

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

THE HONOURABLE

)

TUESDAY, THE 11TH

JUSTICE PENNY

)

DAY OF MARCH, 2025

B E T W E E N:

CANADIAN WESTERN BANK

Applicant

and

8438048 CANADA INC.

Respondent

AND IN THE MATTER OF AN APPLICATION UNDER section 243(1) of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, as amended, and section 101 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended

ORDER
(EXAMINATION AND PRODUCTION ORDER)

THIS MOTION, made by BDO Canada Limited, in its capacity as the Court-appointed receiver and manager (the “**Receiver**”) over the assets, undertakings, and properties of 8438048 Canada Inc. (the “**Debtor**”) was heard this day by videoconference.

ON READING the Motion Record of the Receiver dated February 28, 2025 and the Supplemental Motion Record of the Receiver dated March 10, 2025, including the First Report of the Receiver dated February 28, 2025 (the “**Receiver’s First Report**”) and the Supplemental First Report of the Receiver dated March 10, 2025, the materials filed on this motion, and on hearing the submissions of counsel for the parties and the Receiver and such other counsel as were present, no one appearing for any other person on the Service List, although duly served as appears from the Affidavit of Service of Christopher Maniaci sworn March 4, 2025 and the Lawyer’s Certificates of Service of Jennifer L. Caruso dated February 28, 2025, March 6, 2025, and March 10, 2025,

1. **THIS COURT ORDERS** that Narinder Shoker shall:
 - (a) respond in full to the undertakings found at Appendix “CC” of the Receiver’s First Report by no later March 25, 2025. For greater certainty, this includes but is not limited to producing the documents and records set forth in the Notice of Examination dated January 20, 2025;
 - (b) disclose the location of all vehicles and trailers used in the operation of the Debtor’s business;
 - (c) deliver possession of any of the Debtor’s Property to the Receiver, including but not limited to any vehicles or trailers, including any keys and ownership documents for those vehicles or trailers, that were used in the operation of the Debtor’s business; and,

(d) cease accessing, logging into, manipulating, altering, deleting or attempting to access, log into, manipulate, alter or delete any email accounts, electronic messaging systems and/or electronic database accounts used in connection with or relating to the business of the Debtor or by any officer, director, employee or representative of the Debtor.

2. **THIS COURT ORDERS** that Narinder Shoker and any other director, officer, employee, or representative of the Debtor shall cease operating and/or holding themselves out as the Debtor or operating the business and affairs of the Debtor under any other entity.

3. **THIS COURT ORDERS** that the Receiver is hereby authorized to conduct examinations under oath of Inderjit Walia, Manmeet Kaur Shoker, and Jasvir Kaur Shoker. For greater certainty, nothing in this paragraph shall be construed as in any way limiting or altering the authority of the Receiver to conduct examinations under oath in accordance with paragraph 4(t) of the Amended and Restated Receivership Order dated January 16, 2025.

4. **THIS COURT ORDERS** Inderjit Walia, Manmeet Kaur Shoker, and Jasvir Kaur Shoker to attend any examination under oath that the Receiver may wish to conduct of any of them within seventy-two (72) hours of the Receiver issuing a notice of examination.

5. **THIS COURT ORDERS** that GFS International Inc., AMG Warehousing & Distribution Inc., AMG Global Forwarding Inc., B.J.S. Transport Ltd., and Royal Bhatti Transport Inc. shall forthwith:

(a) produce all books, records and documents of, or in any way related to or connected with, the Debtor, wherever located, including, without limitation, all financial

records, bank account statements, accounts receivables listings, customer invoices, supplier invoices and fleet and equipment leases, acquisitions and dispositions;

- (b) produce a list detailing the date, transaction type, relevant vehicle identification number, consideration paid and copies of all relevant documentation, such as invoices, receipts, service records and any other pertinent paperwork of all vehicle purchases, transfers, services, maintenance activities and any other related transactions between the Debtor and GFS International Inc., AMG Warehousing & Distribution Inc., AMG Global Forwarding Inc., B.J.S. Transport Ltd., and Royal Bhatti Transport Inc., that occurred within the eighteen (18) month period preceding the date of this Order;
- (c) disclose the location of all vehicles and trailers used in, or in any way connected to, the operation of the Debtor's business; and,
- (d) deliver possession of any of the Debtor's Property to the Receiver, including but not limited to any vehicles or trailers, including any keys for those vehicles or trailers, that are being used by GFS International Inc., AMG Warehousing & Distribution Inc., AMG Global Forwarding Inc., B.J.S. Transport Ltd., and Royal Bhatti Transport Inc. in the operation of their respective businesses or otherwise in their possession or control.

6. **THIS COURT ORDERS** that, within seven (7) days of the date of this Order, Five Star Insurance Brokers Ltd. and Bhanu Rana produce to the Receiver a copy of the expired insurance policy binder for the insurance policies held by the Debtor.

7. **THIS COURT ORDERS** that if the Narinder Shoker, Inderjit Walia, Manmeet Kaur Shoker, Jasvir Kaur Shoker, GFS International Inc., AMG Warehousing & Distribution Inc., AMG Global Forwarding Inc., B.J.S. Transport Ltd., Royal Bhatti Transport Inc., Five Star Insurance Brokers Ltd., and Bhanu Rana fail to comply with this Order, the Receiver may apply to this Court for appropriate sanctions to be imposed against them.

8. **THIS COURT ORDERS** that any interested party may apply to this Court to vary or amend this Order on not less than seven (7) days' notice to the Receiver and to any other party likely to be affected by the order sought or upon such other notice, if any, as this Court may order.

9. **THIS COURT ORDERS** that this Order is effective from the date it is made and it is enforceable without any need for entry and filing, provided that any party may nonetheless submit a formal order for original signing, entry, and filing, as the case may be.

A handwritten signature in blue ink, appearing to read "B.J.S.", is written over a solid horizontal line. The signature is stylized and cursive.

CANADIAN WESTERN BANK

Applicant -and- 8438048 CANADA INC.

Respondent
Court File No. CV-24-00729834-00CL

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

PROCEEDING COMMENCED AT
TORONTO

**ORDER
(EXAMINATION AND PRODUCTION ORDER)**

FASKEN MARTINEAU DUMOULIN LLP

Barristers and Solicitors
333 Bay Street, Suite 2400
Bay Adelaide Centre, Box 20
Toronto ON M5H 2T6

Dylan Chochla (62137I)

dchochla@fasken.com
Tel: +1 416 868 3425

Jennifer L. Caruso (79321K)

jcaruso@fasken.com
Tel: +1 416 865 4471

Lawyers for the Receiver, BDO Canada Limited