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Our File No. 11-1016

October 13, 2011

Via Facsimile and Mail

Office of the Registrar
Supreme Court of Canada
301 Wellington Street
Ottawa, ON K1A 0J1

Dear Sir/Madam:

Re: Sun Indalex Finance, LLC, et al. v. United Steelworkers, et al.
(S.C.C. File No. 34308)

We are counsel to the United Steelworkers (USW), the respondent to the leave applications in the above-noted matter. On September 7, 2011, the Ontario Court of Appeal issued the Costs Endorsement in respect of the *Indalex Limited (Re)* decision. We have been advised by your office that the period for filing an application for leave to appeal the Costs Endorsement runs from the date of issuance of that endorsement (September 7, 2011). We confirm the USW's intent to file an application for leave to appeal in respect of one aspect of the Costs Endorsement. Specifically, we will seek leave to appeal the denial of payment of USW's costs from the fund of The Retirement Plan for Salaried Employees of Indalex Limited and Associated Companies (the "Salaried Plan"). It is not our intent to challenge any other aspects of the Costs Endorsement (e.g. costs awarded against the respondents).

There are currently three separate leaves to appeal applications that have been filed with your office related to the substantive issues dealt with in the Indalex Court of Appeal decision by FTI Consulting on behalf of the debtor group of companies, Sun Indalex and George L. Miller, the US Trustee. All of the filings with respect to these applications have been completed including the reply and responding submissions. It is our view that the leave applications on the substantive issues are separate and distinct from the discrete issue we will ask the Court to consider in respect of the Costs Endorsement as set out above. The USW does not oppose the Court considering the completed leave applications prior to completion of the filing process in

respect of the leave application relating to the Costs Endorsement, should the Court consider it efficient to do so.

Yours very truly,

Darrell Brown

Darrell Brown
DB:cw/cope 343

c.c. Mr. Harvey G. Chaiton (*via E-mail*)
Mr. Dougald E. Brown (*via E-mail*)
Mr. Benjamin Zarnett (*via E-mail*)
Mr. Andrew J. Hatnay / Demetrios Yiokaris (*via E-mail*)
Mr. Ashley John Taylor / Lesley Mercer (*via E-mail*)
Mr. Hugh O'Reilly (*via E-mail*)
Mr. Mark Bailey (*via E-mail*)
Mr. Robert Champagne (*via E-mail*)
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