

COURT FILE NUMBER

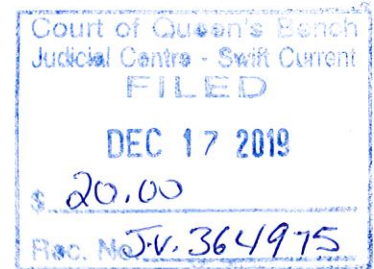
Q.B. 61 of 2018

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN  
IN BANKRUPTCY AND INSOLVENCY

JUDICIAL CENTRE

SWIFT CURRENT

IN THE MATTER OF THE RECEIVERSHIP OF  
SWIFT HOTELS GROUP LTD.



ORDER

**(Advice & Directions of the Court & Assistance in Enforcing the Receivership Order)**

Before the Honourable Mr. Justice R.S. Smith in Chambers the 17<sup>th</sup> day of December, 2019.

Upon the application by Jeffrey M. Lee, Q.C. and Marek Coutu, counsel on behalf of Deloitte Restructuring Inc. (the "**Receiver**"), in its capacity as Court-Appointed Receiver of Swift Hotels Group Ltd. ("**Swift Hotels**"), and upon reading the Receivership Order of the Honourable Mr. Justice R.S. Smith dated November 28, 2019 (the "**Receivership Order**"), the Receiver's Notice of Application dated December 11, 2019; the First Report of the Receiver dated December 11, 2019, and the Consent Order dated December 16, 2019, all filed; and the pleadings and proceedings herein;

**The Court orders:**

1. Phil Krahn, Brian Ostrander and Odyssey Hotels Group Ltd. shall be jointly and severally liable to pay to the Receiver the sum of Fifty-Two Thousand (\$52,000.00) Dollars (the "**Subject Funds**") in accordance with the time limits set forth in paragraph 2 hereof, on account of monies which one or more of Phil Krahn, Brian Ostrander and Odyssey Hotels Group Ltd. caused to be withdrawn from a bank account maintained by Swift Hotels at Royal Bank of Canada in Calgary, Alberta and paid to the order of Odyssey Hotels Group Ltd. subsequent to the pronouncement of the Receivership Order.
2. Phil Krahn, Brian Ostrander and Odyssey Hotels Group Ltd. shall be jointly and severally liable to pay to the Receiver:
  - (a) Ten Thousand (\$10,000.00) Dollars toward payment of the Subject Funds by way of solicitor's trust cheque, certified cheque or bank draft delivered to the law firm of MLT Aikins LLP, counsel to the Receiver, by no later than 5:00 pm (local Saskatchewan time) on Friday, December 13, 2019;
  - (b) in addition to the amount described above in paragraph 2(a) hereof, a further Ten Thousand (\$10,000.00) Dollars toward payment of the Subject Funds by way of solicitor's trust cheque, certified cheque or bank draft delivered to the law firm of MLT Aikins LLP, counsel to the Receiver, by no later than 5:00 pm (local Saskatchewan time) on Friday, December 20, 2019; and
  - (c) in addition to the amounts described above in paragraphs 2(a) and 2(b) hereof, a further Thirty-Two Thousand (\$32,000.00) Dollars toward payment of the Subject Funds by way of solicitor's trust cheque, certified cheque or bank draft delivered to the law firm of MLT Aikins LLP, counsel to the Receiver, by no later than 5:00 pm (local Saskatchewan time) on or before Tuesday, December 31, 2019.

3. Subject to paragraph 4 hereof, there shall be no order for costs and each of the Receiver, Phil Krahn, Brian Ostrander and Odyssey Hotels Group Ltd. shall bear their own respective costs of this application.
4. In the event that Phil Krahn, Brian Ostrander and Odyssey Hotels Group Ltd. shall fail to make one or more of the three payments described above in paragraphs 2(a), 2(b) or 2(c) hereof within the time limits therein specified, then the Receiver shall have leave to apply to this Court for an Order finding Phil Krahn, Brian Ostrander and Odyssey Hotels Group Ltd. to be in contempt of Court and requiring Phil Krahn, Brian Ostrander and Odyssey Hotels Group Ltd. to pay to the Receiver costs of both this application dated November 11, 2019 and the contempt of court application on a solicitor and his own client full indemnity basis.

ISSUED at Swift Current, Saskatchewan, this 17<sup>th</sup> day of December, 2019.

  
(Deputy) Local Registrar

NIKKI BARLOW

**NOTICE**

Take notice that, unless the order is consented to by the respondent or a person affected by the order or unless otherwise authorized by law, every order made without notice to the respondent or a person affected by the order may be set aside or varied on application to the Court. You should consult your lawyer as to your rights.

**CONTACT INFORMATION AND ADDRESS FOR SERVICE:**

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