

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

B E T W E E N:

BANK OF MONTREAL,

Applicant,

- and -

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

Respondents.

ANCILLARY ORDER

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File No. 0128056.00004

THE KING'S BENCH
WINNIPEG CENTRE

THE HONOURABLE

)

WEDNESDAY, THE 29TH

MR. JUSTICE CHARTIER

)

DAY OF JANUARY, 2025

)

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.

ANCILLARY ORDER

THIS MOTION, made by BDO Canada Limited in its capacity as the Court-appointed receiver and manager (the "**Receiver**") of all of the assets, undertakings, and properties (collectively, the "**Property**") of 10014640 Manitoba Inc. (formerly Genesus Inc.) ("**Genesus**"), 3940480 Manitoba Inc. (formerly Can-Am Genetics Inc.) ("**Can-Am**"), and Genesus Genetics Inc. ("**GGI**"), and together with Genesus and Can-Am, the "**Debtors**") for an order, *inter alia*, approving the actions of the Receiver, approving the fees and disbursements of the Receiver and its counsel, and sealing the confidential supplement ("**Confidential Supplement**") to the Fourth Report ("**Fourth Report**") of the

Receiver each dated January 22, 2025, was heard this day at the Law Courts Building, 408 York Avenue, Winnipeg, Manitoba.

ON READING the First Report of the Receiver dated July 2, 2024, the Second Report of the Receiver dated July 24, 2024, the Third Report of the Receiver dated October 2, 2024, the Fourth Report, and each of the respective confidential supplements thereto and on hearing the submissions of counsel for the Receiver, counsel for the Bank of Montreal, counsel for Farm Credit Canada, counsel for the Debtors, no one appearing for any other person on the Service List, although properly served as appears from the affidavit of Brittany Chapdelaine sworn January 27, 2025, filed:

1. THIS COURT ORDERS that the time for service of the Notice of Motion 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 actions of the Receiver to date in respect of its administration of these receivership proceedings and the Fourth Report, including the statements of receipts and disbursements contained in the Fourth Report and the activities of the Receiver described therein are hereby approved.
3. THIS COURT ORDERS that the fees and disbursements of the Receiver and its legal counsel as set out in the Fourth Report, are hereby approved.

4. THIS COURT ORDERS AND DECLARES that the Confidential Supplement be filed under seal, kept confidential and is not to form part of the public record, and shall remain stored electronically with this Court on an encrypted basis limiting access to only the Registrar of this Court and the presiding Judge, until:

- (a) further order of the Court; or
- (b) the sale transaction contemplated by: (i) the Park Boulevard Asset Sale Agreement dated December 16, 2024, as amended by a Reinstatement and Amendment dated January 15, 2025 between the Receiver in its capacity as the Receiver of the Property, as seller, and Luyao Li and Kenan Yang, as purchasers, attached as Appendix “B” to the Confidential Supplement and attached in a redacted form as Appendix “A” to the Fourth Report, has closed as evidenced by Receiver’s Certificate filed with this Court;

whichever shall first occur, at which time the Confidential Supplement shall be unsealed and thereafter form part of the public record.

DATE: _____

G.L. Chartier Digitally signed by G.L. Chartier
Date: 2025.02.05 10:26:56 -06'00'

Chartier, J.

I, ANJALI SANDHU, OF THE FIRM OF MLT AIKINS LLP HEREBY CERTIFY THAT I HAVE RECEIVED THE CONSENTS AS TO FORM OF THE FOLLOWING PARTIES:

Catherine Howden, Pitblado LLP, counsel for Bank of Montreal;
Charles Roy, Taylor McCaffrey LLP, counsel for Farm Credit Canada; and
Kalev Anniko, Fillmore Riley LLP, counsel for the Debtors.

AS DIRECTED BY THE HONOURABLE MR. JUSTICE CHARTIER