

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)**

**THE HONOURABLE MR. ) TUESDAY, THE 2<sup>ND</sup> DAY**  
 )  
**JUSTICE KOEHNEN ) OF MARCH 2021**

**THE TORONTO-DOMINION BANK**

Applicant

- and -

**GLOBEWAYS CANADA INC., CANPULSE FOODS LTD. AND  
GLOBAL GRAIN CANADA LTD.**

Respondents

**APPLICATION UNDER SUBSECTION 243(1) OF THE *BANKRUPTCY AND  
INSOLVENCY ACT*, R.S.C. 1985, c. B-3, AS AMENDED**

**ANCILLARY ORDER**

**THIS MOTION**, made by BDO Canada Limited in its capacity as the Court-appointed receiver (the "**Receiver**"), without security, of all of the undertaking, property and assets of each of Globeways Canada Inc. ("**Globeways**"), Canpulse Foods Ltd. ("**Canpulse**") and Global Grain Canada Ltd. ("**Global Grain**" and collectively with Globeways and Canpulse, the "**Debtors**") acquired for, or used in relation to a business carried on by the Debtors, for an order, *inter alia*: (a) abridging the time for the service of the Notice of Motion and the Motion Record; (b) approving the Fourth Report of the Receiver dated February 23, 2021 and appendices thereto (the "**Fourth Report**") and the activities of the Receiver described therein, including the approval of the interim receipts and disbursements of the Receiver; (c) sealing the Confidential Supplemental Report (the "**Confidential Supplemental Report**"); (d) authorizing the Receiver to make interim distributions to Farm Credit Canada ("**FCC**") and the Toronto-Dominion Bank ("**TD**"); and (e)

approving the fees and disbursements of the Receiver and its counsel, was heard this day via teleconference due to the COVID-19 crisis.

**ON READING** the Motion Record of the Receiver, the Fourth Report (including, without limitation, the affidavits of Josie Parisi sworn February 22, 2021 and Peter Anandranistakis sworn February 22, 2021 (together the “**Fee Affidavits**”)) and the Confidential Supplemental Report and appendices thereto, and on hearing the submissions of counsel for the Receiver, counsel for TD, counsel for Farm Credit Canada and all other parties listed on the Counsel Slip, no one appearing for any other person on the service list, although properly served as appears from the affidavit of Dominique Michaud sworn February 23, 2021, filed.

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion, Motion Record, and Fourth Report is hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.
2. **THIS COURT ORDERS** that the Fourth Report and the activities of the Receiver described therein, including the interim statement of Receipts and Disbursements for the period February 1, 2021 to February 15, 2021 be and are hereby approved.
3. **THIS COURT ORDERS** that the Confidential Supplemental Report and the appendices thereto be and is hereby sealed until further Order of the Court.
4. **THIS COURT ORDERS** that the Receiver is hereby authorized and directed to make interim distributions equal to the proceeds of the Plum Coulee Sale Transaction less \$300,000 to FCC up to the full amount of the debt owed to FCC by the Debtors and for the balance of the proceeds (if any) to be distributed to TD.
5. **THIS COURT ORDERS** that the fees and disbursements of the Receiver and its counsel, as set out in the Fee Affidavits, be and are hereby approved.
6. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or in the United States to give effect to this Order and to assist the Receiver and its agents in carrying out the terms of this Order.

All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Receiver, as an officer of this Court, as may be necessary or desirable to give effect to this Order or to assist the Receiver and its agents in carrying out the terms of this Order.

7. **THIS COURT ORDERS** that, notwithstanding Rule 59.05 of the *Rules of Civil Procedure* (Ontario), this Order is effective from the date on which it is made, and is enforceable without any need for entry and filing; provided, however, that any party may nonetheless submit a formal order for original, signing, entry and filing, as the case may be.



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**THE TORONTO-DOMINION BANK**  
*Applicant*

AND

**GLOBEWAYS CANADA INC. et al**  
*Respondents*

Court File No. CV-20-00650857-00CL

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PROCEEDING COMMENCED AT TORONTO

**ANCILLARY ORDER**

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