

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

**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 AND
ARRANGEMENT OF SINO-FOREST CORPORATION**

Court File No.: CV-11-431153-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N :

**THE TRUSTEES OF THE LABOURERS' PENSION FUND OF CENTRAL AND
EASTERN CANADA, THE TRUSTEES OF THE INTERNATIONAL UNION OF
OPERATING ENGINEERS LOCAL 793 PENSION PLAN FOR OPERATING
ENGINEERS IN ONTARIO, SJUNDE AP-FONDEN, DAVID GRANT
and ROBERT WONG**

Plaintiffs

- and -

**SINO-FOREST CORPORATION, ERNST & YOUNG LLP, BDO LIMITED (formerly
known as BDO MCCABE LO LIMITED), ALLEN T.Y. CHAN, W. JUDSON
MARTIN, KAI KIT POON, DAVID J. HORSLEY, WILLIAM E. ARDELL, JAMES P.
BOWLAND, JAMES M.E. HYDE, EDMUND MAK, SIMON MURRAY, PETER
WANG, GARRY J. WEST, CREDIT SUISSE SECURITIES (CANADA), INC., TD
SECURITIES INC., DUNDEE SECURITIES CORPORATION, RBC DOMINION
SECURITIES INC., SCOTIA CAPITAL INC., CIBC WORLD MARKETS INC.,
MERRILL LYNCH CANADA INC., CANACCORD FINANCIAL LTD., MAISON
PLACEMENTS CANADA INC., CREDIT SUISSE SECURITIES (USA) LLC and
MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED (successor by
merger to Banc of America Securities LLC)**

Defendants

Proceeding under the *Class Proceedings Act, 1992*

**MOTION RECORD OF THE PLAINTIFFS
LATE CLAIMS
(Returnable May 11, 2015)**

May 7, 2015

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TO : THE ATTACHED SERVICE LIST

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

**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 SINO-FOREST CORPORATION**

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Court File No.: CV-12-9667-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE**

COMMERCIAL LIST

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 COMPRISE OR ARRANGEMENT OF SINO-FOREST CORPORATION

Court File No.: CV-11-431153-00CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**THE TRUSTEES OF THE LABOURERS' PENSION FUND OF CENTRAL AND EASTERN CANADA, THE TRUSTEES OF THE INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 793 PENSION PLAN FOR OPERATING ENGINEERS IN ONTARIO, SJUNDE AP-FONDEN, DAVID GRANT
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Plaintiffs

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Defendants

Proceeding under the *Class Proceedings Act, 1992*

**NOTICE OF MOTION
(LATE CLAIMS)**

TAKE NOTICE that the Ad Hoc Committee of Purchasers of the Applicant's Securities, including the plaintiffs in the action commenced against Sino-Forest Corporation in the Ontario Superior Court of Justice, bearing (Toronto) Court File No. CV-11-431153-00CP (the "Ontario Plaintiffs" and the "Ontario Class Action", respectively) will make a motion to the Honourable Regional Senior Justice Morawetz on May 11, 2015 at 10:00 a.m., or at such other time and place as the Court may direct, at 330 University Avenue, 8th Floor, Toronto, Ontario.

PROPOSED METHOD OF HEARING: The motion will be heard orally.

THE MOTION IS FOR an Order:

1. If necessary, validating and abridging the time for service and filing of this notice of motion and motion record, and dispensing with any further service thereof;
2. Extending the claims deadline in the Ernst & Young Settlement; and
3. Such further and other relief as counsel may advise and this Honourable Court may deem just.

THE GROUNDS FOR THE MOTION ARE:

4. On March 20, 2013, this Court issued an order approving the settlement between the Ad Hoc Committee of Purchasers of the Applicant's Securities and Ernst & Young LLP (the "E&Y Settlement");
5. On December 27, 2013, this Court issued an order approving the protocol to allocate and distribute the E&Y Settlement fund (the "Claims and Distribution Protocol");

6. The Claims and Distribution Protocol stated that the deadline for submission of claims was February 14, 2014;
7. Claim forms for the E&Y Settlement were distributed from November 4 to November 6, 2014;
8. Over 48,000 timely claims were filed;
9. To date, 1,829 claims in the E&Y Settlement were delivered after the deadline;
10. Due to the complexity of the administration of the E&Y Settlement and the number of deficient claims, to date, no distribution of the E&Y Settlement fund has occurred;
11. Notice of this motion has been provided to every claimant in the E&Y Settlement;
12. Section 12, among others, of the *Class Proceedings Act, 1992*;
13. The *Rules of Civil Procedure*, O Reg 194; and
14. Such further and other grounds as counsel may advise and this Honourable Court will permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

1. The affidavit of Garth Myers, sworn May 7, 2015; and
2. Such further and other evidence as counsel may advise and this Honourable Court may deem just.

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Court File No. CV-12-9667-00-CL

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

**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
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Court File No.: CV-12-9667-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE**

COMMERCIAL LIST

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 COMPRISE OR ARRANGEMENT OF SINO-FOREST CORPORATION

Court File No.: CV-11-431153-00CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**THE TRUSTEES OF THE LABOURERS' PENSION FUND OF CENTRAL AND EASTERN CANADA, THE TRUSTEES OF THE INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 793 PENSION PLAN FOR OPERATING ENGINEERS IN ONTARIO, SJUNDE AP-FONDEN, DAVID GRANT
and ROBERT WONG**

Plaintiffs

- and -

SINO-FOREST CORPORATION, ERNST & YOUNG LLP, BDO LIMITED (formerly known as BDO MCCABE LO LIMITED), ALLEN T.Y. CHAN, W. JUDSON MARTIN, KAI KIT POON, DAVID J. HORSLEY, WILLIAM E. ARDELL, JAMES P. BOWLAND, JAMES M.E. HYDE, EDMUND MAK, SIMON MURRAY, PETER WANG, GARRY J. WEST, PÖYRY (BEIJING) CONSULTING COMPANY LIMITED, CREDIT SUISSE SECURITIES (CANADA), INC., TD SECURITIES INC., DUNDEE SECURITIES CORPORATION, RBC DOMINION SECURITIES INC., SCOTIA CAPITAL INC., CIBC WORLD MARKETS INC., MERRILL LYNCH CANADA INC., CANACCORD FINANCIAL LTD., MAISON PLACEMENTS CANADA INC., CREDIT SUISSE SECURITIES (USA) LLC and MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED (successor by merger to Banc of America Securities LLC)

Defendants

Proceeding under the *Class Proceedings Act, 1992*

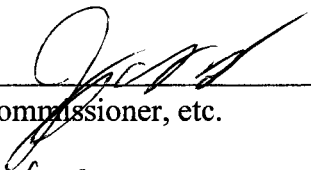
**AFFIDAVIT OF GARTH MYERS
(Sworn May 7, 2015)**

I, **GARTH MYERS**, of the City of Toronto, in the Province of Ontario AFFIRM:

1. I am an associate at Koskie Minsky LLP, who, along with Siskinds LLP (together, “Class Counsel”), are counsel to the plaintiffs in the above-captioned class proceeding (the “Class Plaintiffs”).
2. Unless otherwise defined or the context requires otherwise, all capitalized terms in this affidavit have the meanings attributed to them in the Plan of Compromise and Reorganization of Sino-Forest under the *Companies’ Creditors Arrangement Act* (“CCAA”) dated December 3, 2012 (the “Plan”).
3. For the purposes of the above-captioned proceeding under the CCAA (the “CCAA Proceedings”), Class Counsel have retained Paliare Roland Rosenberg Rothstein LLP (“Paliare Roland”) to represent the Ad Hoc Committee of Purchasers of the Applicant’s Securities, including the Class Plaintiffs (together, the “Ontario Plaintiffs”).
4. I have knowledge of the matters deposed to below. Where I make statements in this affidavit that are not within my personal knowledge, I have indicated the source of my information and believe such information to be true.
5. Claim forms for the Ernst & Young Settlement were distributed from November 4 to November 6, 2013.
6. The deadline to file a claim in the Ernst & Young Settlement was February 14, 2014.
7. I am advised by Kurt Elgie of of NPT RicePoint Class Action Services Inc. that 48,029 timely claims were filed.

- 8. I am further advised by Mr. Elgie that 1,829 claims in the Ernst & Young Settlement were delivered after the deadline.
- 9. I am further advised by Mr. Elgie that due to the complexity of the administration of the Ernst & Young Settlement and the number of deficient claims, to date, no distribution of the Ernst & Young Settlement fund has occurred.
- 10. I am further advised by Mr. Elgie that notice of the motion to extend the claim deadline was provided to each claimant in the Ernst & Young settlement. Attached hereto as **Exhibit "A"** is a copy of the notice.

SWORN before me at the City of)
 Toronto, in the Province of Ontario,)
 this 7th day of May, 2015.)


 _____)
 A Commissioner, etc.)
 Jody Brown


 _____)
 Garth Myers

This is Exhibit A referred to in the
 affidavit of Garth Myers
 sworn before me, this 7
 day of May, 2015.

SINO-FOREST SECURITIES LITIGATION
~~NOTICE OF MOTION TO AUTHORIZE ADDITIONAL~~
 ADMINISTRATION FEES and TO PERMIT LATE CLAIMS
 in the ERNST & YOUNG SETTLEMENT

Notice of Motion to Authorize Additional Administration Fees

NPT RicePoint Class Action Services Inc. (“NPT”) is the court-appointed administrator of the settlement between the Ad Hoc Committee of Purchasers of Sino-Forest’s Securities (the “Ad Hoc Committee”) and Ernst & Young LLP (the “E&Y Settlement”). Due to an unexpectedly high volume of claims filed in the E&Y Settlement, materially beyond NPT’s estimate in its proposal to administer the E&Y Settlement (the “Proposal”), and a corresponding increase in the amount of time required for NPT to administer the settlement, the Ad Hoc Committee seeks an order increasing NPT’s fee from **\$580,000** to **\$1,439,125.00**.

The original fee of \$580,000 proposed by NPT and approved by the court was based on an estimate that 18,200 claims would be filed and the E&Y Settlement would take 5,500 hours to administer. The Proposal provided that the Ad Hoc Committee could return to court for authorization of additional fees for NPT if there was a material increase in claims filed in the E&Y Settlement. Such a material increase has occurred, and over 49,625 claims have now been filed (2.73 times greater than anticipated in the Proposal) and NPT expects to expend approximately 12,261 hours administering the settlement (6,761 more hours than contemplated in the Proposal). In the circumstances, class counsel believes that an increase in NPT’s fees from \$580,000 to \$1,439,125.00 is fair and reasonable.

Notice of Motion to Permit Filing of Late Claims

Pursuant to court order, the deadline to file claims in the E&Y Settlement was February 14, 2014. Since that date, NPT has received approximately 1,780 late claims (the “Late Claims”). The Ad Hoc Committee seeks a court order permitting NPT to allow filing of all Late Claims received up until May 11, 2015.

How to Object to the Motion to Authorize Additional Administrator Fees and to Permit Compensation for Late Claims

If you would like to object to: (a) the motion to authorize additional administration fees; and/or (b) the motion to permit filing of late claims, please email sinoforest@siskinds.com or mail a letter to Siskinds LLP 680 Waterloo Street, PO Box 2520, London, ON N6A 3V8 Attention: Nicole Young and provide (i) your name; (ii) your reason for objecting; (iii) whether or not you intend to appear at the hearing of the motion to authorize additional administration fees and the motion to permit compensation for late claims (the time and date of which are on the notice of settlement approval, enclosed); (iv) your address for service; and (v) your lawyer’s address for service (if applicable).

Your objection must be received by April 1, 2015.

ONTARIO

SUPERIOR COURT OF JUSTICE

Proceeding commenced at Toronto

Proceeding under the *Class Proceedings Act, 1992*

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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 SINO-FOREST CORPORATION

The Trustees of the Labourer's Pension Fund
of Central and Eastern Canada, et al.

Plaintiffs

and Sino-Forest Corporation, et al.

Defendants

Commercial Court File No.: CV-12-9667-00CL

Superior Court File No: CV-10-414302

ONTARIO
SUPERIOR COURT OF JUSTICE
Commercial List

Proceeding under the *Class Proceedings Act, 1992*
Proceeding commenced at Toronto

MOTION RECORD OF THE PLAINTIFFS
Late Claims
(Returnable May 11, 2015)

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