

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

THE HONOURABLE )  
MR. JUSTICE McEWEN )  
MONDAY, THE 7<sup>TH</sup>  
DAY OF MAY, 2018

**CHINA MACHINERY ENGINEERING CORPORATION**

Applicant

- and -

**2284649 ONTARIO INC., 2270613 LIMITED PARTNERSHIP, and  
2270613 ONTARIO INC.**

Respondents

Application Under Section 101 of the *Courts of Justice Act*,  
R.S.O. 1990, c. C.43, as amended, and Section 243 of the  
*Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, as amended

**ORDER  
(Claim Adjudication Timetable and Protocol)**

**THIS MOTION** made by the Applicant, China Machinery Engineering Corporation, for an Order approving a litigation timetable and protocol, was heard this day at 330 University Avenue, Toronto, Ontario.

**ON HEARING** submissions from counsel to the Applicant and the Respondents:

1. **THIS COURT ORDERS** that the litigation protocol in the form appended as Schedule "A" to this Order is hereby approved, and shall apply to the determination of the claim of the Applicant against the Respondents.

2. **THIS COURT ORDERS** that determination of the Applicant's claim against the Respondents shall proceed in accordance with the timetable set out at Schedule "B" hereto.

  
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ON / BOOK NO:  
LE / DANS LE REGISTRE NO:

MAY 07 2018

PER / PAR:



**SCHEDULE "A"**  
**LITIGATION PROTOCOL**

1. Purpose. This Protocol sets forth the procedures agreed to between China Machinery Engineering Corporation (the "**Applicant**") and 2284649 Ontario Inc., 2270613 Limited Partnership, and 2270613 Ontario Inc. (collectively, the "**Respondents**") for the purpose of determining the validity and quantum of the Applicant's claim against the Respondents (the "**Dispute**").
2. Forum. The Dispute shall be adjudicated by a judge of the Ontario Superior Court of Justice - Commercial List (the "**Court**").
3. Timetable. The timetable agreed to among the Parties shall be subject to the availability of the Court.
4. Evidence at Trial.
  - (a) Evidence in chief shall be produced through affidavit evidence only.
  - (b) Each party shall be entitled to cross examine the affiant of the opposing party, with any such cross examinations to be conducted in person during the hearing.
5. Written Submissions. Facta shall not exceed 25 pages, subject to leave of the Court.
6. Other Issues. Any procedural issues not addressed in this Protocol shall be as agreed to by the Parties or ordered by the Court.

**SCHEDULE "B"**  
**LITIGATION TIMETABLE**

Item	Date
Applicant to file affidavit(s) in support of claim	May 11, 2018
Respondents to advise of intention to file expert report(s) including identity of experts and subjects to be addressed	June 1, 2018
Respondents to file affidavit(s) in response to claim	June 8, 2018
Respondents to file expert report(s) (if any)	June 22, 2018
Applicant to file reply affidavit(s) (if any), deadline for Parties to exchange requests for documents	June 29, 2018
Applicant to file responding expert report(s), if any	July 31, 2018
Respondents to deliver reply expert report(s) (if any)	August 31, 2018
Parties to file facta	September 6, 2018
Trial Evidence (three days)	September 10-12, 2018
Parties to file amended facta	September 16, 2018, 12:00PM (by email)
Closing Argument (half day)	September 17, 2018

**China Machinery Engineering Corporation**

and **2284649 Ontario Inc. et al**

Applicant

Respondents

Court File No. CV-18-591534-00CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)**

Proceeding commenced at Toronto

**ORDER  
(Claim Adjudication Timetable)**

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