

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

THE HONOURABLE
JUSTICE

WEDNESDAY, THE 4TH DAY
OF APRIL, 2012

B E T W E E N :

IN THE MATTER OF THE COMPANIES' CREDITORS
ARRANGEMENT ACT, R.S.C. 1985, c. C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR
ARRANGEMENT OF UNIQUE BROADBAND SYSTEMS, INC.
and UBS WIRELESS SERVICES INC.

**ORDER
(CLAIMS HEARING PROCEDURE)**

THIS MOTION, made by Duff & Phelps Canada Restructuring Inc., in its capacity as court-appointed CCAA Monitor (the "Monitor") of Unique Broadband Systems Inc. and UBS Wireless Services Inc. (collectively, the "Company"), was heard this day at 330 University Avenue, Toronto, Ontario, M5G 1R7.

ON READING the Seventh Report of the Monitor dated March 27, 2012 and on hearing the submissions of counsel to the Monitor, the Company, Jolian Investments Inc. ("Jolian") and DOL Technologies Inc. ("DOL"),

1. THIS COURT ORDERS that the procedure to be followed regarding the determination of the claims of Jolian and DOL filed pursuant to the Claims Order of this Court dated August 4, 2011, shall be substantially as set out in the procedure described in Schedule "A" to this Order.

2. THIS COURT ORDERS that the Monitor's Seventh Report dated March 27, 2012 and its conduct set out therein be and is hereby approved.

Schedule “A”

The Proceeding

- Claims against the Applicants by Jolian Investments Limited (“Jolian”) and DOL Technologies Inc. (“DOL”) (collectively, the “Claimants”) shall be determined in one consolidated proceeding (the “Proceeding”)

Pleadings

- Each Claimant shall provide a Claim setting out each claim it intends to advance in the Proceeding and must specify the factual and legal basis for each such claim. The factual and legal basis for each Claim must be broken down on a claim by claim basis. April 12
- The Applicants shall provide a Response to each claim. The Responses shall provide a particular response to each claim advanced in the Claims, including the factual and legal basis for each response. April 18

Documentary Discovery

- The Claimants shall be given access to a mirror of the Applicants’ server which contains electronic documents of the Applicants up to and including July 2010. April 30
- The Claimants may make any other specific request for documents, including electronic documents from the Applicants, which request must include the basis of the relevance for such requested documents. April 30
- The Claimants shall produce to the Applicants copies of or access to all electronic and paper documents that are relevant to the Claims and/or Responses. In particular, the Claimants shall produce all correspondence, emails and notes of any kind regarding the affairs of the Applicants up to and including July 2010. April 30
- Each Claimant and the Applicants must disclose a witness list and a summary of anticipated evidence or witness statements, where those exist. April 30

Oral Discovery

- Each Claimant may examine one representative of the Applicants for a maximum of seven hours. May 22 - 25
- The Applicants may examine one representative of each of Jolian May 22 - 25

and DOL for a maximum of seven hours each.

- Motions for answers to refusals

Hearing Procedure

- Each party shall serve and file a detailed chronology of events proposed to be proven at trial with a document brief containing relevant documents to support chronology. 10 days prior to trial
- Each party shall serve and file a written argument setting forth that party's position on the issues to be determined at the hearing and the anticipated evidence regarding such issues. 10 days prior to trial
- Each party shall serve and file a summary of admitted facts. 10 days prior to trial

Case Conference

- To the extent the parties cannot agree, a case conference shall be held to determine procedure to be followed at the hearing of the claims. As soon as possible

Hearing

- 7 days of hearing shall be set aside. June 2012 (or as soon thereafter as the Court is available)

IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT
OF UNIQUE BROADBAND SYSTEMS, INC. et al.
Applicants

Court File No. CV-11-9283-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

PROCEEDING COMMENCED AT
TORONTO

ORDER
(Claims Hearing Procedure)

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