



Court File No. CV-23-00710413-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

THE HONOURABLE) FRIDAY, THE 1st
)
JUSTICE STEELE) DAY OF NOVEMBER, 2024
)

APPLICATION UNDER SECTION 243(1) OF THE *BANKRUPTCY AND INSOLVENCY ACT*, R.S.C. 1985, c. B-3, AS AMENDED AND SECTION 101 OF THE *COURTS OF JUSTICE ACT*, R.S.O. 1990, c. C.43, AS AMENDED

B E T W E E N

MBL ADMINISTRATIVE AGENT II LLC, as agent for POST ROAD
SPECIALTY LENDING FUND II LP (f/k/a MAN BRIDGE LANE
SPECIALTY LENDING FUND II (US) LP), and POST ROAD SPECIALTY
LENDING FUND (UMINN) LP (f/k/a MAN BRIDGE LANE SPECIALTY
LENDING FUND (UMINN) LP)

Applicant

v.

TRADE X GROUP OF COMPANIES INC., 12771888 CANADA INC., TVAS INC.,
TRADEXPRESS AUTO CANADA INC., TRADE X FUND GP INC., TRADE X LP FUND I,
TRADE X CONTINENTAL INC., TX CAPITAL CORP., TECHLANTIC LTD. AND TX OPS
CANADA CORPORATION

Respondents

**ORDER
(Additional Examinations)**

THIS MOTION made by FTI Consulting Canada Inc., in its capacity as the Court-appointed receiver and manager (the “**Receiver**”), without security, of substantially all of the assets, undertakings and properties of Trade X Group of Companies Inc., 12771888 Canada Inc., TVAS Inc., Tradexpress Auto Canada Inc., Trade X Fund GP Inc., Trade X LP Fund I, Trade X Continental Inc., TX Capital Corp., Techlantic Ltd. and TX Ops Canada Corporation (collectively,

the “**Debtors**”) for an order (this “**Order**”), *inter alia*, expanding certain investigative powers of the Receiver, was heard this day by videoconference via Zoom in Toronto, Ontario;

ON READING the Notice of Motion of the Receiver dated October 22, 2024, the Seventh Report of the Receiver dated October 22, 2024 (the “**Seventh Report**”), and on hearing the submissions of counsel for the Receiver, and such other counsel as were present and wished to be heard, and on reading the affidavit of service, filed;

SERVICE AND DEFINED TERMS

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and the Motion Record is hereby abridged and validated so that this Motion is properly returnable today and hereby dispenses with further service thereof.
2. **THIS COURT ORDERS** that, unless otherwise stated herein, capitalized terms used herein but not otherwise defined herein, have the meaning given to such terms in the Seventh Report

ADDITIONAL EXAMINATIONS

3. **THIS COURT ORDERS** that the Receiver has the right to examine, under oath, any of the persons that are listed in Schedule “A” hereto, as such Schedule may be supplemented by further Order of this Court (collectively, the “**Additional Examined Persons**” and each an “**Additional Examined Person**”).
4. **THIS COURT ORDERS** that Additional Examined Persons are required to produce documents, including, without limitation, agreements, correspondence, invoices, bank statements and other financial records, whether in paper, electronic form or otherwise, requested by the Receiver, acting reasonably, relating to the Debtors’ dealings with them or with entities that they or members of their immediate families own or control.
5. **THIS COURT ORDERS** that Additional Examined Persons are required to provide, on request of the Receiver, any personal electronic device (each, a “**Device**”) to the Receiver that was used to conduct the Debtors’ business; provided, however, that in the event that privileged

information (other than privileged information belonging to the Debtors) is stored on the Device, then the information on the Device shall be preserved but not examined until a protocol for identifying privileged information is agreed to by the Receiver and the Additional Examined Person or established by the Court.

GENERAL

6. **THIS COURT ORDERS** that the Receiver may from time to time apply to this Court for advice and directions with respect to any matters arising from or under this Order.

7. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or in the United States to give effect to this Order and to assist the Receiver and its agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Receiver, as an officer of this Court, as may be necessary or desirable to give effect to this Order or to assist the Receiver and its agents in carrying out the terms of this Order.

Jana
Steele

Digitally signed
by Jana Steele
Date:
2024.11.01
15:42:18 -04'00'

SCHEDULE “A”

- Luciano Butera
- Patrick Leung
- Tara Davidson
- Philip Mittleman
- Norman Koenigsberg
- Brent Sawadsky
- Stephen Zhou

Applicant Respondents

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

Proceeding commenced at Toronto

**ORDER
(Additional Examinations)**

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