

AI17-30-08862

IN THE COURT OF APPEAL

BETWEEN:

LINCOLN WOLFE and 5606269 MANITOBA LTD.,

(Applicants) Respondents,

– and –

DUANNE TAYLOR, 5608067 MANITOBA LTD.,
TAYLOR BROS. FARM LTD. and EDWIN POTATO GROWERS LTD.,

(Respondents) Appellants.

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

NOTICE OF MOTION

Hearing date: Thursday, July 20, 2017 at 10:00 a.m.

FILED
COURT OF APPEAL

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LAW COURTS
WINNIPEG

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File No. 15,110-0-40-40

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NOTICE OF MOTION

These (Respondents) Appellants, Duanne Taylor and 5608067 Manitoba Ltd., will make a motion before the Honourable Judge on Thursday, July 20, 2017 at 10:00 a.m. or as soon after that time as the motion can be heard, at the Law Courts Building, 408 York Avenue, Winnipeg, Manitoba.

THE MOTION IS FOR:

1. a Stay of the Liquidation Order filed on June 5, 2017, pending the hearing of an appeal; and
2. such further and other relief as counsel may advise and this Honourable Court may admit.

THE GROUNDS FOR THIS MOTION are:

1. in his judgment dated April 28, 2017 and filed May 25, 2017 (the "**Judgment**"), the Honourable Justice Toews issued a Liquidation Order;
2. an appeal of the Judgment was filed on June 9, 2017;

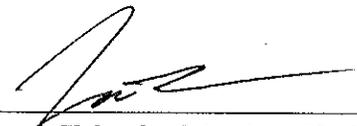
3. a Stay of the Liquidation Order pending a hearing of the appeal was denied by the Honourable Justice Toews on June 5, 2017;
4. there is an arguable case that the Judgment and therefore the Liquidation Order, sought to be appealed from is wrong;
5. these (Respondents) Appellants could, unless the stay is granted, suffer irreparable harm, namely, harm that is not susceptible or is difficult to be compensated in damages; and
6. on the balance of convenience, these (Respondents) Appellants would suffer greater harm from the refusal to grant a stay pending the disposition of the appeal on its merits; and
7. such further and other grounds as counsel may advise and this Honourable Court may deem just.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of this motion:

1. the affidavit of Duanne Taylor, to be filed; and
2. such further and other documentary evidence as counsel may advise and this Honourable court may permit.

July 7, 2017

Fast Trippier Clunie Wittman Santos LLP

Per: 

Faron J. Trippier/ Ambre K. Anjoubault
Counsel for the (Respondents)
Appellants, Duanne Taylor and 5608067
Manitoba Ltd.