

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 SECTION 55 OF THE COURT OF QUEEN'S BENCH ACT, C.C.S.M., C.C280, AS AMENDED

IN THE MATTER OF THE PROPOSAL OF NYGARD GROUP OF COMPANIES

BETWEEN:

WHITE OAK COMMERCIAL FINANCE, LLC,
Applicant,
- and -

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

NOTICE OF MOTION
HEARING: WEDNESDAY, MARCH 20, 2020 AT 4:00 P.M.
BEFORE THE HONOURABLE MR. JUSTICE J. G. EDMOND

LEVENE TADMAN GOLUB LAW CORPORATION

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File No. 113885/WMO

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Respondents.

NOTICE OF MOTION

Peter Nygard will make a Motion before The Honourable Justice J. G. Edmond, on Wednesday the 20th day of March, 2020 at 4:00 o'clock in the afternoon or as soon after that time as the motion can be heard, at the Law Courts Building, 408 York Avenue, Winnipeg, Manitoba.

THIS MOTION IS FOR:

1. An Order pursuant to the Queens Bench Rules and the *Queen's Bench Act* and the inherent jurisdiction of this Honourable Court:
 - a. Abridging the time for service of the Notice of Motion and materials filed in support of this Motion, such that this Motion is properly returnable on March 20th, 2020, at 4:00 p.m., and dispensing with further service thereof;

b. Ordering the Immediate disclosure of documents relevant to the litigation of: case number 20MJ/53 FCW, for the district of Minnesota; Grand Jury Subpoena in United states District Court, Southern District, New York State, USA; Jane Doe vs Peter Nygard and Nygard Holdings (USA) Limited, (See exhibit cc of affidavit of Dean dated March9, 2020); and Bacon vs Peter Nygard, Nygard International and Nygard Inc. in the State of New York.

2. An order directing the Receiver to not read the privileged documents of Peter Nygard and to allow Peter Nygard access to said documents and permission to make copies.
3. An order directing the receiver to grant access to Peter Nygard and the employees of the Nygard group of companies to their personal emails and to make copies of same
4. Such further and other relief as this Honorable Court may deem just.

THE GROUNDS FOR THE MOTION ARE:

1. On March 18th, 2020 the Honorable Court granted a Receiver Order which gives control over all company documents and all documents on the Companies premises.

2. The mover also relies on the following:
 - a. Rules 2.03, 3.02, 16.04 ,30, and 37 of the *Queen's Bench Rules, Man. Reg. 553/88* as amended.
3. Such further and other grounds as counsel may advise and this Honorable Court may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

1. Notice of Application
2. Affidavit of Robert L. Dean sworn Mar 9, 2020
3. Affidavit of Debbie Mackie affirmed March 10, 2020
4. Affidavit of Greg Fenske affirmed March 11, 2020
5. Affidavit of Jami Jayk affirmed March 12, 2020
6. Affidavit of Greg Fenske affirmed March 12, 2020
7. Receiver Order of Mr. Justice J. Edmond March 18, 2020
8. Such other material to be filed and allowed

Date: March 18, 2020

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