

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).

ORDER

MLT Aikins LLP
Barristers and Solicitors
3000 -360 Main Street
Winnipeg, MB R3C 4G1

Jeff M. Lee, Q.C. / J.J. Burnell
Ph: (306) 975-7136 / (204) 957-4663
Fax: (306) 975-7145 / (204) 957-4285
Email: jmlee@mltaikins.com / jburnell@mltaikins.com

File No. 0056074.00008

Box No. 3

IN THE COURT OF APPEAL

THE HONOURABLE)
)
MADAM JUSTICE LEMAISTRE) Thursday, September 2nd, 2021
)
"IN CHAMBERS")

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).

ORDER

THIS MOTION, made by Deloitte Restructuring Inc., the court-appointed liquidator (the "**Liquidator**") of the assets, undertakings and property of Taylor Bros. Farm Ltd. ("**TBF**") and Edwin Potato Growers Ltd. ("**EPG**") for an Order granting the Liquidator security for its costs incurred in

the Court of Appeal File No. AI 21-30-09618 was heard on August 5, 2021 via teleconference.

ON READING the Certified Copy of the Affidavit of Duanne Taylor affirmed June 19, 2020, the Certified Copy of the Financial Statement of Duanne Taylor affirmed July 2, 2020, the Affidavit of Carmen Balzer sworn July 2, 2021, and the Affidavit of Service of Lucy Toews filed July 16, 2021, and on hearing the submissions of counsel for the Liquidator, counsel for the Appellants, Duanne Taylor and 5608067 Manitoba Ltd., counsel for the Respondents Lincoln Wolfe and 5606269 Manitoba Ltd., and counsel for Pitblado LLP, and as this Court directed that the Motion should stand over for judgment, and written reasons being delivered this day.

1. THIS COURT ORDERS that the Appellants Duanne Taylor and 5608067 Manitoba Ltd. shall post security for costs in the amount of FIVE THOUSAND DOLLARS (\$5,000.00) by making payment into this Honourable Court within 30 days of the release of these reasons.
2. THIS COURT FURTHER ORDERS that the Liquidator's Motion requiring the Appellants Duanne Taylor and 5608067 Manitoba Ltd. to pay the costs awarded in favour of the Liquidator by the Order of the

Honourable Mr. Justice Toews pronounced on February 16, 2021 in Queen's Bench File No. CI 15-01-97066 is hereby dismissed.

3. THIS COURT ORDERS that the Appellants Duanne Taylor and 5608067 Manitoba Ltd. shall pay to the Liquidator one set of costs associated with this Motion in accordance with Tariff "D" of the *Court of Appeal Rules*.

November 25th, 2021

"LeMaistre, J.A."

LEMAISTRE, J.A.

CONSENT AS TO FORM:

FAST TRIPPIER CLUNIE WITTMAN SANTOS LLP

Per: 

Faron Trippier / Irina Vakurova
Lawyers for Duanne Taylor and 5608067 Manitoba Ltd.

CONSENT AS TO FORM:

THOMPSON DORFMAN SWEATMAN LLP

Per: 

Ross A. McFadyen
Lawyers for Lincoln Wolfe, 5606269 Manitoba Ltd. and R.L. Wolfe Ltd.

CONSENT AS TO FORM:

PITBLADO LLP

Per: 

Thomas Turner
Lawyers for Pitblado LLP