

**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 -

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 BRIAN H. GREENSPAN**

I, BRIAN H. GREENSPAN, of the City of Toronto, in the Province of  
Ontario, lawyer, AFFIRM AND SAY:

1. I am the lawyer representing Peter Nygard in respect of nine charges  
that have been brought against him in the City of Toronto. I further act as

counsel with respect to the request for Mr. Nygard's extradition to the United States for various charges relating to sex trafficking.

2. There are six complainants in relation to the Toronto allegations. Three complainants allege both sexual assault and unlawful confinement relating to those occurrences. Three further complainants allege only sexual assault. All of the allegations occurred between 1987 and 2006.

3. What is common to all the allegations is that the unlawful confinements and/or sexual assaults are alleged to have taken place at 1 Niagara Street, Toronto, the Toronto headquarters of Mr. Nygard's business operations.

4. I have been asked to affirm this affidavit in support of a motion for an order seeking the release of funds arising from the sale of assets belonging to Nygard Properties Ltd. ("**NPL**"), including the 1 Niagara Street property in Toronto, to NPL.

5. Although I am advised by Fred Tayar that NPL is not a defendant in the class action proceeding that was instituted in the United States, I believe that NPL would enjoy the benefit of and therefore has an interest in, the criminal defence of Peter Nygard. I say this for the following reasons.

- a. I am advised that an affiliated company, Nygard International Partnership ("**NIP**") and two related corporations are defendants in the class action, and it is possible that the plaintiff will seek to add NPL as a defendant, now that it is known that NPL has substantial assets. If Mr. Nygard is convicted in the criminal proceedings, that will have a serious adverse effect on NPL in its defence of a civil claim as a conviction would establish that the

alleged acts of criminal misconduct had been committed by Mr. Nygard.

- b. I am further advised by Fred Tayar and verily believe that NPL claims that it has a right to be subrogated to the position of the applicant in this matter and may therefore have an entitlement to a receivable owed by Nygard Enterprises Ltd. (“NEL”) to NIP. Inasmuch as NIP is a defendant in the civil action at this time, the receivable owed by NEL to NIP is an asset which NPL desires to protect.
- c. The entitlement to cross-examine complainants in the criminal proceedings will benefit NPL and NIP in the defence of the civil action.

6. The amount of fees that are owed to my firm currently and which are anticipated to be incurred by the end of January 2022 will be in excess of \$350,000.

AFFIRMED before me at the City of )  
 Toronto, in the Province of Ontario )  
 this 9th day of December, 2021 )

  
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 A Commissioner, etc. )  
 LSO: 73414U )

  
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 BRIAN H. GREENSPAN )