



District of British Columbia
Division No. 3 - Vancouver
Court No. VLC-S-B-200204
Estate No.11-2634864

**IN THE SUPREME COURT OF BRITISH COLUMBIA
IN BANKRUPTCY AND INSOLVENCY
IN THE MATTER OF THE BANKRUPTCY OF ENCOREFX INC.**

ORDER MADE AFTER APPLICATION

BEFORE	)	The Honourable	)	
	}	Madam Justice Fitzpatrick	}	April/28/2020
	)		)	

ON THE APPLICATION of Ernst & Young Inc. (the "**Trustee**"), in its capacity as trustee in bankruptcy of EncoreFX Inc. ("**EncoreFX**"), coming on for hearing via teleconference with the the Law Courts, 800 Smithe Street, in the City of Vancouver, in the Province of British Columbia on April 28, 2020, and on hearing William E.J. Skelly, counsel for the Trustee, and those other counsel listed on **Schedule "A"** hereto;

THIS COURT ORDERS that:

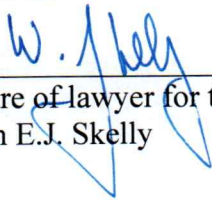
1. The time for service of the Notice Motion for this Order is hereby abridged and validated so that this Notice of Motion is properly returnable today and further service is hereby dispensed.
2. The Order sought in paragraph 2(a) of Part 1 of the Notice of Motion filed in these proceedings, is adjourned generally.
3. The Trustee, if so instructed by the inspectors of the estate of EncoreFX, may, on notice to affected parties, disclaim any of the forward currency contracts and options entered into between EncoreFX and its customers which have resulted in, in the money positions of such customers (the "**ITM Contracts**"), without prejudice whatsoever to any rights, obligations or defences of EncoreFX customers who:
 - a. have entered into ITM Contracts, or
 - b. have entered into forward currency contracts and options with EncoreFX which have resulted in out of the money positions (the "**OTM Contracts**")

whether at contract, law or equity (including without limitation the right to dispute the efficacy of such notice of disclaimer), and the Trustee shall not be personally liable for not having sought an Order of this Honourable Court to disclaim the ITM Contracts before the

appointment of inspectors.

4. Endorsement of this Order by counsel appearing on this Notice of Motion, except for counsel for the Trustee, is hereby dispensed with.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:



Signature of lawyer for the Trustee
William E.J. Skelly

Digitally signed by
Fitzpatrick, J

BY THE COURT

REGISTRAR *IN BANKRUPTCY*

SCHEDULE "A"
LIST OF COUNSEL

PARTY/FIRM	ROLE/ COUNSEL TO:
ALUVION P.C. <i>MEAGHAN RICHARDSON</i>	SEVITA INTERNATIONAL CORP.
BORDEN LADNER GERVAIS LLP <i>LISA HIEBERT</i>	BANK OF MONTREAL
BORDEN LADNER GERVAIS LLP <i>JOSEF G.A. KRUGER, Q.C.</i> <i>JACK MASLEN</i>	- HARMONY BEEF COMPANY LTD. - LJ WELDING AUTOMATION LTD. - PINK TRIANGLE PRESS - PURELY CANADA FOODS CORP. (PREVIOUSLY PUREWEST COMMODITIES INC.)
BOUGHTON LAW <i>GEORGE E.H. CADMAN, Q.C.</i>	LIGHTHOUSE COMMODITIES, LLC
BURNS FITZPATRICK LLP <i>DENNIS FITZPATRICK</i>	J. BOND AND SONS LTD.
COX TAYLOR <i>RAJIV K. GANDHI</i>	REDBRICK TECHNOLOGIES INC.
DAVIES WARD PHILLIPS & VINEBERG LLP <i>NATASHA MACPARLAND</i>	- CONNECTED LAB INC. - GLOBAL FOOD AND INGREDIENTS INC
DLA PIPER (CANADA) LLP <i>KAREN FELLOWES</i>	PURCHASER OF THE US SUB
GOODMANS LLP <i>BRIAN F. EMPEY</i> <i>FRANCESCA GUOLO</i>	ACAA ABSOLUTE ALLIANCE INCORPORATED

PARTY/FIRM	ROLE/ COUNSEL TO:
FASKEN MARTINEAU DUMOULIN LLP <i>JOHN GRIEVE, QC</i>	- METALAB-DESIGN LTD. - DYNAMIC WINDOWS AND DOORS INC. - PIXEL UNION DESIGN LTD.
GOWLING WLG (CANADA) LLP <i>COLIN BROUSSON</i>	DECA CABLES INC.
JONES EMERY HARGREAVES SWAN LLP <i>PETER VAARTNOU</i>	GUSTAVSON CAPITAL CORPORATION, A SECURED CREDITOR
KEY MURRAY LAW <i>IAIN MCCARVILL</i>	GARDEN ISLE FARMS LTD.
LAWSON LUNDELL LLP <i>KIMBERLEY A. ROBERTSON</i>	- AUTHENTIC T-SHIRT COMPANY, ULC - CLOUDHEAD GAMES LTD. - PETERBILT MANITOBA LTD. - CALGARY PETERBILT LTD - CONTROLLED ENVIRONMENTS LIMITED, DBA CONVIRON - ROBERT ALLAN LTD.
MAGELLAN LAW CORPORATION <i>SANJEEV K. PATRO</i>	ECOSAFE ZERO WASTE INC.
MCMILLAN LLP <i>VICKI TICKLE</i>	WEST COAST MOTOR SALES
MILLER THOMPSON LLP <i>JEFFREY C. CARHART</i>	TYCORRA FLEET SOLUTIONS INC. DBA WABASH CANADA
NORTON ROSE FULBRIGHT CANADA LLP <i>JENNA ANNE DE JONG</i>	1919063 ONT INC. DBA RUTTERS ELEVATORS
O'CONNOR RICHARDSON PROFESSIONAL CORPORATION <i>SARAH O'CONNOR</i>	RONCO FREIGHT INTERNATIONAL INC.

PARTY/FIRM	ROLE/ COUNSEL TO:
OSLER, HOSKIN & HARCOURT LLP <i>TRACY SANDLER</i>	[STERN PARTNERS INC.] - ALBERTA NEWSPRINT COMPANY - COMARK HOLDINGS - PORT HAWKESBURY PAPER LP - WHITECOURT NEWSPRINT COMPANY - URBAN BARN - WAREHOUSE ONE CLOTHING - WESTERN GLOVE WORKS
OSLER, HOSKIN & HARCOURT LLP <i>RANDAL VAN DE MOSSELAER</i>	1309497 ALBERTA LTD. DBA WA GRAIN
SCARFONE HAWKINGS LLP <i>PATRICK MC ILHONE</i>	GENERIS GLOBAL PARTNERS CORP.
STIKEMAN ELLIOTT LLP <i>LEE NICHOLSON</i>	MR. ANDREAS WREDE
STIKEMAN ELLIOTT LLP <i>MARIA KONYUKHOVA</i>	BALLARD POWER SYSTEMS INC.
WHITELAW TWINING <i>JOHN FIDDICK</i>	LIGHTHOUSE PICTURES INC. VINE PRODUCTIONS INC.

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MLT AIKINS LLP

Phone: 604-682-7737

Attention: William E.J. Skelly

File: 0007230.00036

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