistant employed by the law firm Levene Tadman  
Golub Law Corporation, counsel for the Respondents herein and as  
such have personal knowledge of the facts and matters which are

hereinafter deposed to by me, except where same are stated to be based on information and belief, and which I believe to be true.

2. Attached hereto and marked as Exhibit "A" to this my Affidavit is a Certificate of filing of a Notice of Intention dated Mar 9, 2020 to make a proposal of 4093879 Canada Ltd. Insolvent Person, A. Farber & Partners Inc. Licensed Insolvency Trustee.
3. Attached hereto and marked as Exhibit "B" to this my Affidavit is a Certificate of filing of a Notice of Intention dated Mar 9, 2020 to make a proposal of 4093887 Canada Ltd. Insolvent Person, A. Farber & Partners Inc. Licensed Insolvency Trustee.
4. Attached hereto and marked as Exhibit "C" to this my Affidavit is a Certificate of filing of a Notice of Intention dated Mar 9, 2020 to make a proposal of Nygard Enterprises Ltd. Insolvent Person, A. Farber & Partners Inc. Licensed Insolvency Trustee.

5. Attached hereto and marked as Exhibit "D" to this my Affidavit is a Certificate of filing of a Notice of Intention dated Mar 9, 2020 to make a proposal of Nygard Properties Ltd. Insolvent Person, A. Farber & Partners Inc. Licensed Insolvency Trustee.
6. I make this Affidavit *bona fide*.

AFFIRMED before me at the  
City of Winnipeg, in the  
Province of Manitoba this 10<sup>TH</sup>  
day of March, 2020



A Commissioner for Oaths in  
and for the Province of  
Manitoba

My commission expires: Dec 29/20

  
DEBBIE MACKIE

This is Exhibit "A" referred to in the  
Affidavit of Debbie Mackie  
Affirmed before me at the City of  
Winnipeg, this 10th day of March, 2020

A handwritten signature in blue ink, appearing to read "Beth Van der Meer", is written over a horizontal line.

A Commissioner for Oaths  
In and for the Province of Manitoba  
My Commission Expires: Dec 29/20





Industry Canada  
Office of the Superintendent  
of Bankruptcy Canada

Industrie Canada  
Bureau du surintendant  
des faillites Canada

District of        Ontario  
Division No.    09 - Toronto  
Court No.       31-2627758  
Estate No.      31-2627758

In the Matter of the Notice of Intention to make a  
proposal of:

**4093879 CANADA LTD.**  
Insolvent Person

**A. FARBER & PARTNERS INC.**  
Licensed Insolvency Trustee

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Date of the Notice of Intention:                      March 09, 2020

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CERTIFICATE OF FILING OF A NOTICE OF INTENTION TO MAKE A PROPOSAL  
Subsection 50.4 (1)

I, the undersigned, Official Receiver in and for this bankruptcy district, do hereby certify that the aforementioned insolvent person filed a Notice of Intention to Make a Proposal under subsection 50.4 (1) of the *Bankruptcy and Insolvency Act*.

Pursuant to subsection 69(1) of the Act, all proceedings against the aforementioned insolvent person are stayed as of the date of filing of the Notice of Intention.

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E-File/Dépôt Electronique

Date: March 10, 2020, 08:17

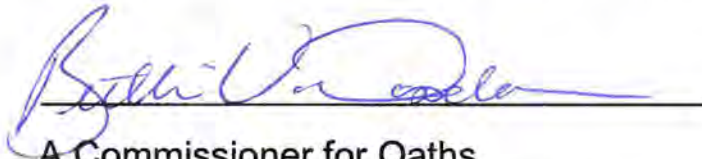
Official Receiver

151 Yonge Street, 4th Floor, Toronto, Ontario, Canada, M5C2W7, (877)376-9902

**Canada**

Original Court Copy

This is Exhibit "B" referred to in the  
Affidavit of Debby Mackie  
Affirmed before me at the City of  
Winnipeg, this 10th day of March, 2020

A handwritten signature in blue ink, appearing to read "B. L. ...", is written over a horizontal line.

A Commissioner for Oaths  
In and for the Province of Manitoba  
My Commission Expires: Dec 31/20



Industry Canada  
Office of the Superintendent  
of Bankruptcy Canada

Industrie Canada  
Bureau du surintendant  
des faillites Canada

District of        Ontario  
Division No.    09 - Toronto  
Court No.       31-2627760  
Estate No.      31-2627760

In the Matter of the Notice of Intention to make a  
proposal of:

**4093887 CANADA LTD.**  
Insolvent Person

**A. FARBER & PARTNERS INC.**  
Licensed Insolvency Trustee

---

Date of the Notice of Intention:                      March 09, 2020

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CERTIFICATE OF FILING OF A NOTICE OF INTENTION TO MAKE A PROPOSAL  
Subsection 50.4 (1)

I, the undersigned, Official Receiver in and for this bankruptcy district, do hereby certify that the aforementioned insolvent person filed a Notice of Intention to Make a Proposal under subsection 50.4 (1) of the *Bankruptcy and Insolvency Act*.

Pursuant to subsection 69(1) of the Act, all proceedings against the aforementioned insolvent person are stayed as of the date of filing of the Notice of Intention.

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E-File/Dépôt Electronique

Date: March 10, 2020, 08:30

Official Receiver

151 Yonge Street, 4th Floor, Toronto, Ontario, Canada, M5C2W7, (877)376-9902

Canada 

Original Court Copy



This is Exhibit "C" referred to in the  
Affidavit of Debby Mackie  
Affirmed before me at the City of  
Winnipeg, this 10th day of March, 2020

A handwritten signature in blue ink, reading "Britta VanCassel", is written over a horizontal line.

A Commissioner for Oaths  
In and for the Province of Manitoba  
My Commission Expires: Dec 29/20



Industry Canada  
Office of the Superintendent  
of Bankruptcy Canada

Industrie Canada  
Bureau du surintendant  
des faillites Canada

District of        Ontario  
Division No.    09 - Toronto  
Court No.       31-2627764  
Estate No.      31-2627764

In the Matter of the Notice of Intention to make a  
proposal of:

**NYGÅRD ENTERPRISES LTD.**  
Insolvent Person

**A. FARBER & PARTNERS INC.**  
Licensed Insolvency Trustee

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Date of the Notice of Intention:                      March 09, 2020

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**CERTIFICATE OF FILING OF A NOTICE OF INTENTION TO MAKE A PROPOSAL**  
**Subsection 50.4 (1)**

I, the undersigned, Official Receiver in and for this bankruptcy district, do hereby certify that the aforementioned insolvent person filed a Notice of Intention to Make a Proposal under subsection 50.4 (1) of the *Bankruptcy and Insolvency Act*.

Pursuant to subsection 69(1) of the Act, all proceedings against the aforementioned insolvent person are stayed as of the date of filing of the Notice of Intention.

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E-File/Dépôt Electronique

Date: March 10, 2020, 08:35

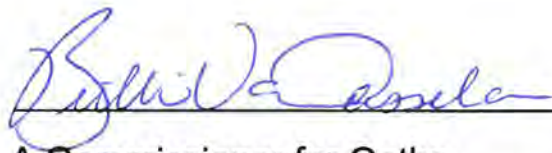
Official Receiver

151 Yonge Street, 4th Floor, Toronto, Ontario, Canada, M5C2W7, (877)376-9902

**Canada**

Original Court Copy

This is Exhibit "D" referred to in the  
Affidavit of Debby Mackie  
Affirmed before me at the City of  
Winnipeg, this 10th day of March, 2020



A Commissioner for Oaths  
In and for the Province of Manitoba

My Commission Expires: Dec 29/20



Industry Canada  
Office of the Superintendent  
of Bankruptcy Canada

Industrie Canada  
Bureau du surintendant  
des faillites Canada

District of        Ontario  
Division No.    09 - Toronto  
Court No.       31-2627767  
Estate No.      31-2627767

In the Matter of the Notice of Intention to make a  
proposal of:

**NYGÅRD PROPERTIES LTD.**  
Insolvent Person

**A. FARBER & PARTNERS INC.**  
Licensed Insolvency Trustee

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Date of the Notice of Intention:                      March 09, 2020

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CERTIFICATE OF FILING OF A NOTICE OF INTENTION TO MAKE A PROPOSAL  
Subsection 50.4 (1)

-- AMENDED --

I, the undersigned, Official Receiver in and for this bankruptcy district, do hereby certify that the aforementioned insolvent person filed a Notice of Intention to Make a Proposal under subsection 50.4 (1) of the *Bankruptcy and Insolvency Act*.

Pursuant to subsection 69(1) of the Act, all proceedings against the aforementioned insolvent person are stayed as of the date of filing of the Notice of Intention.

Date: March 10, 2020, 08:38

E-File/Dépôt Electronique

Official Receiver

151 Yonge Street, 4th Floor, Toronto, Ontario, Canada, M5C2W7, (877)376-9902

**Canada**

Original Court Copy