



No. S245481
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*,
R.S.C. 1985, c. C-36, AS AMENDED

AND

IN THE MATTER OF THE *COOPERATIVE ASSOCIATION ACT*, S.B.C. 1999, c. 28

AND

IN THE MATTER OF BC TREE FRUITS COOPERATIVE, BC TREE FRUITS INDUSTRIES
LIMITED and GROWERS SUPPLY COMPANY LIMITED

PETITIONERS

ORDER MADE AFTER APPLICATION
(NAME CHANGE & CLAIMS PAYMENTS)

BEFORE THE HONOURABLE)
JUSTICE GROPPER) August 27, 2025

ON THE APPLICATION OF Alvarez & Marsal Canada Inc. in its capacity as monitor of the Petitioners (in such capacity, the "**Monitor**") coming on for hearing by MS Teams and in person at Vancouver, British Columbia on August 27, 2025; AND ON HEARING Kibben Jackson and Heidi Esslinger, counsel for the Monitor, and those counsel listed in Schedule "A" attached hereto; AND UPON READING the material filed, including the Fourteenth Report of the Monitor dated August 25, 2025 (the "**Fourteenth Report**"); AND PURSUANT TO the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended (the "**CCAA**"), the British Columbia Supreme Court Civil Rules, and the inherent jurisdiction of this Court;

THIS COURT ORDERS AND DECLARES THAT:

1. The time for service of this notice of application and supporting materials is hereby abridged such that the notice of application is properly returnable today.

Name Change

2. The Petitioners shall be permitted to execute and file articles of amendment or such other documents or instruments as may be required to change each of the Petitioners' corporate and business names, and such articles, documents or other instruments shall be deemed to have been duly authorized, valid and effective and shall be accepted by the applicable Governmental Authority without the requirement (if any) of obtaining director, member or shareholder approval pursuant to any federal or provincial legislation or otherwise.

Payment of Accepted Claims

3. All terms not otherwise defined herein shall have the meanings ascribed to them in the Claims Process Order pronounced in these proceedings on April 28, 2025 (the "**Claims Process Order**").
4. All Claims against the Petitioners, including Pre-Filing Claims, Restructuring Period Claims, and D&O Claims (as such terms are defined in the Claims Process Order), which have been allowed by the Monitor or deemed to have been accepted in accordance with the Claims Process Order or in accordance with the Claims Assignment Order pronounced in these proceedings on October 24, 2024, all of which are enumerated in Appendix "B" to the Fourteenth Report, are hereby accepted as valid Claims (the "**Accepted Claims**") for the purposes of payments to be made by the Monitor in accordance with and pursuant to the provisions of this order.
5. The Monitor, on behalf of the Petitioners, is hereby authorized, directed and empowered to pay to each Claimant, which for the purpose of this order includes B.C. Investment Agriculture Foundation, holding an Accepted Claim the full amount of their Accepted Claim from the funds in the possession of the Petitioners.
6. Any payments made by the Monitor in accordance with this order shall not constitute a "distribution", and the Monitor shall not constitute a "legal representative" or "representative" of the Petitioners or "other person" for the purposes of Section 159 of the *Income Tax Act* (Canada), Section 270 of the *Excise Tax Act* (Canada), Section 46 of the *Employment Insurance Act* (Canada), or any other similar federal, provincial or territorial


tax legislation in the Provinces or Territories in which the Petitioners conducted business (collectively, the “**Statutes**”), and the Monitor in making any such payment or deliveries of funds in accordance with this order: (i) is not “distributing”, nor shall it be considered to have “distributed”, such funds or assets for the purposes of the Statutes; (ii) shall not incur any liability under the Statutes for making any payments or deliveries in accordance with this order or failing to withhold amounts, ordered or permitted hereunder; (iii) shall not have any liability for any of the Petitioners' tax liabilities regardless of how or when such liabilities may have arisen; and (iv) is hereby forever released, remised and discharged from any claims against the Monitor under or pursuant to the Statutes or otherwise at law, arising as a result of the payments and deliveries in accordance with this order, and any claims of such nature are hereby forever barred.

7. The Monitor or any other person facilitating payments pursuant to this order shall be entitled to deduct and withhold from any such payments such amounts as may be required to be deducted or withheld under any applicable law including, without limitation, any tax withholdings, statutory deductions and any employment insurance overpayments, and to remit such amounts to the appropriate governmental authority or other person entitled thereto as may be required by such law.
8. All payments shall be made in Canadian dollars, regardless of the currency indicated in the applicable Proof of Claim or otherwise, calculated by the Monitor as at the Filing Date, in accordance with paragraph 5 of the Claims Process Order.
9. All payments made by the Monitor pursuant to and in accordance with this order shall be free and clear of the Charges provided for in the ARIO.
10. Notwithstanding:
 - (a) the pendency of these proceedings or the termination of these proceedings;
 - (b) any application for a bankruptcy order now or hereafter issued pursuant to the *Bankruptcy and Insolvency Act* (Canada), R.S.C. 1985 c. B-3, as amended (the “**BIA**”) in respect of any of the Petitioners and any bankruptcy order issued pursuant to any such application; or
 - (c) any assignment in bankruptcy made in respect of any of the Petitioners,

any payments made pursuant to this order are final and irreversible and shall be binding upon any trustee in bankruptcy that may be appointed in respect of the Petitioners, and shall not be void or voidable by creditors of the Petitioners, nor shall any such payments constitute or be deemed to be fraudulent preferences, assignments, fraudulent conveyances, transfers-at-undervalue or other reviewable transactions under the BIA or any other federal or provincial law, nor shall they constitute conduct which is oppressive, unfairly prejudicial to or which unfairly disregards the interests of any person, and shall, upon the receipt thereof, be free of all claims, liens, security interests, charges, or other encumbrances granted by or relating to the Petitioners.

11. The Monitor, whether in its personal capacity or in its capacity as the Monitor:
 - (a) shall have all of the protections provided to it as an officer of the Court, including the protections granted pursuant to the CCAA and other orders granted in these CCAA proceedings; and
 - (b) shall incur no liability or obligation as a result of carrying out any duties or work in connection with this order, save and except for any gross negligence or willful misconduct.
12. The Monitor shall be at liberty, and is hereby authorized and empowered to take any further steps that the Monitor deems necessary or desirable in order to complete the payments described in and authorized by this order.
13. Endorsement of this order by counsel appearing on this application, other than counsel for the Monitor, 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:

for: 
Signature of Kibben Jackson
Lawyer for the Monitor, Alvarez & Marsal
Canada Inc.
Heidi Essinger

BY THE COURT 

REGISTRAR



SCHEDULE "A"
COUNSEL APPEARING

Name of Party	Counsel Name
As The Petitioners	Howard Gorman
UFCW Local 247	Raashi Ahluwalia
BC Tree Fruits Cooperative members	Maya Chunlov
BC Tree Fruits Cooperative Former members	Kayla Strong

