May 6/ //
Court File No. CV-09-8201-00CL

IN THE MATTER of Section 47(1) of the BANKRUPTCY AND INSOLVENCY ACT, R.S.C. 1985, C. B-3, AS AMENDED, SECTION 101 OF THE COURTS OF JUSTICE ACT, R.S.O. 1990, C. C. 43, AS AMENDED, AND SECTION 68 OF THE CONSTRUCTION LIEN ACT, R.S.O. 1990, C. C. 30, AS AMENDED

WESTLB AG, TORONTO BRANCH THE ROSSEAU RESORT DEVELOPMENTS INC. may 6 Applicant Respondent

## ONTARIO SUPERIOR COURT OF JUSTICE COMMERCIAL LIST

Proceeding commenced at Toronto

## MOTION RECORD (Returnable May 6, 2011)

BLAKE, CASSELS & GRAYDON LLP P.O. Box 25, Commerce Court West

199 Bay Street, Suite 2800 Toronto, Ontario M5L 1A9

Pamela L.J. Huff - LSUC#: 27344V

Tel: 416-863-2958 Fax: 416-863-2653

Katherine McEachern - LSUC#: 38345M

Tel: 416-863-2566 Fax: 416-863-2653

Lawyers for WestLB AG, New York Branch and Alvarez & Marsal Canada ULC and Alvarez & Marsal Canada Inc. in their respective capacities as Court-appointed Receiver and Manager,

Trustee, and Interim Receiver

FRASER MILNER CASGRAIN LLP 1 First Canadian Place 39th Floor, 100 King Street West Toronto, Ontario M5X 1B2

R. Shayne Kukulowicz LSUC#: 307298

Jane Dietrich LSUC # 49302U

Tel: 416-863 4467 Fax: 416-863 4592

Independent Lawyers for Alvarez & Marsal Canada ULC, and Alvarez & Marsal Canada Inc., in their respective capacities as Court-appointed Receiver and Manager, Trustee, and Interim Receiver