

Superior Court of Justice  
Commercial List

FILE/DIRECTION/ORDER

In the Matter of... Fige Brands Inc et al  
Plaintiff(s)

AND

Defendant(s)

Case Management  Yes  No by Judge: \_\_\_\_\_

Counsel	Telephone No:	Facsimile No:
<u>see counsel slip</u>		

- Order  Direction for Registrar (No formal order need be taken out)
- Above action transferred to the Commercial List at Toronto (No formal order need be taken out)
- Adjourned to: \_\_\_\_\_
- Time Table approved (as follows):

This endorsement follows the Order that I granted on Feb 2/22. At that time I approved the stay extension distribution fee approval and the applicability of WEPPA - with reasons to follow.

These are the reasons which will deal primarily with the issue concerning WEPPA.

4 Feb 22

Date

McE...

Judge's Signature

Additional Pages Four

Superior Court of Justice  
Commercial List

FILE/DIRECTION/ORDER

Judges Endorsment Continued

First, the motion itself is proposed and supported by the Monitor.

Second, the stay extension is fair and reasonable so the future steps discussed can be undertaken.

Third, the interim distribution is sensible and there are sufficient funds and the methodology is fair and reasonable - particularly the pro rata distribution. The Reserve is also adequate.

Fourth, the fees are reasonable and the activities are approved and related relief is granted.

Last, with respect to ~~the~~ WEPPA, recent amendments to the Act and Regulations provide the Court with jurisdiction and discretion in CCAA proceedings to order that a farmer employer meet the criteria



Superior Court of Justice  
Commercial List

FILE/DIRECTION/ORDER

Judges Endorsment Continued

and the provisions of WEPPA apply to provide benefit to the former employees.

I have heard submissions on this issue from the Applicant, the Minister and Labour Program Employment and Social Development Canada ("LPESDC") which is the agency responsible for administering WEPPA programs.

LPESDC does not oppose the relief sought. I agree with the Applicant that the provisions of WEPPA apply to this case, given the nature of the termination of employees, and the retention of others to help with the wind-down or assumed by the Purchase.

The order is well ordering that FIGR Brands and their former employees met the criteria prescribed

Court File Number: \_\_\_\_\_

**Superior Court of Justice  
Commercial List**

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**Judges Endorsment Continued**

by section 3.2 of the WOPPA  
Regulation and the former employees  
and individuals to whom WOPPA  
applies  
meant