

VICEROY
NOV 20 2012
COURT OF APPEAL
REGISTRY

Court of Appeal File No. 040365

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
(Applicants/Petitioners)

And:

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

Appellant
(Application Respondent)

And:

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

Respondents
(Respondents)

NOTICE OF MOTION

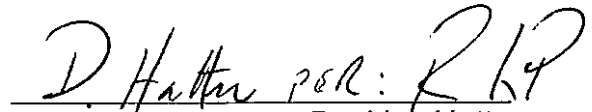
TO: The Service List

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 November 22, 2012 for the following orders:

"date b/c"

1. An order granting leave to appeal the order of the Honourable Mr. Justice Grauer striking portions of Mr. Kruger's Affidavit #1, dated October 16, 2012 pursuant to sections 13 and 14 of the CCAA.
2. An order that the CCAA proceeding be stayed, in all or in part, until the resolution of this appeal, pursuant to sections 18 and 10(2)(b) of the *Court of Appeal Act*.
3. An order that the appeal be heard together with CA Action numbers 040370 and 040371 (collectively the "Appeals"), pursuant to sections 10(2)(a), (c) and (f) of the *Court of Appeal Act*.
4. An order that the Appeals be heard on an expedited basis pursuant to sections 10(1) and 10(2)(a), (b), (c), (d) and (f).

Dated: November 19, 2012


David J. Hatter
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
1301 – 865 Hornby Street
Vancouver BC V6Z 2G3
Telephone: 604 660-3093
Facsimile: 604 660-2636**

**David J. Hatter
Barrister and Solicitor**