**THE KING'S BENCH**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ CENTRE**

BETWEEN:

xxx,

plaintiff,

- and -

yyy,

defendant.

**ORDER**

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|  |

*(Name, address and telephone number of party filing)*

**THE KING’S BENCH**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ CENTRE**

 )

The Honourable Justice ) [*date: month, day, year*]

 )

BETWEEN:

**xxx,**

plaintiff,

- and -

**yyy,**

Defendant.

**ORDER**

**THIS MOTION** made by the plaintiff, *without notice* to the defendant, seeking an interim Order in the form of a *Mareva* injunction restraining the defendant, was heard \_\_\_\_\_\_\_\_\_ [*day of* *the week*], \_\_\_\_\_\_\_\_\_\_\_\_ [*date: month, day, year*], at \_\_\_\_\_\_\_\_\_\_\_ [*identify Court House*], in \_\_\_\_\_\_\_\_\_\_ [*name of town, city, etc.*], Manitoba.

**ON READING** [*list of materials filed, such as: Statement of Claim, Affidavits, etc*.], on hearing the submissions of counsel for the plaintiff(s), and on noting the formal undertaking of the plaintiff(s) (“the undertaking”) to abide by any Order this Court may make concerning damages arising from the granting and enforcement of this Order.

**THIS COURT ORDERS**:

**Mareva Order**

1. Except as permitted by this Order, the defendant and its servants, employees, agents, assigns, officers, directors and anyone else acting on their behalf or in conjunction with any of them, must not:
	1. Remove from Manitoba or in any way dispose of, or deal with or diminish the value of [*his/her/their/its*] assets that are in Manitoba whether in [*his/her/their/its*] own name or not and whether solely or jointly owned;
	2. In any way dispose of or deal with or diminish the value of any of [*his/her/their/its*] assets that are outside Manitoba whether in [*his/her/their/its*] own name or not and whether solely or jointly owned.

This prohibition applies to all of the defendant’s assets, and includes, without limitation, the following:

1. Real property described as [*description of property, including addresses/legal descriptions*];
2. The assets and property of the defendant’s business, described as [*description of business, including legal name, address, other details*];
3. All personal property in which the defendant has an interest, including personal property at or within the real property, including the proceeds from the sale of any of the assets above; and
4. All money in any financial institution, crypto currency, or investments of any kind, including, but not limited to, money and investments in the following accounts [*list account numbers, locations and their addresses*]:

**Exceptions to Order**

1. If the total value of the defendant’s assets in Manitoba, net of all secured interests, exceeds $[*judgment requested*], the defendant may remove them from Manitoba dispose of them or deal with or diminish their value so long as the total net value of [*her/his/their/its*] assets in Manitoba remains above $[*judgment requested*][[1]](#footnote-1);
2. If the total net value of the defendant’s assets in Manitoba does not exceed $[*judgment requested*], the defendant must not remove any of those assets from Manitoba and must not dispose of or deal with any of them, but if [*he/she/they/its*] has other assets outside Manitoba the defendant may dispose of or deal with those assets so long as the total net value of all assets whether in or outside Manitoba remains above $[*judgment requested*];
3. This Order does not prohibit the defendant from dealing with or disposing of assets in the ordinary course of business;
4. The defendant may apply for an order, on at least twenty-four (24) hours notice to the plaintiff, specifying the amount of funds which the defendant is entitled to spend on ordinary living expenses [*and/or ordinary business expenses*] and legal advice and representation;
5. [*OR*] The defendant may spend up to $[*living expenses*] a month on ordinary living expenses [*and/or ordinary and proper business expenses*] and a total of $[*legal fees*] on legal advice and representation. Before spending the money for any of these purposes, the defendant must advise the plaintiff in writing, specifying the source of funds;
6. The above spending limits may be increased and this Order may be otherwise varied with the written consent of all parties.

**Duration of Order**

1. This Motion shall return before this Court on or before[[2]](#footnote-2) \_\_\_\_\_\_\_\_\_\_\_\_\_ for confirmation;
2. This Order will cease to have effect if the defendant pays into Court the sum of $[*judgment requested*] as security or posts security in an amount and form agreed to by the parties in writing.

**Variation or Discharge of Order**

1. Anyone affected by this Order may apply to this Court at any time to vary or discharge it, or to request that the plaintiff be required to post security for the Undertaking, on giving no less than [*forty eight hours*] notice to the plaintiff, but this Order will remain in force until further Order even if such a motion is pending;
2. All motions to vary or discharge this Order, or arising out of the issuance or enforcement of this Order, must be heard by the Judge who issued it, with the exception of urgent matters for which the issuing Judge is not available, or, as otherwise directed by the issuing Judge.

**Third Parties**

1. Except as permitted by this Order, no person or other entity with notice of this Order may deal with any bank, investment or other accounts of the defendant including, without limiting, money market, crypto currency accounts, retirement savings plan accounts, investment certificates, treasury bills, and deposits or with other assets of the defendant in [*his/her/their/its*] possession or control without further Order of this Court;
2. No person or other entity with notice of this Order shall breach or permit a breach of this Order;
3. To the extent any person or other entity holds assets of the defendant in excess of $[*judgment requested*], that person or other entity is not restrained from dealing with that part of the assets held by that person or other entity which they determine exceeds $[*judgment requested*];
4. The terms of this Order do not affect any person or entity outside the jurisdiction of this Court until it is declared enforceable or is enforced by a Court in the relevant jurisdiction, unless such person or other legal entity is:
	1. The defendant or an officer or an agent of the defendant; or
	2. A person or other legal entity who or which is subject to the jurisdiction of this Court and
		1. has been given written notice of this Order; and
		2. is able to prevent acts or omissions outside the jurisdiction of this Court which constitute or assist in a breach of the terms of this Order;
5. This Order does not prevent any financial institution or secured party from exercising any rights to claim interest, to levy service charges, to claim set off, to enforce security, or to enforce any other contractual right, arising from contracts made before being notified of this Order;
6. No financial institution needs to enquire as to the application or proposed application of any money withdrawn by the defendant if the withdrawal appears to be permitted by this Order;
7. This Order binds every defendant and every other person who is subject to and received notice thereof effective upon the defendant or person first learning of the Order whether or not such defendant or person has been formally served.

**Notice**

1. The plaintiff shall personally serve the defendant with a true copy of this Order and all documents filed in support thereof;
2. The plaintiff shall personally serve the [*financial institutions/other relevant third parties*] with a true copy of this Order.

**Costs**

1. Costs for the within motion shall be [*payable in the cause*].

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ J.

Date

1. Once the Order is served, a determination of the value of the assets can be discussed and dealt with by the Court [↑](#footnote-ref-1)
2. Select date prior to the expiry of ten (10) day Interim Injunction granted in paragraph 1. [↑](#footnote-ref-2)