

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**

**(FORMER MEMBERS' REPRESENTATION ORDER)**

BEFORE THE HONOURABLE )  
JUSTICE GROPPER ) July 31, 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 July 16, 2025 and continued on July 17, 2025; AND ON HEARING Kibben Jackson and Heidi Esslinger, counsel for the Monitor, and those other counsel listed on **Schedule "A"** hereto, and no one else appearing although duly served, AND UPON READING the material filed, including the Thirteenth Report of the Monitor to the Court dated July 9, 2025; 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; AND ON JUDGMENT BEING RESERVED TO THIS DATE;

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.

2. Steve Day (the **"Former Members' Representative"**) is hereby appointed to represent the interests of all former voting members of BC Tree Fruits Cooperative (**"BCTFC"**) who delivered fruit to BCTFC at any time during the years 2018 to 2023 (collectively, the **"Former Members"**) in these CCAA proceedings for all purposes, including without limiting the foregoing with respect to the interests of the Former Members in BCTFC and any claims the Former Members may have against BCTFC, howsoever arising, and any related matters (the **"Mandate"**), provided that any claims which the Former Members might have against any of the Petitioners or their directors and officers shall only be advanced in accordance with the claims process initiated in these proceedings and any relevant orders of the court made in these proceedings.
3. The law firm of Nathanson, Schachter & Thompson LLP (the **"Former Members' Representative Counsel"**) is hereby appointed as counsel to the Former Members in these proceedings in relation to, and for the purposes of, carrying out the Mandate in accordance with the terms of this order.
4. The Former Members' Representative and the Former Members' Representative Counsel are authorized to take all steps and to do all acts necessary or desirable to carry out the Mandate in accordance with the terms of this order, including dealing with any other court, regulatory body and government ministry, department or agency, and to take all such steps as are necessary or incidental thereto.
5. The Former Members' Representative and the Former Members' Representative Counsel are hereby authorized and empowered to apply to this Court for such advice and directions as may be necessary or desirable in order to carry out the Mandate or the terms of this order.

#### **NOTICE PROCEDURE**

6. This Court orders that within 5 business days from the date of this order:
  - a) the Former Members' Representative Counsel shall issue electronically, through the facilities of Canada Newswire or a similar service provider, a press release giving notice of this order; and
  - b) the Monitor shall post a copy of this order to the Monitor's website.
7. The Former Members' Representative Counsel shall provide a copy of this order to any person who makes written request for same.

## EXCLUSION FROM THE DEFINITION OF FORMER MEMBERS

8. Any person who wishes to be excluded from the definition of Former Members herein must make such request in writing to the Former Members' Representative Counsel by email at preardon@nst.ca within 30 days of the date of the order.

## CHARGES CREATED BY THIS ORDER

9. The Petitioners shall pay the reasonable fees and disbursements of the Former Members' Representative Counsel in the Monitor's discretion, in consultation with the Petitioners, and the Members' Representative Counsel is hereby granted a charge (the "**Former Members' Representative Counsel Charge**") on the Property (as defined in the Amended and Restated Initial Order granted August 26, 2024, as amended, restated, or supplemented from time to time, the "**ARIO**") in the amount of \$50,000 as security for the payment of their fees and disbursements. The Former Members' Representative Counsel Charge shall have the same priority as the Representative Counsel Charge as defined and set out in the ARIO.
10. The Former Members' Representative Counsel shall report to the Monitor at such times as requested by the Monitor to advise as to the amount of the then-accrued fees and disbursements of the Members' Representative Counsel, inclusive of any taxes.

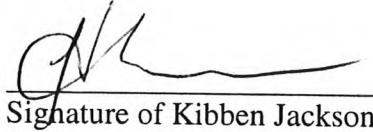
## MISCELLANEOUS

11. This Court orders that the Petitioners, the Monitor, the Former Members' Representative and the Former Members' Representative Counsel are hereby authorized to collect, use and disclose personal information of the Former Members amongst one another, but only to the extent necessary or desirable to give effect to the Mandate and the terms of this order.
12. Any party may apply to amend or vary the terms of this order on notice to the Service List (as that term is defined in the ARIO).

[Remainder of page intentionally left blank]

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:



Signature of Kibben Jackson

Lawyer for the Monitor, Alvarez & Marsal  
Canada Inc.



BY THE COURT

\_\_\_\_\_  
REGISTRAR



**Schedule "A"**

**LIST OF COUNSEL**

<b>Name of Party</b>	<b>Counsel Name</b>
Mary Buttery, K.C. Christian Garton	The voting members of the BC Tree Fruits Cooperative
Katie Mak	The Petitioners
Raashi Ahluwalia	UFCW, Local 247
Peter Reardon	Proposed counsel for the representative of the former members of BC Tree Fruits Cooperative