

FILED OCT 31 2018

File No. A118-30 - 09171

IN THE COURT OF APPEAL

BETWEEN:

LINCOLN WOLFE and 5606269 MANITOBA LTD.,

(Applicants) Respondents,

– and –

DUANNE TAYLOR and 5608067 MANITOBA LTD.,

(Respondents) Appellants,

– and –

TAYLOR BROS. FARM LTD. and EDWIN POTATO GROWERS LTD.,

(Respondents).

APPLICATION UNDER section 207 of *The Corporations Act*, C.C.S.M. c. C225

NOTICE OF APPEAL

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File No. 15,110-0-150-150

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COURT OF APPEAL

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LAW COURTS
WINNIPEG

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NOTICE OF APPEAL

TAKE NOTICE that a motion will be made on behalf of these (Respondents) Appellants, Duanne Taylor and 5608067 Manitoba Ltd., by way of appeal from the judgment of the Honourable Mr. Justice Toews of the Court of Queen's Bench, Winnipeg Centre, pronounced on the 25th day of September, 2018 and filed on the 24th day of October 2018, in Queen's Bench File No. C115-01-97066, whereby the Learned Motions Judge did:

- 1) grant the Order granting priority to the claim of Pitblado as against TBF and EPG, to any unsecured creditor or creditors of TBF or EPG, notwithstanding the pendency of these proceedings or any applications or assignment into bankruptcy.

On appeal, this Honourable Court will be asked to:

- 1) set aside the said judgment of the Learned Motions Judge; and
- 2) such other and further relief as counsel may advise and this Honourable Court may allow;

on the following grounds:

- 1) the Learned Motions Judge erred in granting Pitblado a priority;
- 2) the Learned Motions Judge failed to observe the rules of natural justice and procedural fairness; and
- 3) if the Learned Motions Judge's order were allowed to stand, it would result in an injustice, or in the alternative, an unreasonable result; and
- 4) such further and other grounds as counsel may advise and this Honourable Court may allow.

Has a transcript of the evidence with respect to the judgment appealed from been ordered from transcription services? Yes No Not required

Dated this 31st day of October, 2018

FAST TRIPPIER CLUNIE WITTMAN SANTOS LLP
 Barristers & Solicitors
 10 Donald Street
 Winnipeg, Manitoba R3C 1L5

Per: 

Faron J. Trippier/ Irina Vakurova
 Counsel for the (Respondents) Appellants,
 Duanne Taylor and 5608067 Manitoba Ltd.

TO: The Registrar of the Court of Appeal
Law Courts Building
100E – 408 York Avenue
Winnipeg, Manitoba R3C 0P9

AND TO: MLT Aikins
30th Floor – 360 Main Street
Winnipeg, Manitoba R3C 4G1

Attention: Jeffrey M. Lee/J.J. Burnell
Counsel for the Liquidator

AND TO: Thompson Dorfman Sweatman LLP
1700 - 242 Hargrave Street
Winnipeg, Manitoba R3C 0V1

Attention: Ross A. McFadyen
Counsel for the (Applicants) Respondents.

IN THE COURT OF APPEAL
RULE 112

NOTICE OF INTENT TO EXERCISE LANGUAGE RIGHT

The attached document begins a proceeding in the Court of Appeal. Your rights may be affected in the course of the proceeding. You have a right to use either the English or the French language even where the attached document is in the other language, but in order to exercise your right you are required within 21 days of service of this document on you to file with the registrar of the court a notice of your intention to do so and to leave with the registrar an address for service. If you file such a notice, you will be notified, in the language indicated in your notice, of further stages in the proceeding by registered mail addressed to your address for service. If you do not file a notice of your intention to exercise your right, the appeal will continue in the language of the attached document. The time limited for your filing of notice may be enlarged or abridged at any time by order of a judge made on application in either English or French.

Registrar
Manitoba Court of Appeal
Room 100E Law Courts Building
408 York Avenue
Winnipeg, MB R3C 0P9

COUR D'APPEL
RÈGLE 112

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Registraire
Cour d'appel du Manitoba
Palais de justice
408, avenue York, pièce 100E
Winnipeg, MB
R3C 0P9