

Aug 20/09

The Receiver seeks the appointment of Miller Thomson LLP as representative counsel for Unit owners and parties to agreements of purchase & sale that have not closed for the purposes of representing their interests on RKMSI; motion + the motion to appoint a receiver over certain assets of RKMSI. The motion is unopposed + in my view should be granted. The owners + parties to the unclosed agreements of purchase & sale have a common interest + it is efficient + cost-effective to have one representative counsel. If any unit owner or party does not wish Miller Thomson LLP to act on his or her behalf, he or she is at liberty to provide written notice to that effect to Miller Thomson LLP. The order as amended by me is granted.

Perle, J.

WESTLB AG, TORONTO BRANCH
Applicant

v.

THE ROSSEAU RESORT DEVELOPMENTS INC.
Respondent

Court File No. CV-09-8201-00CL

ONTARIO

SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT
TORONTO

MOTION RECORD

(Motion returnable August 20, 2009)

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Independent Lawyers for Alvarez &
Marsal Canada ULC, and McIntosh &
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capacities as Court-appointed Interim
Receiver, Trustee, Receiver and Manager