

October 15/2010

*M. Davis.
R. MacDonald (Student) for co-located
P. Evan Veel for co-located.*

*M.P. Goff/Hob + K. Theet for ESTD Roster.
P. Eddy for OSC.*

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced in TORONTO
(Commercial List)

MOTION RECORD

DAVIS MOLDAVER LLP

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Lawyers for the Moving Party

*The motion is adjourned to and is
to be heard November 17 + 18, 2010.
A - Justin Alder is located today,
in the terms set forth in the
headlines in consent. It is
noted that OSC does not
consent but does not oppose
the order in these terms. For
greater certainty, all parties
reserve their rights to
make submissions on all
issues on the return of the motion.
M.A.D. / M.A.D.*

MP

On the consent of the parties, the Court Orders:

1. The Funds held in trust by Brian Taran (pursuant to the Order of the Court dated August 12, 2010) shall be dealt with as follows:
 - (a) a cheque in the amount of \$23,500 shall be made payable to Mandy Sborghia and delivered to Milton Davis. This payment is made without prejudice to the parties positions as to the appropriateness of the quantum
 - (b) a cheque in the amount of \$155,000 shall be made payable to Milton Davis in trust and delivered to Milton Davis. This payment is with respect to:
 - (i) ~~100,000~~ \$100,000 of the claimed \$170,000 due and owing to Davis Moldaver LLP. It is acknowledged that Davis Moldaver LLP reserves its right to bring a motion for the remaining \$70,000 after the OSC's receivership motion is heard
 - (ii) \$15,000 owing to Brian Cinespani and,
 - (iii) \$40,000 on account of future legal ~~for~~ services by Davis Moldaver with respect to the proceedings and the OSC receivership proceeding

MP