

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE MR.
JUSTICE FARLEY

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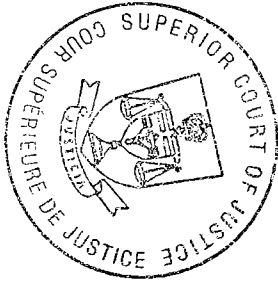
WEDNESDAY, THE 8th DAY OF
OCTOBER, 2003

BETWEEN:

Claude Millard and Roger Grisé

Plaintiffs

- and -



North George Capital Management Limited, Triple A Financial Services Inc., North George Capital Limited Partnership, North George Capital II Limited Partnership, North George Capital III Limited Partnership, North George Capital IV Limited Partnership, North George Capital V Limited Partnership, Lionaird Capital Corp., Roderick Alton, Michael Magee, Robert McGillen, Kenneth Gill, Anne Gilmour, Michael Goselin, Goselin & Associates, Stewart and Associates, McColl Turner, Irv Dyck, M.R.S. Trust Company, Alan Lawson, Fisher Inc., the Trustee of the Estate of Roderick Alton, a Bankrupt, Richard Killen & Associates Ltd, the Trustee of the Estate of Michael Goselin, and KPMG Inc., the Trustee of the Estate of Michael Magee, a Bankrupt

Defendants

Proceeding Under the Class Proceedings Act, 1992

ORDER

THIS MOTION, made by the plaintiffs for an order for compelling certain defendants to compel with their discovery obligations, was heard this day at 393 University Avenue, Toronto, Ontario.

ON READING the notice of motion dated September 25, 2003, the affidavit of Dupinder Birak dated September 25, 2003, the plaintiffs' factum dated October 3, 2003 together with the documents set out in Schedule "B" thereto, and the consent dated October 7, 2003 signed by Miles O'Reilly Q.C. on behalf of Michael Goselin and Scott Kugler on behalf of the plaintiffs, and on hearing the submissions of counsel for the plaintiffs, no one appearing for the other parties, although properly served,

1. **THIS COURT ORDERS** that the time for service and filing of the Notice of Motion, the Factum and the materials attached thereto is abridged, and that all parties requiring notice of this motion have been duly served with notice thereof, and that the service, including the form, manner and time thereof is validated and that further service thereof is dispensed with.

2. **THIS COURT ORDERS** that Michael Magee shall deliver a sworn Affidavit of Documents together with copies of all documents set out in Schedule "A" of his Affidavit of Documents by October 31, 2003 failing which he will be deemed to admit all of the facts and allegations set out in the Amended Statement of Claim.

3. **THIS COURT ORDERS** that Michael Goselin shall deliver a sworn Affidavit of Documents together with copies of all documents set out in Schedule "A" of his Affidavit of Documents not previously provided by October 31, 2003 failing which his defence will be struck.

4. **THIS COURT ORDERS** that Irv Dyck shall:

Plaza, 40 King Street West, Suite 3007 in the City of Toronto failing which he will be deemed to admit all of the facts and allegations set out in the Amended Statement of Claim.

6. **THIS COURT ORDERS** that Irv Dyck shall attend for examinations for discovery on October 14, 2003 and, if deemed necessary by counsel for the plaintiffs as a result of the delivery of further productions, on a second date to be selected by counsel for the plaintiffs at a place in the City of Toronto prior to December 31, 2003 failing which his defence will be struck.

7. **THIS COURT ORDERS** that the costs of this motion be fixed in the amount of \$500 and shall be payable to the plaintiffs by Michael Magee in the amount of \$500 by no later than October 31, 2003.



Registrar

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

OCT 09 2003

PER/PAR: 

Claude Millard and Roger Grisé
- Plaintiffs -

v.

North George Capital Management Limited et al
- Defendants -

**ONTARIO
SUPERIOR COURT OF JUSTICE**

(PROCEEDING COMMENCED AT TORONTO)

ORDER

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SOLICITORS FOR THE PLAINTIFFS