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COURT FILE NUMBER 1801-16809

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

IN THE MATTER OF THE BANKRUPTCY
AND INSOLVENCY ACT

AND IN THE MATTER OF THE PROPOSAL
OF COMMERX CORPORATION

DOCUMENT **ADJOURNMENT ORDER**

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS
DOCUMENT

BENNETT JONES LLP
Barristers and Solicitors
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Attention: Chris Simard/Keely Cameron
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Client File No.: 58368.11

**DATE ON WHICH ORDER WAS
PRONOUNCED:** **Friday, October 11, 2019**

LOCATION OF HEARING OR TRIAL: **Calgary**

**NAME OF JUDGE WHO MADE THIS
ORDER:** **Madam Justice Dario**

UPON THE APPLICATION of Hardie & Kelly Inc., the Proposal Trustee ("**Proposal Trustee**") of Commerx Corporation ("**Commerx**"); AND UPON reading the Report of the Proposal Trustee pursuant to sections 58(d) and 59(1) of the *Bankruptcy and Insolvency Act*, RSA 1985 c B-3 (the "**BIA**") dated September 23, 2019; AND UPON reading the Amended

Proposal of Commerx dated September 6, 2019 ("**Amended Proposal**"); AND UPON considering the Proposal Trustee's application to approved the Amended Proposal (the "**Approval Application**"); AND UPON hearing the applications of Fortitude Financial Investments Inc. ("**Fortitude**") and Peter Trant to adjourn the Approval Application; AND UPON hearing from counsel for the Proposal Trustee, counsel for Commerx, counsel for Fortitude and counsel for Mr. Trant;

IT IS HEREBY ORDERED AND DECLARED THAT:

1. Service of the Proposal Trustee's Notice of Disallowance of the claim of Fortitude (the "**Disallowance**") was effected on September 18, 2019, and Fortitude must file any appeal of the Disallowance on or before the close of business on Monday, October 21, 2019.
2. The Approval Application is hereby adjourned to 2:00 p.m. on Friday, November 15, 2019. If Fortitude appeals the Disallowance, the hearing of its appeal (the "**Disallowance Appeal**") shall be returnable at the same time, and shall be heard before the Approval Application. The Approval Application and the Disallowance Appeal are hereinafter referred to collectively as the "**Applications**".
3. The parties shall observe the following pre-hearing deadlines with respect to the Applications:
 - (a) Fortitude shall file and serve all parties on the service list with its application respecting the Disallowance Appeal, and all supporting evidence ("**Fortitude's Evidence**"), on or before the close of business on Monday, October 21, 2019;
 - (b) any cross-examination on Fortitude's Evidence shall be conducted on or before the close of business on Friday, October 25, 2019;
 - (c) any evidence to be submitted in response to the Disallowance Appeal or Fortitude's Evidence ("**Responding Evidence**") shall be filed and served on the service list on or before the close of business on Wednesday, October 30, 2019;
 - (d) any cross-examination on the Responding Evidence shall be conducted on or before the close of business on Wednesday, November 6, 2019; and

(e) any Briefs of Argument with respect to the Applications shall be filed, served on the service list and delivered to Madam Justice Campbell prior to 12:00 p.m. Calgary time on Tuesday, November 12, 2019.

4. The costs of the Proposal Trustee's application scheduled to be heard on October 11, 2019 and the adjournment thereof may be spoken to at the hearing of the Applications.

J.C.Q.B.A.

AGREED AS TO THE ORDER GRANTED:

BURNET, DUCKWORTH & PALMER LLP

BLAKE, CASSELS & GRAYDON LLP

Per: _____
Ryan Algar
Counsel to Fortitude Financial Investments
Inc.

Per: _____
Amanda Manasterski
Counsel to Peter Trant

BURSTALL LLP

VERJEE & ASSOCIATES

Per: _____
Scott Chimuk
Counsel to Commerx Corporation

Per: _____
Zul Verjee, Q.C
Counsel for Commerx Holdings LLC
and Lotus Innovations Private Equity
Fund also known as Lotus Innovations
LLC