

File No. CI 24-01-45056

**THE KING'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. 1985 c.B-3, as  
amended and Section 55 of *The Court of  
King's Bench Act*, C.C.S.M. c. C280**

**BETWEEN:**

**BANK OF MONTREAL,**

Applicant,

- and -

**GENESUS INC., CAN-AM GENETICS INC. and  
GENESUS GENETICS INC.**

Respondents.

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**NOTICE OF MOTION (Respondent Legal Fees)  
HEARING DATE: Wednesday January 29, 2025 at 9:00 a.m.  
Before the Honourable Justice Chartier**

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**FILLMORE RILEY LLP**  
1700 - 360 Main Street  
Winnipeg, Manitoba  
R3C 3Z3

Telephone: 204-957-8308  
Facsimile: 204-954-0308

**KALEV A. ANNIKO**  
File No. 440567-1/KAA

**THE KING'S BENCH  
Winnipeg Centre**

**IN THE MATTER OF:**            **The Appointment of a Receiver pursuant to  
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**GENESUS INC., CAN-AM GENETICS INC. and  
GENESUS GENETICS INC.**

Respondents.

**NOTICE OF MOTION**

**GENESUS INC.** ("Genesus") will make a motion before the Honourable Mr. Justice Chartier on January 29, 2025, at 9:00 a.m. or as soon after that time as the motion can be heard, at the Law Courts Complex, 408 York Avenue, Winnipeg, Manitoba.

THE MOTION IS FOR:

1. An order, if required, dispensing with service of this Notice of Motion, and the Brief in support of the motion (the "Motion Materials").
2. An order, if required, validating service of the Motion Materials;

3. An order, if required, that the time for service of the Motion Materials be abridged and that this motion be properly returnable on its hearing date with no further service required; and
4. An order authorizing the Receiver to pay the legal fees of Genesus with respect to its involvement in the motion brought by Sea-Air International Forwarders Limited ("Sea-Air), up to a limit of \$8,000.00, out of the funds available to the Receiver in this proceeding;
5. Costs of this motion, if opposed; and
6. Such further and other relief as counsel may advise in this Honourable Court may permit.

THE GROUNDS FOR THE MOTION ARE:

7. Sea-Air has brought a motion in this receivership alleging that consideration granted pursuant to a forbearance agreement was a fraudulent conveyance by Genesus to the Bank of Montreal;
8. Sea Air has indicated its intention to examine a director of Genesus as a witness under Rule 39 of the *King's Bench Rules*;
9. As all of the Respondents' undertaking and property is subject to the within receivership, Genesus is not able to pay for legal representation with respect to Sea Air's motion;
10. Genesus has been advised that Bank of Montreal is supportive of the relief sought on this motion, and have been advised the Receiver takes no position.

11. Such further and other grounds as counsel may advise and this Honourable Court may permit.

**THE FOLLOWING DOCUMENTARY EVIDENCE** will be relied upon at the hearing of this application:

1. The Notice of Motion of Sea Air;
2. The Fourth Report of the Monitor;
3. The Affidavit of Allan Herman sworn May 29, 2024;
4. The Affidavit of Ed Barrington affirmed January 15, 2025;
5. Such further evidence as counsel may submit and this Honourable Court will allow.

Date: January 24, 2025

**FILLMORE RILEY LLP**  
1700 - 360 Main Street  
Winnipeg, Manitoba R3C 3Z3

**KALEV A. ANNIKO**  
Telephone: 204-957-8308

Lawyers for the Respondents

TO: The Service List