

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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**ORDER (Respondent Legal Fees)**

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**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  
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**

THE HONOURABLE MR.  
JUSTICE CHARTIER

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)  
)

Wednesday, January 29, 2025

**BETWEEN:**

**BANK OF MONTREAL,**

Applicant,

- and -

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

Respondents.

**NOTICE OF MOTION**

**THIS MOTION** made by the respondent Genesus Inc. ("Genesus") was heard this day  
at the Law Courts Complex, 408 York Avenue, Winnipeg, Manitoba.

**ON READING** the Notice of Motion, filed January 27, 2025, and on hearing the  
submissions of counsel for Genesus, counsel for BDO Canada Limited (the "Receiver"),  
counsel for Bank of Montreal, counsel for Farm Credit Canada, no one appearing for  
any other interested party although duly served as appears from the Affidavit of Service  
of Yvonne Grabowiecki, affirmed January 27, 2025,

**THIS COURT ORDERS THAT:**

1. 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. the Receiver is hereby authorized to pay the legal fees of Genesus with respect to this motion and with respect to participation by it or its directors in the motion brought by Sea-Air International Forwarders Limited in this proceeding, to a limit of \$8,000.00;
3. Genesus' counsel shall provide its statement(s) of accounts to the Receiver for approval and payment on the basis that the costs claimed are reasonable; and
4. nothing in this order prevents or prohibits Genesus, the Receiver, or any interested party from moving before the court to seek further authorization for payment of Genesus' legal fees, in excess of the limit set out at paragraph 2.

\_\_\_\_\_, 2025.

G.L.  
Chartier

Digitally signed by  
G.L. Chartier  
Date: 2025.02.03  
11:25:15 -06'00'

I, KALEV A. ANNIKO OF FILLMORE RILEY LLP, COUNSEL FOR GENESUS INC. HEREBY CERTIFY THAT I HAVE RECEIVED THE CONSENTS AS TO FORM OF THE FOLLOWING PARTIES:

THE CONSENT OF JJ BURNELL, MLT AIKINS LLP, COUNSEL FOR THE RECEIVER, BDO CANADA LIMITED

THE CONSENT OF CATHERINE HOWDEN, PITBLADO LLP, COUNSEL FOR BANK OF MONTREAL

THE CONSENT OF CHARLES ROY, TAYLOR McCAFFREY LLP, COUNSEL FOR FARM CREDIT CANADA

AS DIRECTED BY THE HONOURABLE JUSTICE CHARTIER.