



This is the 4th affidavit  
of Douglas Mordy in this case  
and was made on February 5, 2025

No. S-240514  
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

AND

IN THE MATTER OF THE *BUSINESS CORPORATIONS ACT*, S.B.C. 2002, c. 57

AND

IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF  
FELIX PAYMENT SYSTEMS LTD.

PETITIONER

**AFFIDAVIT**

I, **DOUGLAS MORDY**, business person, of 650-1188 West Georgia Street Vancouver, BC V6E 4A2 SWEAR THAT:

**INTRODUCTION**

1. I am the Trustee of CA Mordy Legacy Trust ("**Mordy Trust**"). I am authorized to make this affidavit on behalf of the Stalking Horse Bidders and the First Lien Lenders (defined below). Where necessary, I have reviewed the books and records maintained by the Stalking Horse Bidders and the First Lien Lenders in the ordinary course of business. As such, I have personal knowledge of the matters described in this affidavit, except where I say that my knowledge is based on the information of others, in which case I believe the same to be true.
2. I swear this Affidavit further to my Affidavit sworn December 19, 2024 (the "**First Mordy Affidavit**") and my Affidavit sworn January 28, 2025 (the "**Second Mordy Affidavit**"), and my Affidavit sworn on February 5, 2025 (the "**Third Mordy Affidavit**").

3. Capitalized terms not otherwise defined in this Affidavit have the meaning set forth in the First Mordy Affidavit.

#### **ADOBE ACROBAT SIGN**

4. In my capacity as a lender, I routinely use and rely on the program Adobe Acrobat Sign to sign loan documents and am aware of how the program works.
5. In addition, I am the CEO and co-founder of Appara, which is a legal technology company that automates the creation of legal documents for lawyers. Appara is in use in over 300 law firms across Canada with hundreds of thousands of companies that are clients of those law firms on the platform.
6. In the short period of time we had to prepare this affidavit, I spoke with the Chief Technology Officer of Appara, Brad Kram, who stated that with respect to Appara, we average about 700 Adobe Sign packages being sent daily, and that those packages will often contain more than 100 documents in them to each be signed.
7. Mr. Kram indicated that a signer must sign all documents within a package in order for it to be complete by Adobe Acrobat Sign. A signer cannot only sign one document if multiple signatures are required to an Adobe Acrobat Sign. If any document is not signed, the package will not be considered signed and complete by Adobe Acrobat Sign.
8. In my Third Affidavit I note that I retrieved the “**Final Audit Report**” of Adobe Acrobat Sign dated March 14, 2024 with respect to the document “Felix Payment Systems Ltd. - Resolution and Promissory Notes on March 14, 2024” with the assistance of my assistant Emily Kuo.
9. I required Ms. Kuo’s assistance, not because I am not familiar with this program, but because Ms. Kuo is the person who sent this Adobe Acrobat Sign to Mr. Hogg and the Final Audit Report was sent to her email.
10. I routinely rely on Adobe Acrobat Sign as evidence that documents are duly executed by counter parties.

11. It is my practice to advance funds as a lender following receipt of signed loan documents.
12. I relied on the directors resolution and promissory notes signed in Adobe Acrobat Sign by Mr. Hogg on March 14, 2024 to direct the First Lien Lenders to advance the funds set out in the promissory notes, namely:
  - (a) \$60,000 in respect of Jake Boxer;
  - (b) \$30,000 in respect of CA Mordy Legacy Trust; and
  - (c) \$10,000 in respect of Brookridge Chartered Professional Accountants Inc.

#### **TEST ADOBE ACROBAT SIGN**

13. I understand Mr. Hogg asserts that he could not have signed four document with Adobe Acrobat Sign in the amount of time set out in the Final Audit Report.
14. To that end, we have prepared an example Adobe Acrobat Sign envelop, which Ms. Kuo sent to Mr. Hodgson to sign four documents on February 5, 2025.
15. Attached hereto as EXHIBIT "A" is a true copy of the final audit report with respect to Mr. Hodgson's signatures and attached hereto as EXHIBIT "B" is a true copy of signed sample PDF.
16. In the final audit report in respect of Mr. Hodgson's signing, it shows that:
  - (a) Mr. Hodgson entered his name at signing as "Lucas Hodgson" at 10:35:45 PM GMT; and
  - (b) Mr. Hodgson signed the documents at 10:35:47 PM GMT.

#### **EMAILS WITH MR. HOGG REGARDING SIGNING**

17. In addition, attached hereto as EXHIBIT "C" is email between myself. Ms. Kuo, and Mr. Hogg on March 14, 2024.

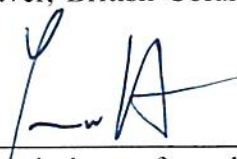
18. The email chain sets out the following timeline:

- (a) On March 14, 2024, 2:24, PST Ms. Kuo sent an email to Mr. Hogg, copying me, stating: "I am about to send you the resolution and promissory notes for the Company for electronic signature with Adobe Acrobat Sign. No Adobe account set-up is required. Once you review the documents and confirm the information is correct, simply follow the prompts and sign where indicated. Kindly ensure that you press submit once completed to save the signatures."; and
- (b) On March 14, 2024, 2:31 PST, I send an email to Mr. Hogg clarifying that "this is for the payroll we are about to fund again."

19. As set out in the Audit Report attached to my Second Affidavit, Mr. Hogg then completes the Adobe Acrobat Sign for the document titled: "Felix Payment Systems Ltd. - Resolution and Promissory Notes on March 14, 2024" at 9:30 PM GMT, which on March 14, 2024 was 2:30 PM PST (due to daylight saving time, on March 14, 2024, GMT was 7 hours ahead of PST).

20. And then about an hour and 19 minutes later, on March 14, 3:49 PM, Mr. Hogg emails me and Ms. Kuo back stating, "All signed.. and returned".

SWORN (OR AFFIRMED) BEFORE ME at )  
Vancouver, British Columbia, February 5<sup>th</sup>, )  
2025. )  
)  
)



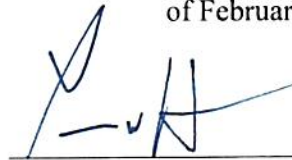
A Commissioner for taking affidavits for  
British Columbia



Douglas Mordy

**LUCAS HODGSON**  
**BARRISTER & SOLICITOR**  
**Osler, Hoskin & Harcourt LLP**  
Suite 3000, Bentall Four  
1055 Dunsmuir Street  
Vancouver, BC V7X 1K5  
TELEPHONE: 236.466.2843

This is Exhibit "A" referred to in the  
Affidavit #4 of Douglas Mordy sworn  
before me at Vancouver, BC, this 5th day  
of February 2025

A handwritten signature in blue ink, consisting of stylized, overlapping loops and lines, positioned above a horizontal line.

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A Commissioner/Notary Public for the  
Province of British Columbia

# SAMPLE SIGNING DOCUMENT

Final Audit Report

2025-02-05

Created:	2025-02-05
By:	Emily Kuo (emily@mordypalmer.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAADG7XdQmVJf4dB4XoS0XH3DmATcFkOtvz

## "SAMPLE SIGNING DOCUMENT" History



Document created by Emily Kuo (emily@mordypalmer.com)

2025-02-05 - 10:26:50 PM GMT - IP address: 174.7.68.22



Document emailed to lhodgson@osler.com for signature

2025-02-05 - 10:28:01 PM GMT



Email viewed by lhodgson@osler.com

2025-02-05 - 10:35:07 PM GMT - IP address: 104.47.75.190



Signer lhodgson@osler.com entered name at signing as Lucas Hodgson

2025-02-05 - 10:35:45 PM GMT - IP address: 72.140.239.4



Document e-signed by Lucas Hodgson (lhodgson@osler.com)

Signature Date: 2025-02-05 - 10:35:47 PM GMT - Time Source: server- IP address: 72.140.239.4



Agreement completed.

2025-02-05 - 10:35:47 PM GMT



This is Exhibit "B" referred to in the  
Affidavit #4 of Douglas Mordy sworn  
before me at Vancouver, BC, this 5th day  
of February 2025

A handwritten signature in blue ink, appearing to be 'A. W. K.', written over a horizontal line.

A Commissioner/Notary Public for the  
Province of British Columbia

**SAMPLE RESOLUTION**

Date: February 5, 2025

**RECITALS:**

- A. Recital 1
- B. Recital 2
- C. Recital 3
- D. Recital 4
- E. Recital 5

**BE IT RESOLVED THAT:**

- 1. Resolution 1
- 2. Resolution 2
- 3. Resolution 3
- 4. Resolution 4
- 5. Resolution 5
- 6. Resolution 6
- 7. Resolution 7
- 8. Resolution 8

*[Remainder of this page is intentionally blank]*



- 2 -

DATED as of the first date written above.

*Lucas Hodgson*

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Lucas Hodgson

**SAMPLE PROMISSORY NOTE 1**

**AMOUNT:** NIL.

**DATE:** February 5, 2025

1. Clause 1

Sample Provision

2. Clause 2

Sample Provision

3. Clause 3

Sample Provision

4. Clause 4

Sample Provision

5. Clause 5

Sample Provision

6. Clause 6

Sample Provision

7. Clause 7

Sample Provision

8. Clause 8

Sample Provision

9. Clause 9

Sample Provision

10. Clause 10

Sample Provision

*[Signature Page Follows]*

- 4 -

DATED as of the first date written above.

*Lucas Hodgson*

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Lucas Hodgson

**SAMPLE PROMISSORY NOTE 2**

**AMOUNT:** NIL.

**DATE:** February 5, 2025

11. Clause 1

Sample Provision

12. Clause 2

Sample Provision

13. Clause 3

Sample Provision

14. Clause 4

Sample Provision

15. Clause 5

Sample Provision

16. Clause 6

Sample Provision

17. Clause 7

Sample Provision

18. Clause 8

Sample Provision

19. Clause 9

Sample Provision

20. Clause 10

Sample Provision

*[Signature Page Follows]*

- 6 -

DATED as of the first date written above.

*Lucas Hodgson*

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Lucas Hodgson

**SAMPLE PROMISSORY NOTE 3**

**AMOUNT:** NIL.

**DATE:** February 5, 2025

21. Clause 1

Sample Provision

22. Clause 2

Sample Provision

23. Clause 3

Sample Provision

24. Clause 4

Sample Provision

25. Clause 5

Sample Provision

26. Clause 6

Sample Provision

27. Clause 7

Sample Provision

28. Clause 8

Sample Provision

29. Clause 9

Sample Provision

30. Clause 10

Sample Provision

***[Signature Page Follows]***

- 8 -

DATED as of the first date written above.

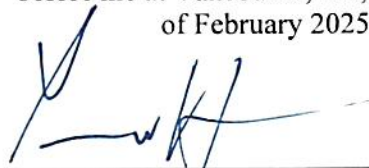
*Lucas Hodgson*

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Lucas Hodgson



This is Exhibit "C" referred to in the  
Affidavit #4 of Douglas Mordy sworn  
before me at Vancouver, BC, this 5th day  
of February 2025

A handwritten signature in blue ink, consisting of a stylized 'V' followed by a horizontal line and a vertical line, with a small 'w' shape in the middle.

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A Commissioner/Notary Public for the  
Province of British Columbia

**Newbery, Emma**

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**From:** Emily Kuo <emily@mordypalmer.com>  
**Sent:** Wednesday, February 05, 2025 2:56 PM  
**To:** Newbery, Emma  
**Cc:** Doug Mordy  
**Subject:** Fw: Felix Payment Systems Ltd. (the "Company"): Resolutions and Promissory Notes

--

**Emily Kuo**  
*Paralegal* | **MORDY & PALMER LLP**  
 650 – 1188 West Georgia Street  
 Vancouver, BC V6E 4A2  
 Office: (604) 603-4400 | Direct: (604) 901-0636

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**From:** Warren Hogg <warren.hogg@payfelix.com>  
**Sent:** Thursday, March 14, 2024 3:49 PM  
**To:** Doug Mordy <doug@mordypalmer.com>; Emily Kuo <emily@mordypalmer.com>  
**Subject:** RE: Felix Payment Systems Ltd. (the "Company"): Resolutions and Promissory Notes

All signed.. and returned

**From:** Doug Mordy <doug@mordypalmer.com>  
**Sent:** Thursday, March 14, 2024 2:31 PM  
**To:** Emily Kuo <emily@mordypalmer.com>; Warren Hogg <warren.hogg@payfelix.com>  
**Subject:** Re: Felix Payment Systems Ltd. (the "Company"): Resolutions and Promissory Notes

You don't often get email from [doug@mordypalmer.com](mailto:doug@mordypalmer.com). [Learn why this is important](#)

Hi Warren,

This is for the payroll we are about to fund again. Thanks!

Doug

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**From:** Emily Kuo <emily@mordypalmer.com>  
**Sent:** March 14, 2024 2:24 PM  
**To:** [warren.hogg@payfelix.com](mailto:warren.hogg@payfelix.com) <[warren.hogg@payfelix.com](mailto:warren.hogg@payfelix.com)>  
**Cc:** Doug Mordy <doug@mordypalmer.com>  
**Subject:** Felix Payment Systems Ltd. (the "Company"): Resolutions and Promissory Notes

Good afternoon Warren,

I hope this email finds you well.

I am about to send you the resolution and promissory notes for the Company for electronic signature with Adobe Acrobat Sign. No Adobe account set-up is required. Once you review the documents and confirm the information is correct, simply follow the prompts and sign where indicated. Kindly ensure that you **press submit** once completed to save the signatures.

Please don't hesitate to let me know if there are any questions. Thank you.

Sincerely,

Emily

--

Emily Kuo

Paralegal | **MORDY & PALMER LLP**

650 – 1188 West Georgia Street

Vancouver, BC V6E 4A2

Office: (604) 603-4400 | Direct: (604) 901-0636

**WE HAVE MOVED! As of September 1, our address is: 650 - 1188 West Georgia Street, Vancouver, BC V6E 4A2. Please ensure that any cheques are sent to our new address.**

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