

June 18, 2019

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BY EMAIL

The Honourable Glenn A. Hainey
c/o Commercial List Office
Superior Court of Justice
330 University Avenue, 7th Floor
Toronto, ON M5G 1R7

Dear Justice Hainey:

**RE: In the matter of the Receivership of 2423402 Ontario Inc.,
Court File No. CV-18-610236-00CL**

We are writing to you in respect of the Bank of Montreal's ("BMO") pending motion (the "BMO Motion") in the above-noted matter, scheduled to be heard for one day on August 1, 2019, and our client, Zurich Insurance Company Ltd.'s ("Zurich") cross-motion (the "Zurich Cross-Motion").

We have served the other parties with our responding record on the BMO Motion in accordance with the timetable which Your Honour endorsed on May 6, 2019, attached hereto for reference. However, being that our responding record contained the Notice of Motion for the Zurich Cross-Motion, which had not been formally scheduled, the Commercial List Office declined to allow Zurich's motion record to be filed. Zurich's materials for both the BMO Motion and the Zurich Cross-Motion are identical. A copy of Zurich's Notice of Motion for the Zurich Cross-Motion is attached hereto for reference.

We would request that Your Honour endorse the enclosed amended timetable, which: 1) schedules the Zurich Cross-Motion to be heard on the same day as the BMO Motion; and 2) allows for the filing of Zurich's motion record as a cross-motion record.

No counsel have objected to the above.

Yours very truly,


Matthew B. Lerner

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In the matter of the Receivership of 2423402 Ontario Inc.

Court File No. CV-18-610236-00CL

Revised Timetable (June 18, 2019)

Step	Deadline
Delivery of motion record	May 6, 2019
Delivery of responding motion record	May 31, 2019
Delivery of reply record, if any	June 7, 2019
Delivery of cross-motion record	June 21, 2019
Completion of cross-examinations on affidavits, if any	June 25, 2019
Delivery of moving party factum	July 2, 2019
Delivery of responding factum	July 16, 2019
Delivery of reply factum, if any	July 19, 2019
Hearing of cross-motion and motion	August 1, 2019 for one day

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Huxley J.