



Court File No. CV-23-00710413-00CL

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

THE HONOURABLE MR.) WEDNESDAY, THE 3rd
)
JUSTICE CAVANAGH) DAY OF APRIL, 2024
)

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

B E T W E E N

MBL ADMINISTRATIVE AGENT II LLC, as agent for POST ROAD
SPECIALTY LENDING FUND II LP (f/k/a MAN BRIDGE LANE
SPECIALTY LENDING FUND II (US) LP), and POST ROAD SPECIALTY
LENDING FUND (UMINN) LP (f/k/a MAN BRIDGE LANE SPECIALTY
LENDING FUND (UMINN) LP)

Applicant

v.

TRADE X GROUP OF COMPANIES INC., 12771888 CANADA INC., TVAS INC.,
TRADEXPRESS AUTO CANADA INC., TRADE X FUND GP INC., TRADE X LP FUND I,
TRADE X CONTINENTAL INC., TX CAPITAL CORP., TECHLANTIC LTD. AND TX OPS
CANADA CORPORATION

Respondents

ORDER

THIS MOTION made by FTI Consulting Canada Inc., in its capacity as the Court-appointed receiver and manager (the “**Receiver**”), without security, of substantially all of the assets, undertakings and properties of Trade X Group of Companies Inc., 12771888 Canada Inc., TVAS Inc., Tradexpress Auto Canada Inc., Trade X Fund GP Inc., Trade X LP Fund I, Trade X Continental Inc., TX Capital Corp., Techlantic Ltd. and TX Ops Canada Corporation (collectively, the “**Debtors**”) was heard virtually this day;

ON READING the Receiver's motion record, including the Second Report of the Receiver dated March 27, 2024;

ON HEARING the submissions of counsel for the Receiver and such other counsel and parties as listed on the Counsel Slip, with no one else appearing although duly served as appears from the affidavit of service of Brittini Tee, filed March 28, 2024.

1. **THIS COURT ORDERS** that the Receiver has the right to examine, under oath, any of the Debtors' current or former officers, directors, employees, independent contractors, suppliers or customers that are listed in Schedule "A" hereto, because they have been served with the Receiver's motion (collectively, the "**Examined Persons**" and each an "**Examined Person**").
2. **THIS COURT ORDERS** that the Receiver may request to conduct a voluntary interview with any of the Debtors' other current or former officers, directors, employees, independent contractors or consultants that has, or are reasonably expected to have, information about any of the Debtors' business, assets and/or property.
3. **THIS COURT ORDERS** that in the event that the Receiver determines that any other of the Debtors customers, suppliers or vendors, or any other persons that have, or are reasonably expected to have, information about any of the Debtors' business, assets and/or property, the Receiver may request to conduct a voluntary interview with such person.
4. **THIS COURT ORDERS** that Examined Persons are required to produce documents, including, without limitation, agreements, correspondence, invoices, bank statements and other financial records, whether in paper, electronic form or otherwise, requested by the Receiver, acting reasonably, relating to the Debtors' dealings with them or with entities that they or members of their immediate families own or control.
5. **THIS COURT ORDERS** that Examined Persons are required to provide, on request of the Receiver, any personal electronic device (each, a "**Device**") to the Receiver that was used to conduct the Debtors' business; provided, however, that in the event that privileged information (other than privileged information belonging to the Debtors) is stored on the Device, then the information on the Device shall be preserved but not examined until a protocol for identifying

privileged information is agreed to by the Receiver and the Examined Person or established by the Court.

6. **THIS COURT ORDERS** that in addition to the powers and authority granted to the Receiver pursuant to the Receivership Order dated December 22, 2023, the Receiver is hereby granted the power and authority, but not the obligation, to:

- (a) file an assignment in bankruptcy on behalf of one or more of the Debtors;
- (b) consent on behalf of one or more of the Debtors to the making of a bankruptcy order against such Debtor(s);
- (c) transfer to the trustee in bankruptcy for the Debtors from the receivership proceeding amounts required to fund the administration of the bankruptcy estate as determined by the Receiver in consultation with the Applicant; and
- (d) take all such steps and actions as the Receiver determines are necessary or appropriate in connection with the matters set forth in (a)-(c) above.

 Digitally signed
by Mr. Justice
Cavanagh

SCHEDULE “A”

- Ryan Davidson
- Eric Van Essen
- June da Costa
- Michelle Ralph
- Eric Gosselin

Applicant Respondents

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

Proceeding commenced at Toronto

ORDER

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