

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

THE HONOURABLE)
JUSTICE KIMMEL) TUESDAY, THE 7TH
)
) DAY OF JULY 2026

B E T W E E N:

THE TORONTO-DOMINION BANK

Applicant

- and -

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

Respondents

ORDER

THIS MOTION, made by Trade-Mark Industrial Inc., Trade-Crete Ltd. and Comtrade Ltd. (the “**Trade-Mark Group**”), for an Order lifting the stay of proceedings in respect of Waydom Management Inc., Melair Management Inc. and JBT Transport Inc. (the “**Named Respondents**”), arising by virtue of the Order of The Honourable Justice Kimmel dated March 6, 2025, was heard this day at Toronto, Ontario.

ON READING the Third Report of the Receiver dated June 26, 2026, the affidavits of Dan Straus sworn February 24, 2025 and June 5, 2026, the consent of the Trade-Mark Group, The Insurance Company of Prince Edward Island and the Receiver, upon being advised that The Toronto-Dominion Bank does not oppose, and on hearing the submissions of counsel for the parties:

1. **THIS COURT ORDERS** that the stay of proceedings arising by operation of paragraph 11 of the Amended Amended Order of The Honourable Justice Kimmel dated March 6, 2025,

as it relates to Waydom Management Inc., Melair Management Inc. and JBT Transport Inc., is hereby lifted and shall no longer operate for the purposes of permitting the Trade-Mark Group to continue the action bearing Court File No. CV-23-00001474-0000, commenced at Kitchener, Ontario (the “**Lien Action**”) against Waydom Management Inc., Melair Management Inc. and JBT Transport Inc.

2. **THIS COURT ORDERS** that the Receiver shall have no obligations under the Indemnity and Security Agreement dated October 6, 2023 (the “**Indemnity Agreement**”) with respect to Bond No. 30-1085-2023 issued by The Insurance Company of Prince Edward Island (“**ICPEI**”) and posted with the Court in the Lien Action (the “**Bond**”).

3. **THIS COURT ORDERS** that subject to further Order of this Court, the Receiver shall not be required to participate in or defend the Lien Action against Waydom Management Inc., Melair Management Inc. and JBT Transport Inc., or to incur any costs in respect of the Indemnity Agreement, the Bond nor the Lien Action, nor be subject to discovery or production of documents, nor shall any costs be awarded against the Receiver.

4. **THIS COURT ORDERS** that ICPEI shall take carriage of the defence and counterclaim in the Lien Action, and shall participate in all steps in the Lien Action including any trial therein, and that the Trade-Mark Group and ICPEI shall advise the Receiver of any settlement agreements or ultimate final Order of Judgement in the Lien Action, and in the event that there be any net funds available to the Named Respondents under the Named Respondents’ Counter-Claim in the Lien Action, net of any sums found owing by the Named Respondents under the Lien Action and ICPEI’s costs in the Lien Action, such sums shall be paid to the Receiver.

5. **THIS COURT ORDERS** that BDO Canada Limited (“**BDO**”) is hereby released and discharged from any and all liability that BDO now has or may hereafter have by reason of, or in any way arising out of, the acts or omissions of BDO while acting in its capacity as Receiver herein, save and except for any gross negligence or wilful misconduct on the Receiver's part in relation to the Lien Action, the Indemnity Agreement and the Bond.

6. **THIS COURT ORDERS** that this Order and all of its provisions are effective as of today's date and is enforceable without the need for entry and filing.

THE TORONTO-DOMINION BANK JBT TRANSPORT INC. et al.
Applicant and Respondents

Court File No.: CV-25-00737791-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at TORONTO

ORDER

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