

Court of Appeal File No. CA40370

COURT OF APPEAL

**In the Matter of the *Companies' Creditors
Arrangement Act*, R.S.C. 1985, c. C-36, As Amended**

And:

**In the Matter of the *Business Corporations Act*,
S.B.C. 2002, c.57, As Amended**

And:

**In the Matter of a Plan of Compromise or Arrangement of Lemare Holdings Ltd.,
Lemare Lake Logging Ltd., Lone Tree Logging Ltd., C. & E. Roadbuilders Ltd.,
Coast Dryland Services Ltd., Dominion Log Sort Ltd., and Central Coast
Industries Ltd.**

Petitioners

Between:

**Lemare Holdings Ltd., Lemare Lake Logging Ltd., Lone Tree Logging Ltd.,
C. & E. Roadbuilders Ltd., Coast Dryland Services Ltd.,
Dominion Log Sort Ltd., and Central Coast Industries Ltd.**

Respondents

(Application Respondents/Petitioners)

And:

Her Majesty the Queen in right of the Province of British Columbia

**Appellant
(Applicant)**

And:

The Toronto-Dominion Bank and TD Equipment Finance Canada Inc.

**Respondents
(Application Respondents)**

NOTICE OF MOTION FOR LEAVE TO APPEAL

TO: The Respondents

TAKE NOTICE THAT AN APPLICATION will be made by Her Majesty the Queen in right of the Province of British Columbia to the presiding justice at 800 Smithe Street, Vancouver, British Columbia, at 9:30 a.m. on Thursday, November 22, 2012, for leave to appeal the order of Mr. Justice Grauer of the Supreme Court of British Columbia pronounced October 26, 2012, and for an order that:

1. by consent, the timelines in the Rules be abridged with respect to filing and serving motion books, reply books, and books of authorities such that this application is properly returnable on November 22, 2012;
2. if leave be granted in this matter and in any of the matters of the applications for leave to appeal in Court of Appeal file numbers CA40371 and CA040365, that all the appeals be heard together;
3. if leave to appeal is granted, the claims process order dated October 26, 2012, and any further steps in the proceeding in the court below, other than an extension of the stay ordered in the court below, be stayed pending the outcome of the appeal; and
4. costs of this application will be costs in the appeal.

Dated: November 19, 2012



Aaron Welch
Solicitor for the Appellant

This application will take no more than 30 minutes to be heard.

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**Ministry of Justice
Legal Services Branch
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Telephone: 250 356-8589
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**Aaron Welch
Barrister and Solicitor**