

*Aug 28/12*

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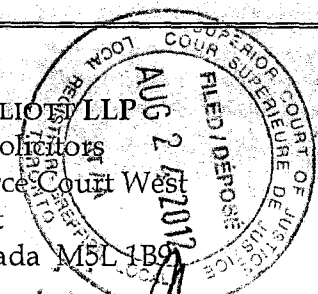
I am satisfied that the interim distribution schedule on the terms set out in the motion record, supported by the Motion, is reasonable. The parties have agreed on the amounts to be held back and on a process to deal with QSI.

A concern was raised by one party that the time to respond to paragraph 7 of the order to show cause, which paragraph provides for a motion by the Motion for judgment & directions shall be at least 15 days if no consent to a secured creditor's claim is added to Schedule A. I have no doubt that the Motion shall be sensitive to the need of my party to have time to respond to such a motion, and in

ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)

Proceeding commenced at Toronto

MOTION RECORD  
(RETURNABLE AUGUST 28, 2012)



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2.  
any event any scheduling issue can be worked  
out at a 9.30 a.m. conference.

A concern was also raised by some parties  
regarding ~~of~~ any future position that  
l'union d'assement Quebec may take to a  
decision regarding any claim. In my view  
it is completely premature to consider what  
l.Q. or any other party may ~~do~~ or may not  
do in the future and no order or  
endorsement of any kind is required.

The parties appearing agree to an  
endorsement that the Priority Claim  
Adjudication Process in the Reimbursement  
Agreement is without prejudice to any party  
requesting a declaration that Timminco and  
BSI are a common employer and/or that  
their estates should be substantively consolidated.

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