

File No: A121- 30-09586
QB/PC File No: C115-01-97066

IN THE COURT OF APPEAL

BETWEEN:

LINCÖLN WÖLFE and 5606269 MANITÖBA LTD.,

(Applicants) Respondents,

- and -

DUANNE TAYLÖR and 5608067 MANITÖBA LTD.,

(Respondents) Appellants,

- and -

TAYLÖR BRÖS. FÄRM LÖD. and EDWIN PÖTÄTÖ GROWERS LÖD.,

(Respondents).

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

**FILED
COURT OF APPEAL**

NOTICE OF APPEAL

MAR 25 2021

**LAW COURTS
WINNIPEG**

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

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(Respondents).

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NOTICE OF APPEAL

TAKE NOTICE that a motion will be made on behalf of the (Respondents) Appellants, Duanne Taylor and 5608067 Manitoba Ltd., as soon as the motion can be heard, by way of appeal from the Order of the Honourable Mr. Justice Toews of the Court of Queen's Bench, Winnipeg Centre, pronounced on the 25th day of January, 2021 and filed on the 26th day of February 2021, in Queen's Bench File No. C115-01-97066, whereby the Learned Motions Judge did:

1. grant the Order that the Intercompany Debt Claim be approved; and

2. order costs as against the (Respondents) Appellants, Duanne Taylor and 5608067 Manitoba Ltd., fixed at \$4,900.00 in any event of the cause.

On the appeal, this Honourable Court will be asked to:

1. set aside the said Order of the Honourable Mr. Justice Toews; and
2. order 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 his finding that the Intercompany Debt Claim be approved;
2. the Learned Motions Judge failed to appreciate that TBF is not entitled to the reallocation sought via Intercompany Debt Claim;
3. the Learned Motions Judge erred in relying upon irrelevant considerations in making his decision;
4. the Learned Motions Judge failed to draw inferences or proper inferences from the relevant facts, failed to consider certain relevant facts, and did consider certain irrelevant facts in arriving at his decision;
5. the Learned Motions Judge failed to follow the rules of natural justice and procedural fairness;
6. the Learned Motion's Judge's decision is contrary to the law and the evidence;
7. 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
8. 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

Has a court order or legislation imposed a publication ban in relation to the trial of other proceeding that is the subject of the appeal?

Yes No

If yes, attach a copy of the order if available or provide details of the publication ban:
N/A

Has access to the court file been restricted by court order or legislation?

Yes No

If yes, attach a copy of the order if available or provide details on the restriction to the court file: N/A

Dated this 25th day of March, 2021

FAST TRIPPIER CLUNIE WITTMAN 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
2200 – 201 Portage Avenue
Winnipeg, Manitoba R3B 3L3

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

SCHEDULE C

FORM 1
(Rule 112)

IN THE COURT OF APPEAL

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 a 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 205 Law Courts Building
408 York Avenue
Winnipeg, Manitoba
R3C 0P9