

February 4, 2013

The application is denied due to the
absence of a shareholder vote. Written reasons
addressing this conclusion will follow shortly.
Written - M.T.

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

(PROCEEDING COMMENCED AT TORONTO)

MOTION RECORD OF THE PLAN SPONSOR
(Returnable January 31, 2013)

VOLUME 1 OF 3

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File Number: 17086

RCP-E 4C (July 1, 2007)