

**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**

Hearing Date: To be determined

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**TAPPER CUDDY LLP**  
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IN THE MATTER OF:      THE APPOINTMENT OF A RECEIVER PURSUANT TO  
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**GENESUS INC., CAN-AM GENETICS INC. and  
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**NOTICE OF MOTION**

SEA AIR INTERNATIONAL FORWARDERS LIMITED ("Sea Air") will make a motion before the Honourable Mr. Justice Chartier on such date as may be later determined at the Law Courts, 408 York Avenue, Winnipeg, Manitoba.

THE MOTION IS FOR:

1. a declaration that Mortgage No. 5583625/1 granted by Genesus Inc. to Bank of Montreal is void and/or otherwise unenforceable;

2. further, or in the alternative, a declaration that the said Mortgage is subordinate to the Certificate of Judgment registered by Sea Air as No. 5602937/1;
3. such further and other relief as counsel may advise and this Honourable Court may permit.

THE GROUNDS FOR THE MOTION ARE:

1. s. 2 of *The Fraudulent Conveyances Act*, C.C.S.M. c. F160;
2. such further and other grounds as counsel may advise and this Honourable Court may permit.

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

1. the Affidavit of Ed Barrington affirmed February 9, 2024;
2. the Supplemental Affidavit of Ed Barrington affirmed May 28, 2024;
3. the Affidavit of Allan Herman sworn May 29, 2024;
4. such further and other evidence as counsel may advise and this Honourable Court may permit.

Date: January 3, 2025

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TO: **PITBLADO LLP**  
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Attention: Catherine Howden  
Counsel for Bank of Montreal

AND TO: **MLT AIKINS LLP**  
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Attention: JJ Burnell  
Counsel for the Receiver

AND TO: **FILLMORE RILEY LLP**  
360 Main Street #1700  
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Attention: Kalev Anniko  
Counsel for Genesis Inc.