



ONTARIO SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

COUNSEL/ENDORSEMENT SLIP

COURT FILE NO.: CV-25-00736572-00CL & CV-
25-00737791-00CL

DATE: March 7, 2025

TITLE OF PROCEEDING: IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF JBT TRANSPORT INC., WAYDOM MANAGEMENT INC., MELAIR MANAGEMENT INC., HERITAGE TRUCK LINES INC., DRUMBO TRANSPORT LIMITED, HERITAGE NORTHERN LOGISTICS INC., AND HERITAGE WAREHOUSING & DISTRIBUTION INC.

And

THE TORONTO-DOMINION BANK v. JBT TRANSPORT INC. et al

BEFORE: JUSTICE KIMMEL

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party:

Name of Person Appearing	Name of Party	Contact Info
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For Defendant, Respondent, Responding Party:

Name of Person Appearing	Name of Party	Contact Info
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For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info
Graham Phoenix Shahrazad Hamraz	Counsel for Proposed Monitor - Dodick Landau Inc	gphoenix@ln.law shamraz@ln.law
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Phil Turner	R& S Trailer Leasing Limited	philt@breadnertrailers.com

ENDORSEMENT OF JUSTICE KIMMEL:

- [1] This endorsement is supplementary to the court's preliminary endorsement of February 28, 2025 and endorsement of March 4, 2025. The form of receivership order presented to the court by email from counsel for the Toronto-Dominion Bank late in the day on March 6, 2025 has been signed by me today (with some modifications to the first preamble) and may issue.
- [2] Counsel, through their email correspondence, identified a concern about the lack of clarity regarding the priority of the CCAA Administration Charge contained in the February 10, 2025 Interim Order made in *Companies' Creditors Arrangement Act*, R.S.C., 1985, c. C-36 (the "CCAA") proceedings under Court File No. CV-25-00736572-00CL and the Administration charge now provided for in the signed Receivership Order.
- [3] Language proposed by the CCAA Monitor's counsel for inclusion in the Receivership Order to address this was not agreed to by TD Bank. The proposed language is as follows:
- 4A. THIS COURT ORDERS that, notwithstanding the foregoing, the administration charge as defined and granted in the February 10th Order (the "CCAA Administration Charge") shall continue in full force and effect as against all the Property (as defined below) of the Debtors and shall rank in priority to the Receiver's Charge (as defined herein).
- [4] That priority question will need to be determined by the court if the parties are unable to reach an agreement. In the meantime, as suggested by counsel for the CCAA Monitor, I am including the following language in this endorsement that is intended to preserve the positions of the parties on this priorities question in the meantime:
- The CCAA Administration Charge contained in the court's order of February 10, 2025 in CV-25-00736572-00CL is not immediately extinguished by the receivership order signed today in CV-25-00737791-00CL. That CCAA Administration Charge is preserved pending any future determination or agreement regarding where it ranks vis-à-vis the Receiver's Charge.
- [5] Counsel may arrange a case conference before me through the Commercial List Office to determine how best to resolve this priorities question.



KIMMEL J.
March 7, 2025