



ONTARIO SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)

**COUNSEL/ENDORSEMENT SLIP**

**COURT FILE NO.:** CV-23-00710413-00CL

**DATE:** JANUARY 16, 2025

**NO. ON LIST:** 3

**TITLE OF PROCEEDING:** MBL ADMINISTRATIVE AGENT II LLC  
v. TRADE X GROUP OF COMPANIES INC. et al.

**BEFORE:** JUSTICE CAVANAGH

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**PARTICIPANT INFORMATION**

**For Moving Party:**

Name of Person Appearing	Name of Party	Contact Info
Brittni Tee	Counsel for the Court-Appointed Receiver, FTI Consulting Canada Inc.	btee@goodmans.ca

**For Responding Party:**

Name of Person Appearing	Name of Party	Contact Info

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## **ENDORSEMENT OF JUSTICE CAVANAGH:**

- [1] The Receiver of substantially all of the assets, undertakings and properties owned by Trade X Group of Companies Inc. and other respondents in this proceeding seeks an order approving a settlement agreement between the Receiver, on behalf of the Debtors, and KPMG Inc., in its capacity as court-appointed Monitor (the “Wholesale Express Monitor”) of the Remaining Wholesale Express Debtors (as defined in the motion materials).
- [2] The Receiver and the Wholesale Express Monitor entered into the Settlement Agreement on December 6, 2024. At a high level, and subject to the terms of the Settlement Agreement, the Receiver and the Wholesale Express Monitor agreed to share in the cost of, and any proceeds from, the Groupe Grégor Claim (as defined in the motion materials). The Wholesale Express Monitor will fund 70% of the litigation costs and receive 70% of the litigation proceeds. The Receiver will fund 30% of the litigation costs and receive 30% of the litigation proceeds. The Settlement Agreement has been approved by the Québec court that is supervising the Wholesale Express CCAA Proceedings (as defined in the motion materials) and remains subject to approval by this Court.
- [3] I have reviewed the motion materials and heard submissions from counsel for the Receiver. I am satisfied that the factors set out in *Soundair* are satisfied and that the Settlement Agreement should be approved.
- [4] Order to issue in form of order signed by me today.