

COURT OF APPEAL FOR ONTARIO

THE HONOURABLE
JUSTICE R. BLAIR

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MONDAY, THE 26th
DAY OF NOVEMBER, 2012

IN THE MATTER OF THE BANKRUPTCY OF
MATTHEW DAVID MOORE, OF THE CITY OF BRAMPTON,
IN THE REGIONAL MUNICIPALITY OF PEEL,
IN THE PROVINCE OF ONTARIO

B E T W E E N :

THE SUPERINTENDENT OF BANKRUPTCY

APPELLANT

and

407 ETR CONCESSION COMPANY LIMITED
and MATTHEW DAVID MOORE

RESPONDENTS

ORDER

THIS MOTION, made by Michael Dow, Gwendolyn Miron and Peter Teolis, (the "Moving Parties") for an Order granting leave to intervene in the appeal, was heard October 22, 2012, at Osgoode Hall, 130 Queen Street West, Toronto, Ontario, M5H 2N5.

ON READING the Motion Record of the Moving Parties, including the affidavit of Michael Stanton and exhibits sworn May 11, 2012; the Motion Record of the Respondent; 407 ETR Concession Company Limited, including the affidavit of Andrew Porter and exhibits sworn October 12, 2012; and on hearing the submissions of the lawyer(s) for the parties, with the decision being reserved to this day,

1. THIS COURT ORDERS that the Moving Parties be granted leave to intervene as friends of the Court on the following terms:

(a) the Moving Parties will take the record as it is framed by the parties and by the Attorneys General of Canada and of Ontario (if they participate), and will not be permitted to adduce further evidence. The only exception is that the Moving Parties will be permitted to file a copy of the statement of claim in the proposed class proceeding, but only for purposes of explaining who they are and the general legal issues raised by the proposed class proceeding;

(b) the Moving Parties will not seek costs on the appeal, nor will costs be awarded against them;

(c) the Moving Parties will file their factum within 10 days of receipt of the factums of the parties and of the Attorneys General of Canada and Ontario (if they participate);

(d) there will be no costs of this motion.

ENTERED AT/INSCRIT À TORONTO
ON/BOOK NO:
LE/DANS LE REGISTRE NO:

JAN 22 2013

PER/PAR: *ek*

Elice Ramnani Singh
REGISTRAR

THE SUPERINTENDENT OF BANKRUPTCY et al.
Plaintiffs
(Appellants)

-and- 407 ETR CONCESSION COMPANY LIMITED et al.
Defendants
(Respondents)

Court File No. C54560
M41351

COURT OF APPEAL FOR ONTARIO

PROCEEDING COMMENCED AT
TORONTO

ORDER

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