

ONTARIO
SUPERIOR COURT OF JUSTICE IN BANKRUPTCY

IN THE MATTER OF THE BANKRUPTCY OF
RODERICK KEITH ALTON of the Town of
Peterborough, Province of Ontario

Court File No.: 98-CL-3048

ONTARIO
SUPERIOR COURT OF JUSTICE

MR. JUSTICE FARLEY) WEDNESDAY THE 31ST DAY OF JANUARY 2001

B E T W E E N :

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 AND M.R.S.
TRUST COMPANY**

Defendants

Proceedings under the Class Proceedings Act, 1992

ORDER

THIS MOTION, made by the plaintiffs was heard this day at 393 University
Avenue, Toronto.

ON READING the notice of motion, the affidavit of Jeffrey D. Glatt, sworn January 23, 2001, filed, and the consent of the trustee in bankruptcy and on hearing the submissions of counsel for the plaintiffs:

1. **THIS COURT ORDERS** that Claude Millard be and he is hereby authorized to continue to prosecute the claims against the bankrupt, Roderick Keith Alton, on behalf of himself and as the representative plaintiff on behalf of the members of the North George Class and the Lionaird Class (collectively, the "Class Members") pursuant to the action bearing Court File No. 98-CL-3048 (the "Action") and to add the Trustee of the estate of Roderick Keith Alton as a party defendant.
2. **THIS COURT ORDERS** that Claude Millard's right to prosecute the claims against the bankrupt, Roderick Keith Alton, shall be for the purpose only of establishing the amount for which he and the Class Members are entitled to prove, for distribution purposes, in the bankruptcy of Roderick Keith Alton as unsecured claims.
3. **THIS COURT FURTHER ORDERS** that in the event that the Trustee does not defend the proceedings, it shall not be subject to discovery nor productions of documents nor shall any costs be awarded against it.
4. **THIS COURT FURTHER ORDERS** that unless the debt or liability under any judgment obtained in the Action comes within the provisions of subsection 178(1) of the *Bankruptcy and Insolvency Act*, the same shall be released by the discharge from bankruptcy of the bankrupt, Roderick Keith Alton.

5. **THIS COURT FURTHER ORDERS** that pending any judgment obtained in the Action, Claude Millard may file a proof of claim in the bankruptcy of Roderick Keith Alton on behalf of himself and all Class Members in the amount of \$5,000,000 substantially in the form of Schedule "A" annexed hereto and such proof of claim shall be accepted by the Trustee *for voting purposes only* in the place and stead of proofs of claim filed on behalf of each of the Class Members individually.

SCHEDULE "A"

Claude Millard and Roger Grisé
– Plaintiffs –

v.

North George Capital Management Limited et al
– Defendants –

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(PROCEEDING COMMENCED AT TORONTO)

ORDER re Alton Bankruptcy

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