

No. S-245481 Vancouver Registry

AUG 22 2024

## In the Supreme Court of British Columbia

VANCONTERMATTER OF THE COMPANIES' CREDITORS ARRANGEMENT ACT, SUPREME COURT SCHEDULING 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** 

# APPLICATION RECORD (APPLICATION FOR AMENDED AND RESTATED INITIAL ORDER)

Solicitors for the Petitioners, BC Tree Fruits Cooperative, BC Tree Fruits Industries Limited and Growers Supply Company Limited

Solicitors for the Monitor, Alvarez & Marsal Canada Inc.

Solicitor for Canadian Imperial Bank of Commerce

Howard A. Gorman, KC Candace Formosa Norton Rose Fulbright Canada LLP 1800 – 510 West Georgia Street Vancouver, BC V6B 0M3 Telephone: (604) 687-6575

Kibben Jackson Heidi Esslinger Fasken Martineau DuMoulin LLP 2900 – 550 Burrard Street Vancouver, BC V6C 0A3 Telephone: (604) 631-4786

Peter Rubin Blake, Cassels & Graydon LLP 3500 – 1133 Melville Street Vancouver, BC V6E 4E5 Telephone: (604) 631-3315

DATE, TIME, PLACE OF APPLICATION: 23/Aug/2024, 10:00 am, Vancouver Application Record provided by: Counsel for the Petitioners Before the Honourable Madam Justice Gropper

#### 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** 

### INDEX

# <u>Tab</u> <u>Document</u> Application Materials

1. Notice of Application filed August 22, 2024

#### **Affidavits**

- 2. Affidavit #1 of Douglas Pankiw, made August 11, 2024 (excluding exhibits)
- 3. Affidavit #2 of Douglas Pankiw, made August 22, 2024

### Other

- 4. Pre-filing Report of the Proposed Monitor dated August 12, 2024
- 5. First Report of the Monitor
- 6. Draft Amended and Restated Initial Order
- 7. Blackline to Initial Order