

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

**IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT*  
ACT R.S.C. 1985, c. C-36 AS AMENDED**

**AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF  
TARGET CANADA CO., TARGET CANADA HEALTH CO., TARGET CANADA  
MOBILE GP CO., TARGET CANADA PHARMACY (BC) CORP., TARGET CANADA  
PHARMACY (ONTARIO) CORP., TARGET CANADA PHARMACY CORP., TARGET  
CANADA PHARMACY (SK) CORP., and TARGET CANADA PROPERTY LLC**

**RESPONDING MOTION RECORD OF KULWINDER KAUR RAI**

November 23, 2016

**CASCADE LAW CORPORATION**  
2777 Gladwin Road, Suite 300  
Abbotsford, BC V2T 4V1

By Its Ontario Agents:

**PALLETT VALO LLP**  
Lawyers & Trade-Mark Agents  
77 City Centre Drive, West Tower  
Suite 300  
Mississauga, ON L5B 1M5

ALEX ILCHENKO (LSUC # 33944Q)  
NEETA SANDHU (LSUC #71049A)  
Tel: (905) 273-3300  
Fax: (905) 273-6920

Lawyers for Kulwinder Kaur Rai

TO: **SERVICE LIST**

AND TO: **KNOWN LATE CLAIMANTS**

CCAA Proceedings of Target Canada Co.et al, Court File No. CV-15-10832-00CL

Current Service List  
(as at November 11, 2016)

<u>PARTY</u>	<u>CONTACT</u>
<b>OSLER, HOSKIN &amp; HARCOURT LLP</b> Barristers & Solicitors Box 50, 1 First Canadian Place Toronto, ON M5X 1B8  Canadian Counsel to the Applicants	<b>Tracy Sandler</b> Tel: 416.862.5890 Email: <a href="mailto:tsandler@osler.com">tsandler@osler.com</a>  <b>Jeremy Dacks</b> Tel: 416.862.4923 Email: <a href="mailto:jdacks@osler.com">jdacks@osler.com</a>  <b>Shawn T. Irving</b> Tel: 416.862.4733 Email: <a href="mailto:sirving@osler.com">sirving@osler.com</a>  <b>Robert Carson</b> Tel: 416.862.4235 Fax: 416.862.6666 Email: <a href="mailto:rcarson@osler.com">rcarson@osler.com</a>  <b>Andrea Lockhart</b> Tel: 416.862.6829 Fax: 416.862.6666 Email: <a href="mailto:alockhart@osler.com">alockhart@osler.com</a>
<b>DAVIES WARD PHILLIPS &amp; VINEBERG LLP</b> Barristers & Solicitors 155 Wellington Street West Toronto, ON M5V 3J7  Canadian Counsel to Target Corporation	<b>Jay A. Swartz</b> Tel: 416.863.5520 Email: <a href="mailto:jswartz@dwpv.com">jswartz@dwpv.com</a>  <b>Robin Schwill</b> Tel: 416.863.5502 Email: <a href="mailto:rschwill@dwpv.com">rschwill@dwpv.com</a>  <b>Dina Milivojevic</b> Tel: 416.367.7460 Fax: 416.863.0871 Email: <a href="mailto:dmilivojevic@dwpv.com">dmilivojevic@dwpv.com</a>
<b>FAEGRE BAKER DANIELS LLP</b> Barristers & Solicitors 2200 Wells Fargo Center 90 S. Seventh Street Minneapolis, MN U.S.A. 55402  U.S. Counsel to Target Corporation	<b>Dennis Ryan</b> Tel: 612.766.6810 Fax: 612.766.1600 Email: <a href="mailto:Dennis.Ryan@FaegreBD.com">Dennis.Ryan@FaegreBD.com</a>

**GOODMANS LLP**

Barristers & Solicitors  
Bay Adelaide Centre  
333 Bay Street, Suite 3400  
Toronto, ON  
M5H 2S7

Counsel to Alvarez & Marsal Canada Inc. in its capacity as  
Monitor

**Jay Carfagnini**

Tel: 416.597.4107  
Fax: 416.979.1234  
Email: jcarfagnini@goodmans.ca

**Alan Mark**

Tel: 416.597.4264  
Fax: 416.979.1234  
Email: amark@goodmans.ca

**Gale Rubenstein**

Tel: 416.597.4148  
Fax: 416.979.1234  
Email: grubenstein@goodmans.ca

**Melaney Wagner**

Tel: 416.597.4258  
Fax: 416.979.1234  
Email: mwagner@goodmans.ca

**Jesse Mighton**

Tel: 416.597.5148  
Fax: 416.979.1234  
Email: jmighton@goodmans.ca

<b>ALVAREZ &amp; MARSAL CANADA INC.</b> Royal Bank Plaza, South Tower 200 Bay Street, Suite 2900 P.O. Box 22 Toronto, ON M5J 2J1  Monitor	<b>Doug McIntosh</b> Tel: 416.847.5150 Fax: 416.572.2201 Email: dmcintosh@alvarezandmarsal.com  <b>Al Hutchens</b> Tel: 416.847.5159 Fax: 416.847.5201 Email: ahutchens@alvarezandmarsal.com  <b>Greg A. Karpel</b> Tel: 416.847. 5170 Fax: 416.847.5201 Email: gkarpel@alvarezandmarsal.com  <b>Steven Glustein</b> Tel: 416.847. 5173 Fax: 416.847.5201 Email: sglustein@alvarezandmarsal.com  <b>Bill Kosturos</b> Tel: 1.415.490.2309 Fax: 1.415.837.1684 Email: bkosturos@alvarezandmarsal.com  <b>Matthew Henry</b> Tel: 1.310.975.2684 Fax: 1.310.975.2601 Email: mhenry@alvarezandmarsal.com
<b>KOSKIE MINSKY LLP</b> Barristers & Solicitors 20 Queen Street West Suite 900, P.O. Box 52 Toronto ON M5H 3R3  Employee Representative Counsel	<b>Susan Philpott</b> Tel: 416.595.2104 Fax: 416.977.3316 Email: sphilpott@kmlaw.ca  <b>Simon Archer</b> Tel: 416.595.2267 Fax: 416.977.3316 Email: sarcher@kmlaw.ca  <b>Clio Godkewitsch</b> Tel: 416.595.2120 Fax: 416.977.3316 Email: cgodkewitsch@kmlaw.ca  <b>James Harnum</b> Tel: 416.542.6285 Fax: 416.977.3316 Email: jharnum@kmlaw.ca

<p><b>CHAITONS LLP</b>  Barristers &amp; Solicitors  5000 Yonge Street  10th Floor  Toronto ON  M2N 7E9</p> <p>Counsel to the Directors and Officers of the Applicants</p>	<p><b>Harvey Chaiton</b>  Tel: 416.218.1129  Fax: 416.222.8402  Email: harvey@chaitons.com</p>
<p><b>LAX O'SULLIVAN SCOTT LISUS LLP</b>  Barristers &amp; Solicitors  Suite 2750, 145 King Street West  Toronto, ON  M5H 1J8</p> <p>Counsel to Hon. John D. Ground in his capacity as Trustee of the Employee Trust</p>	<p><b>Terrence O'Sullivan</b>  Tel: 416.598.3556  Fax: 416.598.3730  Email: tosullivan@counsel-toronto.com</p> <p><b>Fahad Siddiqui</b>  Tel: 416.645.3786  Fax: 416.598.3730  Email: fsiddiqui@counsel-toronto.com</p>
<p><b>DAOUST VUKOVICH LLP</b>  Barristers &amp; Solicitors  20 Queen Street West  Suite 3000  Toronto, ON  M5H 3R3</p> <p>Counsel to Fishman Holdings North America Inc.</p>	<p><b>Wolfgang Kaufmann</b>  Tel: 416.597.3952  Fax: 416.597.8897  Email: wolfgang@dv-law.com</p> <p><b>Gasper Galati</b>  Tel: 416.598.7050  Fax: 416.597.8897  Email: ggalati@dv-law.com</p> <p><b>Kenneth Pimentel</b>  Tel: 416.597.9306  Fax: 416.597.8897  Email: kpimentel@dv-law.com</p>
<p><b>DAOUST VUKOVICH LLP</b>  Barristers &amp; Solicitors  20 Queen Street West  Suite 3000  Toronto, ON  M5H 3R3</p> <p>Counsel to Montez Corporation</p>	<p><b>Wolfgang Kaufmann</b>  Tel: 416.597.3952  Fax: 416.597.8897  Email: wolfgang@dv-law.com</p> <p><b>Gasper Galati</b>  Tel: 416.598.7050  Fax: 416.597.8897  Email: ggalati@dv-law.com</p> <p><b>Kenneth Pimentel</b>  Tel: 416.597.9306  Fax: 416.597.8897  Email: kpimentel@dv-law.com</p>

<b>DAOUST VUKOVICH LLP</b> Barristers & Solicitors 20 Queen Street West Suite 3000 Toronto, ON M5H 3R3  Counsel to Westcliffe Management Ltd.	<b>Wolfgang Kaufmann</b> Tel: 416.597.3952 Fax: 416.597.8897 Email: <a href="mailto:wolfgang@dv-law.com">wolfgang@dv-law.com</a>  <b>Gasper Galati</b> Tel: 416.598.7050 Fax: 416.597.8897 Email: <a href="mailto:ggalati@dv-law.com">ggalati@dv-law.com</a>  <b>Kenneth Pimentel</b> Tel: 416.597.9306 Fax: 416.597.8897 Email: <a href="mailto:kpimentel@dv-law.com">kpimentel@dv-law.com</a>
<b>DAOUST VUKOVICH LLP</b> Barristers & Solicitors 20 Queen Street West Suite 3000 Toronto, ON M5H 3R3  Counsel to Valiant Rental Inc.	<b>Wolfgang Kaufmann</b> Tel: 416.597.3952 Fax: 416.597.8897 Email: <a href="mailto:wolfgang@dv-law.com">wolfgang@dv-law.com</a>  <b>Gasper Galati</b> Tel: 416.598.7050 Fax: 416.597.8897 Email: <a href="mailto:ggalati@dv-law.com">ggalati@dv-law.com</a>
<b>DAOUST VUKOVICH LLP</b> Barristers & Solicitors 20 Queen Street West Suite 3000 Toronto, ON M5H 3R3  Counsel to Bridlewood Mall Management Inc.	<b>Wolfgang Kaufmann</b> Tel: 416.597.3952 Fax: 416.597.8897 Email: <a href="mailto:wolfgang@dv-law.com">wolfgang@dv-law.com</a>  <b>Gasper Galati</b> Tel: 416.598.7050 Fax: 416.597.8897 Email: <a href="mailto:ggalati@dv-law.com">ggalati@dv-law.com</a>
<b>PLAZA RETAIL REIT</b> 145 King Street West Suite 1710 Toronto, ON M5H 1J8	<b>Kevin Salsberg</b> Tel: 416.361.1520 Fax: 416.815.7760 Email: <a href="mailto:kevin.salsberg@plaza.ca">kevin.salsberg@plaza.ca</a>  <b>Jamie Petrie</b> Tel: 416.361.5892 Fax: 416.815.7760 Email: <a href="mailto:jamie.petrie@plaza.ca">jamie.petrie@plaza.ca</a>  <b>Michael Zakuta</b> Tel: 416.361.5892 Fax: 416.815.7760 Email: <a href="mailto:michael.zakuta@plaza.ca">michael.zakuta@plaza.ca</a>

<b>BENNETT JONES LLP</b> Barristers & Solicitors One First Canadian Place Suite 3400 Toronto, ON M5X 1A4  Counsel to RioCan Management Inc.	<b>S. Richard Orzy</b> Tel: 416.777.5737 Fax: 416.863.1716 Email: orzyr@bennettjones.com  <b>Sean H. Zweig</b> Tel: 416.777.6254 Fax: 416.863.1716 Email: zweigs@bennettjones.com  <b>Richard Swan</b> Tel: 416.777.7479 Fax: 416.863.1716 Email: swanr@bennettjones.com
<b>LAX O'SULLIVAN LISUS GOTTLIEB LLP</b> Barristers & Solicitors 145 King Street West Suite 2750 Toronto, ON M5H 1J8  Counsel to Kingsett Capital Inc.	<b>Matthew P. Gottlieb</b> Tel: 416.644.5353 Fax: 416.598.3730 Email: mgottlieb@counsel-toronto.com  <b>Andrew Winton</b> Tel: 416.644.5342 Fax: 416.598.3730 Email: awinton@counsel-toronto.com  <b>Laura M. Wagner</b> Tel: 416.645.5076 Fax: 416.598.3730 Email: lwagner@counsel-toronto.com
<b>LAWSON LUNDELL LLP</b> Barristers & Solicitors Suite 1600 Cathedral Place 925 West Georgia Street Vancouver, BC V6C 3L2  Counsel to APL Co. Pte Ltd.	<b>Heather M.B. Ferris</b> Tel: 1.604.631.9145 Fax: 1.604.694.2957 Email: hferris@lawsonlundell.com  <b>Kimberley A. Robertson</b> Tel: 1.604.631.9142 Fax: 1.604.669.1620 Email: krobertson@lawsonlundell.com
<b>LAWSON LUNDELL LLP</b> Barristers & Solicitors Suite 1600 Cathedral Place 925 West Georgia Street Vancouver, BC V6C 3L2  Counsel to Shape Properties Ltd.	<b>Heather M.B. Ferris</b> Tel: 1.604.631.9145 Fax: 1.604.694.2957 Email: hferris@lawsonlundell.com



<b>DENTONS CANADA LLP</b> Barristers & Solicitors 77 King Street West, Suite 400 Toronto-Dominion Centre Toronto, ON M5K 0A1  Counsel to Carlton Cards Limited and Papyrus-Recycled Greetings Canada Ltd.	<b>Kenneth Kraft</b> Tel: 416.863.4374 Fax: 416.863.4592 Email: kenneth.kraft@dentons.com  <b>John Salmas</b> Tel: 416.863.4737 Fax: 416.863.4592 Email: john.salmas@dentons.com
<b>DENTONS CANADA LLP</b> Barristers & Solicitors 850 - 2nd Street SW 15th Floor, Bankers Court Calgary, AB T2P 0R8  Counsel to Carlton Cards Limited and Papyrus-Recycled Greetings Canada Ltd.	<b>Robert Kennedy</b> Tel: 1.403.268.7161 Fax: 1.403.268.3100 Email: robert.kennedy@dentons.com

<p><b>DENTONS CANADA LLP</b>  Barristers &amp; Solicitors  99 Bank Street, Suite 1420  Ottawa, ON  K1P 1H4</p> <p>Counsel to Mead Johnson Nutrition Canada Co.</p>	<p><b>David Elliott</b>  Tel: 1.613.783.9638  Email: <a href="mailto:david.elliott@dentons.com">david.elliott@dentons.com</a></p> <p><b>Fraser Mackinnon Blair</b>  Tel: 1.613.783.9647  Email: <a href="mailto:fraser.mackinnon.blair@dentons.com">fraser.mackinnon.blair@dentons.com</a></p> <p><b>Philip Rimer</b>  Tel: 1.613.783.9634  Email: <a href="mailto:Philip.rimer@dentons.com">Philip.rimer@dentons.com</a></p>
<p><b>DENTONS CANADA LLP</b>  Barristers &amp; Solicitors  1 Place Ville Marie  39th Floor  Montréal, QC H3B 4M7</p> <p>Counsel to Milliken Sales, Inc.</p>	<p><b>Ari Y. Sorek</b>  Tel: 1.514.878.8883  Email: <a href="mailto:ari.sorek@dentons.com">ari.sorek@dentons.com</a></p>
<p><b>OWEN BIRD LAW CORPORATION</b>  Barristers &amp; Solicitors  Bentall 3, Suite 2900, 595 Burrard Street  PO Box 49130  Vancouver, BC  V7X 1J5</p> <p>Counsel to Glentel Inc.</p>	<p><b>Jonathan L. Williams</b>  Tel: 1.604.688.0401  Fax: 1.604.688.2827  Email: <a href="mailto:jwilliams@owenbird.com">jwilliams@owenbird.com</a></p>
<p><b>BORDEN LADNER GERVAIS LLP</b>  Barristers &amp; Solicitors  1200 Waterfront Centre, 200 Burrard Street  P.O. Box 48600  Vancouver, BC  V7X 1T2</p> <p>Counsel to Damco Canada Inc.</p>	<p><b>Kendall E. Andersen</b>  Tel: 1.604.640.4078  Fax: 1.604.622.5936  Email: <a href="mailto:kandersen@blg.com">kandersen@blg.com</a></p>
<p><b>DAMCO CANADA INC.</b></p>	<p><b>Dennis O'Brien</b>  Email: <a href="mailto:dennis.a.obrien@maersk.com">dennis.a.obrien@maersk.com</a></p> <p><b>Jan K. Andersen</b>  Email: <a href="mailto:jan.k.andersen@damco.com">jan.k.andersen@damco.com</a></p>
<p><b>DAMCO DISTRIBUTION CANADA INC.</b></p>	<p><b>Dennis O'Brien</b>  Email: <a href="mailto:dennis.a.obrien@maersk.com">dennis.a.obrien@maersk.com</a></p> <p><b>Colin Green</b>  Email: <a href="mailto:colin.green@damco.com">colin.green@damco.com</a></p> <p><b>Kellie Kopeck</b>  Email: <a href="mailto:kellie.kopeck@damco.com">kellie.kopeck@damco.com</a></p>

<b>LONDON DRUGS LIMITED</b> 12831 Horseshoe Way Richmond, BC V7A 4X5	<b>Christine MacLean</b> <b>General Counsel</b> Tel: 1.604.272.7674 Email: <a href="mailto:cmaclean@londondrugs.com">cmaclean@londondrugs.com</a>
<b>THORNTON GROUT FINNIGAN LLP</b> Barristers & Solicitors 100 Wellington Street West Suite 3200 Toronto, ON M5K 1K7  Counsel to Oxford Properties Group Inc.	<b>D.J. Miller</b> Tel: 416.304.0559 Fax: 416.304.1313 Email: <a href="mailto:djmiller@tgf.ca">djmiller@tgf.ca</a>
<b>BRENNAN, RECUPERO, CASCIONE, SCUNGIO &amp; MCALLISTER, LLP</b> Barristers & Solicitors 362 Broadway Providence, RI U.S.A. 02909  Counsel to Expeditors International of Washington, Inc. and its subsidiaries and affiliates, including Expeditors Canada, Inc.	<b>Thomas S. Hemmendinger</b> Tel: 1.401.453.2300 Ext. 106 Fax: 1.401.453.2345 Email: <a href="mailto:themmendinger@brcsm.com">themmendinger@brcsm.com</a>
<b>DENTONS CANADA LLP</b> Barristers & Solicitors 77 King Street West, Suite 400 Toronto-Dominion Centre Toronto, ON M5K 0A1  Counsel to Canada Mortgage and Housing Corporation	<b>Renée Brosseau</b> Tel: 416.863.4650 Fax: 416.863.4592 Email: <a href="mailto:renee.brosseau@dentons.com">renee.brosseau@dentons.com</a>
<b>TORYS LLP</b> Barristers & Solicitors 79 Wellington St. West, 30 <sup>th</sup> Floor Box 270, TD Tower South Toronto, ON M5K 1N2  Counsel to The Cadillac Fairview Corporation Limited and its affiliates	<b>David Bish</b> Tel: 416.865.7353 Fax: 416.865.7380 Email: <a href="mailto:dbish@torys.com">dbish@torys.com</a>  <b>Adam Slavens</b> Tel: 416.865.7333 Fax: 416.865.7380 Email: <a href="mailto:aslavens@torys.com">aslavens@torys.com</a>  <b>Lily Coodin</b> Tel: 416.865.7541 Fax: 416.865.7380 Email: <a href="mailto:lcoodin@torys.com">lcoodin@torys.com</a>

<p><b>TORYS LLP</b>  Barristers &amp; Solicitors  79 Wellington St. West, 30<sup>th</sup> Floor  Box 270, TD Tower South  Toronto, ON  M5K 1N2</p> <p>Counsel to First Capital Realty Inc.</p>	<p><b>Scott A. Bomhof</b>  Tel: 416.865.7370  Fax: 416.865.7380  Email: <a href="mailto:sbomhof@torys.com">sbomhof@torys.com</a></p> <p><b>Jeremy Opolsky</b>  Tel: 416.865.8117  Fax: 416.865.7380  Email: <a href="mailto:jopolsky@torys.com">jopolsky@torys.com</a></p>
<p><b>THE CIT GROUP/COMMERCIAL SERVICES, INC.</b>  201 South Tryon Street  P.O. Box 30317, 28231-1307  Charlotte, North Carolina  U.S.A. 28202</p>	<p><b>Robert W. Franklin</b>  <b>Director and Assistant Chief Counsel, Law Department</b>  Tel: 1.704.339.2975  Fax: 1.704.339.2894  Email: <a href="mailto:robert.franklin@cit.com">robert.franklin@cit.com</a></p>
<p><b>MILLER THOMSON LLP</b>  Barristers &amp; Solicitors  Scotia Plaza  40 King Street West, Suite 5800  P.O. Box 1011  Toronto, ON  M5H 3S1</p> <p>Counsel to Hamilton Beach Brands Canada, Inc.</p>	<p><b>Jeffrey C. Carhart</b>  Tel: 416.595.8615  Fax: 416.595.8695  Email: <a href="mailto:jcarhart@millerthomson.com">jcarhart@millerthomson.com</a></p> <p><b>Margaret R. Sims</b>  Tel: 416.595.8577  Fax: 416.595.8695  Email: <a href="mailto:msims@millerthomson.com">msims@millerthomson.com</a></p>
<p><b>MILLER THOMSON LLP</b>  Barristers &amp; Solicitors  Scotia Plaza  40 King Street West, Suite 5800  P.O. Box 1011  Toronto, ON  M5H 3S1</p> <p>Counsel to Spectrum Brands Canada, Inc. and Spectrum Brands, Inc.</p>	<p><b>Jeffrey C. Carhart</b>  Tel: 416.595.8615  Fax: 416.595.8695  Email: <a href="mailto:jcarhart@millerthomson.com">jcarhart@millerthomson.com</a></p> <p><b>Margaret R. Sims</b>  Tel: 416.595.8577  Fax: 416.595.8695  Email: <a href="mailto:msims@millerthomson.com">msims@millerthomson.com</a></p>
<p><b>MILLER THOMSON LLP</b>  Barristers &amp; Solicitors  Scotia Plaza  40 King Street West, Suite 5800  P.O. Box 1011  Toronto, ON  M5H 3S1</p> <p>Counsel to GL Creations</p>	<p><b>Jeffrey C. Carhart</b>  Tel: 416.595.8615  Fax: 416.595.8695  Email: <a href="mailto:jcarhart@millerthomson.com">jcarhart@millerthomson.com</a></p> <p><b>Margaret R. Sims</b>  Tel: 416.595.8577  Fax: 416.595.8695  Email: <a href="mailto:msims@millerthomson.com">msims@millerthomson.com</a></p>

<b>MILLER THOMSON LLP</b> Barristers & Solicitors Scotia Plaza 40 King Street West, Suite 5800 P.O. Box 1011 Toronto, ON M5H 3S1  Counsel to Travelway Group Int'l Inc.	<b>Jeffrey C. Carhart</b> Tel: 416.595.8615 Fax: 416.595.8695 Email: <a href="mailto:jcarhart@millerthomson.com">jcarhart@millerthomson.com</a>  <b>Margaret R. Sims</b> Tel: 416.595.8577 Fax: 416.595.8695 Email: <a href="mailto:msims@millerthomson.com">msims@millerthomson.com</a>
<b>MILLER THOMSON LLP</b> Barristers & Solicitors Scotia Plaza 40 King Street West, Suite 5800 P.O. Box 1011 Toronto, ON M5H 3S1  Counsel to Skechers USA Canada, Inc.	<b>Jeffrey C. Carhart</b> Tel: 416.595.8615 Fax: 416.595.8695 Email: <a href="mailto:jcarhart@millerthomson.com">jcarhart@millerthomson.com</a>
<b>MILLER THOMSON LLP</b> Barristers & Solicitors Scotia Plaza 40 King Street West, Suite 5800 P.O. Box 1011 Toronto, ON M5H 3S1  Counsel to Ginsey Industries, Inc.	<b>Jeffrey C. Carhart</b> Tel: 416.595.8615 Fax: 416.595.8695 Email: <a href="mailto:jcarhart@millerthomson.com">jcarhart@millerthomson.com</a>
<b>MILLER THOMSON LLP</b> Barristers & Solicitors Scotia Plaza 40 King Street West, Suite 5800 P.O. Box 1011 Toronto, ON M5H 3S1  Counsel to Indo Count Industries Ltd.	<b>Jeffrey C. Carhart</b> Tel: 416.595.8615 Fax: 416.595.8695 Email: <a href="mailto:jcarhart@millerthomson.com">jcarhart@millerthomson.com</a>
<b>MILLER THOMSON LLP</b> Barristers & Solicitors Scotia Plaza 40 King Street West, Suite 5800 P.O. Box 1011 Toronto, ON M5H 3S1  Counsel to Asurion Canada, Inc.	<b>Jeffrey C. Carhart</b> Tel: 416.595.8615 Fax: 416.595.8695 Email: <a href="mailto:jcarhart@millerthomson.com">jcarhart@millerthomson.com</a>

<b>MILLER THOMSON LLP</b> Barristers & Solicitors Scotia Plaza 40 King Street West, Suite 5800 P.O. Box 1011 Toronto, ON M5H 3S1  Counsel to Thomas, Large & Singer Inc.	<b>Jeffrey C. Carhart</b> Tel: 416.595.8615 Fax: 416.595.8695 Email: <a href="mailto:jcarhart@millerthomson.com">jcarhart@millerthomson.com</a>
<b>UNITED CLEANING SERVICES LIMITED</b> 46 Hedgedale Road Brampton, ON L6T 5L2	<b>Randhir S. Garcha</b> Tel: 905.595.4830 Ext. 272 Fax: 905.595.4831 Email: <a href="mailto:randy.garcha@ucsl.com">randy.garcha@ucsl.com</a>
<b>FOGLER, RUBINOFF LLP</b> Barristers & Solicitors Suite 3000, P.O. Box 95 Toronto-Dominion Centre 77 King Street West Toronto, ON M5K 1G8  Counsel to Doral Holdings Limited and 430635 Ontario Inc.	<b>Vern W. DaRe</b> Tel: 416.941.8842 Fax: 416.941.8852 Email: <a href="mailto:vdare@foglers.com">vdare@foglers.com</a>
<b>LAVERY, DE BILLY, LLP</b> Barristers & Solicitors 1, Place Ville Marie, Suite 4000 Montréal, QC H3B 4M4  Counsel to Dorel Industries Inc.	<b>Jonathan Warin</b> Tel: 1.514.878.5616 Fax: 1.514.871.8977 Email: <a href="mailto:jwarin@lavery.ca">jwarin@lavery.ca</a>

<b>COMINAR REIT</b> Complexe Jules-Dallaire – T3 2820 Laurier Blvd, Suite 850 Québec City, QC G1V 0C1	<b>Manon Deslauriers</b> Tel: 1.418.681.6300 ext 2321 Fax: 1.418.681.2946 Email: <a href="mailto:manon.deslauriers@cominar.com">manon.deslauriers@cominar.com</a>  <b>Michel Paquet</b> Email: <a href="mailto:michel.paquet@cominar.com">michel.paquet@cominar.com</a>  <b>Sylvain Cossette</b> Email: <a href="mailto:sylvain.cossette@cominar.com">sylvain.cossette@cominar.com</a>  <b>Jean Leclerc</b> Email: <a href="mailto:jean.leclerc@cominar.com">jean.leclerc@cominar.com</a>  <b>Gilles Hamel</b> Email: <a href="mailto:gilles.hamel@cominar.com">gilles.hamel@cominar.com</a>  <b>Guillaume Rouleau</b> Email: <a href="mailto:Guillaume.rouleau@cominar.com">Guillaume.rouleau@cominar.com</a>
<b>CANADIAN PACIFIC RAILWAY</b> 1100 Avenue des Canadiens-de-Montréal Suite G3 Montréal, QC H3B 2S2	<b>Ken Legrand</b> Tel: 1.514.395.6436 Email: <a href="mailto:Ken_legrand@cpr.ca">Ken_legrand@cpr.ca</a>
<b>CANADIAN PACIFIC RAILWAY</b> Building #1, 7550 Ogdendale Road South Calgary, AB T2C 4X9	<b>Cassandra Quach</b> Tel: 1.403.319.7016 Email: <a href="mailto:Cassandra_Quach@cpr.ca">Cassandra_Quach@cpr.ca</a>
<b>WEIRFOULDS LLP</b> Barristers & Solicitors 66 Wellington Street West Suite 4100, P.O. Box 35 Toronto-Dominion Centre Toronto, ON M5K 1B7  Counsel to PCL Constructors Canada Inc.	<b>Scott McGrath</b> Tel: 416.947.5038 Fax: 416.365.1876 Email: <a href="mailto:smcgrath@weirfoulds.com">smcgrath@weirfoulds.com</a>  <b>Nadia Chiesa</b> Tel: 416.947.5084 Fax: 416.365.1876 Email: <a href="mailto:nchiesa@weirfoulds.com">nchiesa@weirfoulds.com</a>
<b>WEIRFOULDS LLP</b> Barristers & Solicitors 66 Wellington Street West Suite 4100, P.O. Box 35 Toronto-Dominion Centre Toronto, ON M5K 1B7  Counsel to PCL Construction Management Inc.	<b>Scott McGrath</b> Tel: 416.947.5038 Fax: 416.365.1876 Email: <a href="mailto:smcgrath@weirfoulds.com">smcgrath@weirfoulds.com</a>  <b>Nadia Chiesa</b> Tel: 416.947.5084 Fax: 416.365.1876 Email: <a href="mailto:nchiesa@weirfoulds.com">nchiesa@weirfoulds.com</a>

<b>WEIRFOULDS LLP</b> Barristers & Solicitors 66 Wellington Street West Suite 4100, P.O. Box 35 Toronto-Dominion Centre Toronto, ON M5K 1B7  Counsel to Ace Bayou Corporation	<b>Scott McGrath</b> Tel: 416.947.5038 Fax: 416.365.1876 Email: <a href="mailto:smcgrath@weirfoulds.com">smcgrath@weirfoulds.com</a>  <b>Nadia Chiesa</b> Tel: 416.947.5084 Fax: 416.365.1876 Email: <a href="mailto:nchiesa@weirfoulds.com">nchiesa@weirfoulds.com</a>
<b>MINDEN GROSS LLP</b> Barristers & Solicitors 145 King Street West Suite 2200 Toronto, ON M5H 4G2  Counsel to Menkes Property Management Services Ltd., as agent for HOOPP Realty Inc.	<b>Catherine Francis</b> Tel: 416.369.4137 Fax: 416.864.9223 Email: <a href="mailto:cfrancis@mindengross.com">cfrancis@mindengross.com</a>
<b>MINDEN GROSS LLP</b> Baristers & Solicitors 145 King Street West Suite 2200 Toronto, ON M5H 4G2  Counsel to Primaris Reit	<b>Catherine Francis</b> Tel: 416.369.4137 Fax: 416.864.9223 Email: <a href="mailto:cfrancis@mindengross.com">cfrancis@mindengross.com</a>
<b>McLEAN &amp; KERR LLP</b> Barristers & Solicitors 130 Adelaide Street West Suite 2800 Toronto, ON M5H 3P5  Counsel to 20 VIC Management Inc. (on behalf of various landlords), Morguard Investments Limited (on behalf of various landlords), Calloway Real Estate Investment Trust (on behalf of Calloway REIT (Hopedale) Inc., Calloway REIT (Laurentian Inc.), Crombie REIT, Triovest Realty Advisors Inc. (on behalf of various landlords), Brad-Lea Meadows Limited and Blackwood Partners Management Corporation (on behalf of Surrey CC Properties Inc.)	<b>Walter R. Stevenson</b> Tel: 416.369.6602 Fax: 416.366.8571 Email: <a href="mailto:wstevenson@mcleankerr.com">wstevenson@mcleankerr.com</a>  <b>Linda Galessiere</b> Tel: 416.369.6609 Fax: 416.366.8571 Email: <a href="mailto:lgalessiere@mcleankerr.com">lgalessiere@mcleankerr.com</a>  <b>Gus Camelino</b> Tel: 416.369.6621 Fax: 416.366.8571 Email: <a href="mailto:gcamelino@mcleankerr.com">gcamelino@mcleankerr.com</a>



<p><b>McLEAN &amp; KERR LLP</b>  Barristers &amp; Solicitors  130 Adelaide Street West  Suite 2800  Toronto, ON  M5H 3P5</p> <p>Counsel to Imagine! Print Solutions Inc.</p>	<p><b>S. Michael Citak</b>  Tel: 416.369.6619  Fax: 416.366.8571  Email: <a href="mailto:mcitak@mcleankerr.com">mcitak@mcleankerr.com</a></p>
<p><b>BORDEN LADNER GERVAIS LLP</b>  <b>S.E.N.C.R.L., S.R.L.</b>  Barristers &amp; Solicitors  1000 Rue de la Gauchetière Ouest  Suite / Bureau 900  Montréal, QC  H3B 5H4</p> <p>Counsel to Bell Canada</p>	<p><b>François Gagnon</b>  Tel: 1.514.954.2553  Fax: 1.514.954.1905  Email: <a href="mailto:fgagnon@blg.com">fgagnon@blg.com</a></p>
<p><b>BORDEN LADNER GERVAIS LLP</b>  <b>S.E.N.C.R.L., S.R.L.</b>  Barristers &amp; Solicitors  1000 Rue de la Gauchetière Ouest  Suite / Bureau 900  Montréal, QC  H3B 5H4</p> <p><b>BORDEN LADNER GERVAIS LLP</b>  Barristers &amp; Solicitors  Scotia Plaza  40 King Street West  Toronto, ON  M5H 3Y4</p> <p>Counsel to Hasbro Canada Corporation</p>	<p><b>Marc Duchesne</b>  Tel: 1.514.954.3102  Fax: 1.514.954.1905  Email: <a href="mailto:mduchesne@blg.com">mduchesne@blg.com</a></p> <p><b>Kyle Plunkett</b>  Tel: 416.367.6314  Fax: 416.361.2557  Email: <a href="mailto:kplunkette@blg.com">kplunkette@blg.com</a></p>
<p><b>BORDEN LADNER GERVAIS LLP</b>  Barristers &amp; Solicitors  Scotia Plaza  40 King Street West  Toronto, ON  M5H 3Y4</p> <p>Counsel to Razor USA LLC</p>	<p><b>Aliza Premji</b>  Tel: 416.367.6704  Fax: F 416.682.2845  Email: <a href="mailto:apremji@blg.com">apremji@blg.com</a></p>

<b>BORDEN LADNER GERVAIS LLP</b> Barristers & Solicitors Scotia Plaza 40 King Street West Toronto, ON M5H 3Y4  Counsel to Bell Canada	<b>Andrew Hodhod</b> Tel: 416.367.6290 Fax: 416.361.2799 Email: <a href="mailto:ahodhod@blg.com">ahodhod@blg.com</a>
<b>8239959 CANADA INC.</b> <b>c/o SHINDICO REALTY INC.</b> 200-1355 Taylor Ave. Winnipeg, MB R3M 3Y9	<b>Robert W. Shindleman</b> Tel: 1.202.474.2000 Fax: 1.202.284.7155 Email: <a href="mailto:rshindleman@shindico.com">rshindleman@shindico.com</a>  <b>Justin G. Zarnowski</b> Tel: 1.202.928.8212 Fax: 1.202.284.7155 Email: <a href="mailto:jzarnowski@shindico.com">jzarnowski@shindico.com</a>
<b>FILLMORE RILEY LLP</b> Barristers & Solicitors 1700-360 Main Street Winnipeg, MB R3C 3Z3  Counsel to TransX Ltd.	<b>David J. Kroft</b> Tel: 1.204.957.8346 Fax: 1.204.954.0346 Email: <a href="mailto:djkroft@fillmoreriley.com">djkroft@fillmoreriley.com</a>
<b>TRANSX LTD.</b> 2595 Inkster Boulevard Winnipeg, MB R3C 2E6	<b>Pankaj Sharma</b> Tel: 1.204.631.4135 Fax: 1.204.631.4109 Email: <a href="mailto:vpfinance@transx.com">vpfinance@transx.com</a>
<b>CASSELS BROCK &amp; BLACKWELL LLP</b> Barristers & Solicitors 2100 Scotia Plaza 40 King Street West Toronto, ON M5H 3C2  Counsel to Warner Brothers Distributing Inc.	<b>Larry Ellis</b> Tel: 416.869.5406 Fax: 416.640.3004 Email: <a href="mailto:lellis@casselsbrock.com">lellis@casselsbrock.com</a>  <b>Erin Craddock</b> Tel: 416.860.6480 Fax: 416.644.9324 Email: <a href="mailto:ecraddock@casselsbrock.com">ecraddock@casselsbrock.com</a>
<b>CASSELS BROCK &amp; BLACKWELL LLP</b> Barristers & Solcitors 2100 Scotia Plaza 40 King Street West Toronto, ON M5H 3C2  Counsel to Solutions 2 GO Inc.	<b>Larry Ellis</b> Tel: 416.869.5406 Fax: 416.640.3004 Email: <a href="mailto:lellis@casselsbrock.com">lellis@casselsbrock.com</a>  <b>Erin Craddock</b> Tel: 416.860.6480 Fax: 416.644.9324 Email: <a href="mailto:ecraddock@casselsbrock.com">ecraddock@casselsbrock.com</a>

<b>CASSELS BROCK &amp; BLACKWELL LLP</b> Barristers & Solicitors 2100 Scotia Plaza 40 King Street West Toronto, ON M5H 3C2  Counsel to Merchant Retail Solutions ULC	<b>R. Shayne Kukulowicz</b> Tel: 416.860.6463 Fax: 416.640.3176 Email: <a href="mailto:skukulowicz@casselsbrock.com">skukulowicz@casselsbrock.com</a>  <b>Jane O. Dietrich</b> Tel: 416.860.5223 Fax: 416.640.3144 Email: <a href="mailto:jdietrich@casselsbrock.com">jdietrich@casselsbrock.com</a>
<b>CASSELS BROCK &amp; BLACKWELL LLP</b> Barristers & Solicitors 2100 Scotia Plaza 40 King Street West Toronto, ON M5H 3C2  Counsel to Gordon Brothers Canada ULC	<b>R. Shayne Kukulowicz</b> Tel: 416.860.6463 Fax: 416.640.3176 Email: <a href="mailto:skukulowicz@casselsbrock.com">skukulowicz@casselsbrock.com</a>  <b>Jane O. Dietrich</b> Tel: 416.860.5223 Fax: 416.640.3144 Email: <a href="mailto:jdietrich@casselsbrock.com">jdietrich@casselsbrock.com</a>
<b>CASSELS BROCK &amp; BLACKWELL LLP</b> Barristers & Solicitors 2100 Scotia Plaza 40 King Street West Toronto, ON M5H 3C2  Counsel to Roots Canada Ltd.	<b>Joseph Bellissimo</b> Tel: 416.860.6572 Fax: 416.642.7150 Email: <a href="mailto:jbellissimo@casselsbrock.com">jbellissimo@casselsbrock.com</a>  <b>Erin Craddock</b> Tel: 416.860.6480 Fax: 416.644.9324 Email: <a href="mailto:ecraddock@casselsbrock.com">ecraddock@casselsbrock.com</a>  <b>Leonard Loewith</b> Tel: 416.860.6471 Fax: 416.640.3092 Email: <a href="mailto:lloewith@casselsbrock.com">lloewith@casselsbrock.com</a>
<b>CASSELS BROCK &amp; BLACKWELL LLP</b> Barristers & Solicitors 2100 Scotia Plaza 40 King Street West Toronto, ON M5H 3C2  Counsel to Conair Consumer Products ULC	<b>Joseph Bellissimo</b> Tel: 416.860.6572 Fax: 416.642.7150 Email: <a href="mailto:jbellissimo@casselsbrock.com">jbellissimo@casselsbrock.com</a>  <b>Natalie Levine</b> Tel: 416.860.6568 Fax: 416.640.3207 Email: <a href="mailto:nlevine@casselsbrock.com">nlevine@casselsbrock.com</a>

<p><b>CASSELS BROCK &amp; BLACKWELL LLP</b>  Barristers &amp; Solicitors  2100 Scotia Plaza  40 King Street West  Toronto, ON  M5H 3C2</p> <p>Counsel to WMI-1 Holding Company (General Partner of  Winners Merchants International L.P.)</p>	<p><b>John Birch</b>  Tel: 416.860.5225  Fax: 416.640.3057  Email: <a href="mailto:jbirch@casselsbrock.com">jbirch@casselsbrock.com</a></p>
<p><b>STIKEMAN ELLIOTT LLP</b>  Barristers &amp; Solicitors  5300 Commerce Court West  199 Bay Street  Toronto, ON  M5H 3C2</p> <p>Counsel to Eleven Points Logistics Inc.</p>	<p><b>Daniel S. Murdoch</b>  Tel: 416.869.5529  Fax: 416.947.0866  Email: <a href="mailto:dmurdoch@stikeman.com">dmurdoch@stikeman.com</a></p> <p><b>Kathryn Esaw</b>  Tel: 416.869.6820  Fax: 416.947.0866  Email: <a href="mailto:kesaw@stikeman.com">kesaw@stikeman.com</a></p>
<p><b>STIKEMAN ELLIOTT LLP</b>  Barristers &amp; Solicitors  5300 Commerce Court West  199 Bay Street  Toronto, ON  M5H 3C2</p> <p>Counsel to Lowe's Companies Canada, ULC</p>	<p><b>Mario Paura</b>  Tel: 416.869.5938  Fax: 416.947.0866  Email: <a href="mailto:mpaura@stikeman.com">mpaura@stikeman.com</a></p> <p><b>Maria Konyukhova</b>  Tel: 416.869.5230  Fax: 416.947.0866  Email: <a href="mailto:mkonyukhova@stikeman.com">mkonyukhova@stikeman.com</a></p>
<p><b>STIKEMAN ELLIOTT LLP</b>  Barristers &amp; Solicitors  1155 René-Lévesque Boulevard West  Suite 4000  Montréal, QC  H3B 3V2</p> <p>Counsel to Carat Canada</p>	<p><b>Guy P. Martel</b>  Tel: 1.514.397.3163  Fax: 1.514.397.3222  Email: <a href="mailto:gmartel@stikeman.com">gmartel@stikeman.com</a></p> <p><b>Danny Duy Vu</b>  Tel: 1.514.39.6495  Fax: 1.514.397.3222  Email: <a href="mailto:ddvu@stikeman.com">ddvu@stikeman.com</a></p>
<p><b>SOLMON ROTHBART GOODMAN LLP</b>  Barristers &amp; Solicitors  375 University Avenue, Suite 701  Toronto, ON  M5G 2J5</p> <p>Counsel to ISSI Inc.</p>	<p><b>Melvyn L. Solmon</b>  Tel: 416.947.1093 (Ext. 333)  Fax: 416.947.0079  Email: <a href="mailto:msolmon@srglegal.com">msolmon@srglegal.com</a></p> <p><b>Nancy J. Turgis</b>  Tel: 416.947.1093 (Ext. 342)  Fax: 416.947.0079  Email: <a href="mailto:nturgis@srglegal.com">nturgis@srglegal.com</a></p>

<b>SPORTS INDUSTRY CREDIT ASSOCIATION</b> 245 Victoria Avenue Suite 800 Montreal, QC H3Z 2M6	<b>Brian Dabarno</b> Tel: 1.514.931.5561 Ext: 226 Fax: 1.514.931.2896 Email: <a href="mailto:brian@sica.ca">brian@sica.ca</a>
<b>FASKEN MARTINEAU DuMOULIN LLP</b> Barristers & Solicitors 333 Bay Street, Suite 2400 Bay Adelaide Centre, Box 20 Toronto, ON M5H 2T6  Counsel to Ivanhoe Cambridge Inc.	<b>Aubrey E. Kauffman</b> Tel: 416.868.3538 Fax: 416.364.7813 Email: <a href="mailto:akauffman@fasken.com">akauffman@fasken.com</a>
<b>FASKEN MARTINEAU DuMOULIN LLP</b> Barristers & Solicitors 333 Bay Street, Suite 2400 Bay Adelaide Centre, Box 20 Toronto, ON M5H 2T6  Counsel to Sobeys Capital Incorporated	<b>Stuart Brotman</b> Tel: 416.865.5419 Fax: 416.364.7813 Email: <a href="mailto:sbrotman@fasken.com">sbrotman@fasken.com</a>
<b>FASKEN MARTINEAU DuMOULIN LLP</b> Barristers & Solicitors The Stock Exchange Tower 800 Victoria Square Suite 3700, PO Box 242 Montréal, PQ H4Z 1E9  Counsel to Ivanhoe Cambridge Inc.	<b>Luc Morin</b> Tel: 1.514.397.5121 Fax: 1.514.397.7600 Email: <a href="mailto:lmorin@fasken.com">lmorin@fasken.com</a>
<b>FASKEN MARTINEAU DuMOULIN LLP</b> Barristers & Solicitors The Stock Exchange Tower 800 Victoria Square Suite 3700, PO Box 242 Montréal, PQ H4Z 1E9  Counsel to Canadian Pacific Railway Ltd.	<b>Brandon Farber</b> Tel: 1.514.397.5179 Fax: 1.514.397.7600 Email: <a href="mailto:bfarber@fasken.com">bfarber@fasken.com</a>

<p><b>FASKEN MARTINEAU DuMOULIN LLP</b>  Barristers &amp; Solicitors  The Stock Exchange Tower  800 Victoria Square  Suite 3700, PO Box 242  Montréal, PQ  H4Z 1E9</p> <p>Counsel to McKesson Canada</p>	<p><b>Luc Béliveau</b>  Tel: 1.514.397.4336  Fax: 1.514.397.7600  Email: <a href="mailto:lbéliveau@fasken.com">lbéliveau@fasken.com</a></p> <p><b>Brandon Farber</b>  Tel: 1.514.397.5179  Fax: 1.514.397.7600  Email: <a href="mailto:bfarber@fasken.com">bfarber@fasken.com</a></p>
<p><b>FASKEN MARTINEAU DuMOULIN LLP</b>  Barristers &amp; Solicitors  The Stock Exchange Tower  800 Victoria Square  Suite 3700, PO Box 242  Montréal, PQ  H4Z 1E9</p> <p>Counsel to Distribution Select, a division of Archambault Group inc., a subsidiary of Quebecor Media Inc.</p>	<p><b>Guillaume-Pierre Michaud</b>  Tel: 1.514.397.5264  Fax: 1.514.397.7600  Email: <a href="mailto:gmichaud@fasken.com">gmichaud@fasken.com</a></p>
<p><b>THE SCOTTS COMPANY LLC</b>  14111 Scottslawn Road  Marysville, Ohio  USA 43041</p>	<p><b>Lewis J. Dolezal Jr.</b>  Tel: 1.937.578.1319  Fax: 1.937.644.7568  Email: <a href="mailto:lewis.dolezal@scotts.com">lewis.dolezal@scotts.com</a></p>
<p><b>COTY CANADA</b>  1255 Rte Transcanadienne  Dorval, QC  H9P 2V4</p>	<p><b>Robert Spensieri</b>  Tel: 1.514.421.5066  Email: <a href="mailto:robert_spensieri@cotyinc.com">robert_spensieri@cotyinc.com</a></p>
<p><b>BLANEY MCMURTRY LLP</b>  Barristers &amp; Solicitors  2 Queen Street East  Suite 1500  Toronto, ON  M5C 3G5</p> <p>Counsel to Advitek Inc.</p>	<p><b>Lou Brzezinski</b>  Tel: 416.593.2952  Fax: 416.594.5084  Email: <a href="mailto:lbrzezinski@blaney.com">lbrzezinski@blaney.com</a></p>
<p><b>BLANEY MCMURTRY LLP</b>  Barristers &amp; Solicitors  2 Queen Street East  Suite 1500  Toronto, ON  M5C 3G5</p> <p>Counsel to Universal Studios Canada Inc.</p>	<p><b>Lou Brzezinski</b>  Tel: 416.593.2952  Fax: 416.594.5084  Email: <a href="mailto:lbrzezinski@blaney.com">lbrzezinski@blaney.com</a></p> <p><b>Alexandra Teodorescu</b>  Tel: 416.596.4279  Fax: 416.593.5437  Email: <a href="mailto:ATeodorescu@blaney.com">ATeodorescu@blaney.com</a></p>

<p><b>BLANEY MCMURTRY LLP</b>  Barristers &amp; Solicitors  2 Queen Street East  Suite 1500  Toronto, ON  M5C 3G5</p> <p>Counsel to Nintendo of Canada, Ltd.</p>	<p><b>Lou Brzezinski</b>  Tel: 416.593.2952  Fax: 416.594.5084  Email: <a href="mailto:lbrzezinski@blaney.com">lbrzezinski@blaney.com</a></p> <p><b>Alexandra Teodorescu</b>  Tel: 416.596.4279  Fax: 416.593.5437  Email: <a href="mailto:ATeodorescu@blaney.com">ATeodorescu@blaney.com</a></p>
<p><b>BLANEY MCMURTRY LLP</b>  Barristers &amp; Solicitors  2 Queen Street East  Suite 1500  Toronto, ON  M5C 3G5</p> <p>Counsel to Thyssenkrupp Elevator (Canada) Limited</p>	<p><b>Lou Brzezinski</b>  Tel: 416.593.2952  Fax: 416.594.5084  Email: <a href="mailto:lbrzezinski@blaney.com">lbrzezinski@blaney.com</a></p> <p><b>Chad Kopach</b>  Tel: 416.593.2985  Fax: 416.594.5437  Email: <a href="mailto:ckopach@blaney.com">ckopach@blaney.com</a></p> <p><b>Alexandra Teodorescu</b>  Tel: 416.596.4279  Fax: 416.593.5437  Email: <a href="mailto:ATeodorescu@blaney.com">ATeodorescu@blaney.com</a></p>
<p><b>BLANEY MCMURTRY LLP</b>  Barristers &amp; Solicitors  2 Queen Street East  Suite 1500  Toronto, ON  M5C 3G5</p> <p>Counsel to Optrust Retail Inc.</p>	<p><b>John C. Wolf</b>  Tel: 416.593.1221  Fax: 416.593.5437  Email: <a href="mailto:jwolf@blaney.com">jwolf@blaney.com</a></p> <p><b>Alexandra Teodorescu</b>  Tel: 416.596.4279  Fax: 416.593.5437  Email: <a href="mailto:ATeodorescu@blaney.com">ATeodorescu@blaney.com</a></p> <p><b>David T. Ullmann</b>  Tel: 416.596.4289  Fax: 416.594.2437  Email: <a href="mailto:dullmann@blaney.com">dullmann@blaney.com</a></p>
<p><b>BLANEY MCMURTRY LLP</b>  Barristers &amp; Solicitors  2 Queen Street East  Suite 1500  Toronto, ON  M5C 3G5</p> <p>Counsel to bcIMC Realty Corporation</p>	<p><b>John C. Wolf</b>  Tel: 416.593.1221  Fax: 416.593.5437  Email: <a href="mailto:jwolf@blaney.com">jwolf@blaney.com</a></p> <p><b>Alexandra Teodorescu</b>  Tel: 416.596.4279  Fax: 416.593.5437  Email: <a href="mailto:ATeodorescu@blaney.com">ATeodorescu@blaney.com</a></p> <p><b>David T. Ullmann</b>  Tel: 416.596.4289  Fax: 416.594.2437  Email: <a href="mailto:dullmann@blaney.com">dullmann@blaney.com</a></p>

<b>BLANEY MCMURTRY LLP</b> Barristers & Solicitors 2 Queen Street East Suite 1500 Toronto, ON M5C 3G5  Counsel to PCM Sheridan Inc.	<b>John C. Wolf</b> Tel: 416.593.1221 Fax: 416.593.5437 Email: <a href="mailto:jwolf@blaney.com">jwolf@blaney.com</a>  <b>Alexandra Teodorescu</b> Tel: 416.596.4279 Fax: 416.593.5437 Email: <a href="mailto:ATeodorescu@blaney.com">ATeodorescu@blaney.com</a>  <b>David T. Ullmann</b> Tel: 416.596.4289 Fax: 416.594.2437 Email: <a href="mailto:dullmann@blaney.com">dullmann@blaney.com</a>
<b>BLANEY MCMURTRY LLP</b> Barristers & Solicitors 2 Queen Street East Suite 1500 Toronto, ON M5C 3G5  Counsel to Artis Tamarack Ltd.	<b>John C. Wolf</b> Tel: 416.593.1221 Fax: 416.593.5437 Email: <a href="mailto:jwolf@blaney.com">jwolf@blaney.com</a>  <b>Alexandra Teodorescu</b> Tel: 416.596.4279 Fax: 416.593.5437 Email: <a href="mailto:ATeodorescu@blaney.com">ATeodorescu@blaney.com</a>  <b>David T. Ullmann</b> Tel: 416.596.4289 Fax: 416.594.2437 Email: <a href="mailto:dullmann@blaney.com">dullmann@blaney.com</a>
<b>BLANEY MCMURTRY LLP</b> Barristers & Solicitors 2 Queen Street East Suite 1500 Toronto, ON M5C 3G5  Counsel to Hazeldean Mall LP	<b>John C. Wolf</b> Tel: 416.593.1221 Fax: 416.593.5437 Email: <a href="mailto:jwolf@blaney.com">jwolf@blaney.com</a>  <b>Alexandra Teodorescu</b> Tel: 416.596.4279 Fax: 416.593.5437 Email: <a href="mailto:ATeodorescu@blaney.com">ATeodorescu@blaney.com</a>  <b>David T. Ullmann</b> Tel: 416.596.4289 Fax: 416.594.2437 Email: <a href="mailto:dullmann@blaney.com">dullmann@blaney.com</a>



<b>BLANEY MCMURTRY LLP</b> Barristers & Solicitors 2 Queen Street East Suite 1500 Toronto, ON M5C 3G5  Counsel to Milton Mall LP	<b>John C. Wolf</b> Tel: 416.593.1221 Fax: 416.593.5437 Email: <a href="mailto:jwolf@blaney.com">jwolf@blaney.com</a>  <b>Alexandra Teodorescu</b> Tel: 416.596.4279 Fax: 416.593.5437 Email: <a href="mailto:ATeodorescu@blaney.com">ATeodorescu@blaney.com</a>  <b>David T. Ullmann</b> Tel: 416.596.4289 Fax: 416.594.2437 Email: <a href="mailto:dullmann@blaney.com">dullmann@blaney.com</a>
<b>BLANEY MCMURTRY LLP</b> Barristers & Solicitors 2 Queen Street East Suite 1500 Toronto, ON M5C 3G5  Counsel to Penretail III Limited Partnership and Penretail Management Ltd.	<b>John C. Wolf</b> Tel: 416.593.1221 Fax: 416.593.5437 Email: <a href="mailto:jwolf@blaney.com">jwolf@blaney.com</a>  <b>Alexandra Teodorescu</b> Tel: 416.596.4279 Fax: 416.593.5437 Email: <a href="mailto:ATeodorescu@blaney.com">ATeodorescu@blaney.com</a> <b>David T. Ullmann</b> Tel: 416.596.4289 Fax: 416.594.2437 Email: <a href="mailto:dullmann@blaney.com">dullmann@blaney.com</a>
<b>BLANEY MCMURTRY LLP</b> Barristers & Solicitors 2 Queen Street East Suite 1500 Toronto, ON M5C 3G5  Counsel to Hillside Centre I LP and Hillside Cente II LP	<b>John C. Wolf</b> Tel: 416.593.1221 Fax: 416.593.5437 Email: <a href="mailto:jwolf@blaney.com">jwolf@blaney.com</a>  <b>Alexandra Teodorescu</b> Tel: 416.596.4279 Fax: 416.593.5437 Email: <a href="mailto:ATeodorescu@blaney.com">ATeodorescu@blaney.com</a>  <b>David T. Ullmann</b> Tel: 416.596.4289 Fax: 416.594.2437 Email: <a href="mailto:dullmann@blaney.com">dullmann@blaney.com</a>

<b>BLANEY MCMURTRY LLP</b> Barristers & Solicitors 2 Queen Street East Suite 1500 Toronto, ON M5C 3G5  Counsel to 2725312 Canada Inc. and 2973758 Canada Inc.	<b>John C. Wolf</b> Tel: 416.593.1221 Fax: 416.593.5437 Email: <a href="mailto:jwolf@blaney.com">jwolf@blaney.com</a>  <b>Alexandra Teodorescu</b> Tel: 416.596.4279 Fax: 416.593.5437 Email: <a href="mailto:ATeodorescu@blaney.com">ATeodorescu@blaney.com</a>  <b>David T. Ullmann</b> Tel: 416.596.4289 Fax: 416.594.2437 Email: <a href="mailto:dullmann@blaney.com">dullmann@blaney.com</a>
<b>BLANEY MCMURTRY LLP</b> Barristers & Solicitors 2 Queen Street East Suite 1500 Toronto, ON M5C 3G5  Counsel to Investors Group Trust Co. Ltd. as Trustee for Investors Real Property Fund	<b>John C. Wolf</b> Tel: 416.593.1221 Fax: 416.593.5437 Email: <a href="mailto:jwolf@blaney.com">jwolf@blaney.com</a>  <b>David T. Ullmann</b> Tel: 416.596.4289 Fax: 416.594.2437 Email: <a href="mailto:dullmann@blaney.com">dullmann@blaney.com</a>
<b>BLANEY MCMURTRY LLP</b> Barristers & Solicitors 2 Queen Street East Suite 1500 Toronto, ON M5C 3G5  Counsel to 391102 B.C. Ltd.	<b>John C. Wolf</b> Tel: 416.593.1221 Fax: 416.593.5437 Email: <a href="mailto:jwolf@blaney.com">jwolf@blaney.com</a>  <b>David T. Ullmann</b> Tel: 416.596.4289 Fax: 416.594.2437 Email: <a href="mailto:dullmann@blaney.com">dullmann@blaney.com</a>
<b>BLANEY MCMURTRY LLP</b> Barristers & Solicitors 2 Queen Street East Suite 1500 Toronto, ON M5C 3G5  Counsel to Direct Energy Marketing Limited	<b>Ralph Cuervo-Lorens</b> Tel: 416.593.2990 Fax: 416.594.2437 Email: <a href="mailto:rcuervolorens@blaney.com">rcuervolorens@blaney.com</a>

<b>BLANEY MCMURTRY LLP</b> Barristers & Solicitors 2 Queen Street East Suite 1500 Toronto, ON M5C 3G5  Counsel to RPI Consulting Group Inc.	<b>Lou Brzezinski</b> Tel: 416.593.2952 Fax: 416.594.5084 Email: <a href="mailto:lbrzezinski@blaney.com">lbrzezinski@blaney.com</a>
<b>BLANEY MCMURTRY LLP</b> Barristers & Solicitors 2 Queen Street East Suite 1500 Toronto, ON M5C 3G5  Counsel for Direct Construction Company Limited	<b>Lou Brzezinski</b> Tel: 416.593.2952 Fax: 416.594.5084 Email: <a href="mailto:lbrzezinski@blaney.com">lbrzezinski@blaney.com</a>  <b>Alexandra Teodorescu</b> Tel: 416.596.4279 Fax: 416.593.5437 Email: <a href="mailto:ATEodorescu@blaney.com">ATEodorescu@blaney.com</a>
<b>BLANEY MCMURTRY LLP</b> Barristers & Solicitors 2 Queen Street East Suite 1500 Toronto, ON M5C 3G5  Counsel for Pelican Creations Inc.	<b>Lou Brzezinski</b> Tel: 416.593.2952 Fax: 416.594.5084 Email: <a href="mailto:lbrzezinski@blaney.com">lbrzezinski@blaney.com</a>  <b>Alexandra Teodorescu</b> Tel: 416.596.4279 Fax: 416.593.5437 Email: <a href="mailto:ATEodorescu@blaney.com">ATEodorescu@blaney.com</a>
<b>BLANEY MCMURTRY LLP</b> Barristers & Solicitors 2 Queen Street East Suite 1500 Toronto, ON M5C 3G5  Counsel for Irving Consumer Products Limited	<b>Lou Brzezinski</b> Tel: 416.593.2952 Fax: 416.594.5084 Email: <a href="mailto:lbrzezinski@blaney.com">lbrzezinski@blaney.com</a>  <b>Alexandra Teodorescu</b> Tel: 416.596.4279 Fax: 416.593.5437 Email: <a href="mailto:ATEodorescu@blaney.com">ATEodorescu@blaney.com</a>
<b>BLANEY MCMURTRY LLP</b> Barristers & Solicitors 2 Queen Street East Suite 1500 Toronto, ON M5C 3G5  Counsel for Farmer Bros. Co.	<b>Lou Brzezinski</b> Tel: 416.593.2952 Fax: 416.594.5084 Email: <a href="mailto:lbrzezinski@blaney.com">lbrzezinski@blaney.com</a>  <b>Alexandra Teodorescu</b> Tel: 416.596.4279 Fax: 416.593.5437 Email: <a href="mailto:ATEodorescu@blaney.com">ATEodorescu@blaney.com</a>

<b>BLANEY MCMURTRY LLP</b> Barristers & Solicitors 2 Queen Street East Suite 1500 Toronto, ON M5C 3G5  Counsel for Transource Freightways Ltd.	<b>Lou Brzezinski</b> Tel: 416.593.2952 Fax: 416.594.5084 Email: <a href="mailto:lbrzezinski@blaney.com">lbrzezinski@blaney.com</a>  <b>Alexandra Teodorescu</b> Tel: 416.596.4279 Fax: 416.593.5437 Email: <a href="mailto:ATEodorescu@blaney.com">ATEodorescu@blaney.com</a>
<b>BLANEY MCMURTRY LLP</b> Barristers & Solicitors 2 Queen Street East Suite 1500 Toronto, ON M5C 3G5  Counsel for Mondelez Canada Inc.	<b>Lou Brzezinski</b> Tel: 416.593.2952 Fax: 416.594.5084 Email: <a href="mailto:lbrzezinski@blaney.com">lbrzezinski@blaney.com</a>  <b>Alexandra Teodorescu</b> Tel: 416.596.4279 Fax: 416.593.5437 Email: <a href="mailto:ATEodorescu@blaney.com">ATEodorescu@blaney.com</a>
<b>DE GRANDPRÉ CHAIT LLP</b> 1000 De La Gauchetière Street Ouest Suite 2900 Montreal, QC H3B 4W5  Counsel to Faubourg Boisbriand Shopping Centre Limited Partnership	<b>Stephen M. Raicek</b> Tel: 1.514.878.3215 Fax: 1.514.878.5715 Email: <a href="mailto:sraicek@dgcllex.com">sraicek@dgcllex.com</a>  <b>Matthew Maloley</b> Tel: 1.514.878.3243 Fax: 1.514.878.5743 Email: <a href="mailto:mmaloley@dgcllex.com">mmaloley@dgcllex.com</a>
<b>DE GRANDPRÉ CHAIT LLP</b> 1000 De La Gauchetière Street Ouest Suite 2900 Montreal, QC H3B 4W5  Counsel to Sun Life Assurance Company of Canada	<b>Stephen M. Raicek</b> Tel: 1.514.878.3215 Fax: 1.514.878.5715 Email: <a href="mailto:sraicek@dgcllex.com">sraicek@dgcllex.com</a>  <b>Matthew Maloley</b> Tel: 1.514.878.3243 Fax: 1.514.878.5743 Email: <a href="mailto:mmaloley@dgcllex.com">mmaloley@dgcllex.com</a>
<b>DE GRANDPRÉ CHAIT LLP</b> 1000 De La Gauchetière Street Ouest Suite 2900 Montreal, QC H3B 4W5  Counsel to Place Versailles Inc.	<b>Stephen M. Raicek</b> Tel: 1.514.878.3215 Fax: 1.514.878.5715 Email: <a href="mailto:sraicek@dgcllex.com">sraicek@dgcllex.com</a>  <b>Ronald Stein</b> Tel: 1.514.878.3254 Fax: 1.514.878.5754 Email: <a href="mailto:rstein@dgcllex.com">rstein@dgcllex.com</a>  <b>Matthew Maloley</b> Tel: 1.514.878.3243 Fax: 1.514.878.5743 Email: <a href="mailto:mmaloley@dgcllex.com">mmaloley@dgcllex.com</a>

<b>ROYAL BANK OF CANADA</b> 200 Bay Street, North Tower Toronto, ON M5J 2J5	<b>Livia Kolter-Held</b> Tel: 416.974.0356 Fax: 416.974.2217 Email: <a href="mailto:livia.kolter-held@rbc.com">livia.kolter-held@rbc.com</a>  <b>Mary Arzoumanidis</b> Tel: 416.955.4730 Fax: 416.955.5015 Email: <a href="mailto:mary.arzoumanidis@rbc.com">mary.arzoumanidis@rbc.com</a>
<b>CCA and B LLC</b> 3350 Riverwood Parkway, Ste 300 Atlanta, GA 30339 U.S.A.	<b>Hillary Gardner</b> Tel: 1.678.402.0947 Email: <a href="mailto:Hillary.Gardner@elfontheshelf.com">Hillary.Gardner@elfontheshelf.com</a>
<b>HAHN &amp; HESSEN LLP</b> Barristers & Solicitors 488 Madison Avenue New York, NY 10022 U.S.A.	<b>Edward L. Schnitzer</b> Tel: 1.212.478.7215 Fax: 1.212.478.7400 Email: <a href="mailto:eschnitzer@hahnhausen.com">eschnitzer@hahnhausen.com</a>  <b>Joseph Orbach</b> Tel: 1.212.478.7396 Fax: 1.212.478.7400 Email: <a href="mailto:jorbach@hahnhausen.com">jorbach@hahnhausen.com</a>
<b>TRANSOURCE FREIGHTWAYS</b> 620 Alford Avenue Delta, BC V3M 6X1	<b>Kal Kajla</b> Tel: 1.604.525.0527 Email: <a href="mailto:Kal@transourcefreightways.ca">Kal@transourcefreightways.ca</a>
<b>SUTTS, STROSBERG LLP</b> Barristers & Solicitors 251 Goyeau Street Suite 600 Windsor, ON N9A 2475  Counsel to Pharmacy Franchisee Association of Canada	<b>William V. Sasso</b> Tel: 1.519.561.6222 Fax: 1.519.561.6203 Email: <a href="mailto:wvs@strosbergco.com">wvs@strosbergco.com</a>  <b>Sharon Strosberg</b> Tel: 1.519.561.6244 Fax: 1.519.561.6203 Email: <a href="mailto:sharon@strosbergco.com">sharon@strosbergco.com</a>
<b>BOUGADIS, CHANG LLP</b> Barristers & Solicitors 55 Adelaide Street East Suite 300 Toronto, ON M5C 1K6  Counsel to T Pharmacy Limited	<b>George A. Bougadis</b> Tel: 416.703.2402 Fax: 416.703.2406 Email: <a href="mailto:bougadis@bcbarristers.com">bougadis@bcbarristers.com</a>

<b>CROCHETIERE, PÉTRIN</b> Barristers & Solicitors 5800 boul. Louis-H. – La Fontaine Montréal, QU H1M 1S7  Counsel to Aliments Triumph Inc.	<b>Alexandre Franco</b> Tel: 1.514.354.3645 Fax: 1.514.354.6511 Email: <a href="mailto:afranco@crochetiere-petrin.qc.ca">afranco@crochetiere-petrin.qc.ca</a>
<b>ALIMENTS TRIUMPH INC.</b> 1020 Boulevard Michèle-Bohec Blainville, QC J7C 5L7	<b>Patrick J. Carvell</b> Email: <a href="mailto:pcarvell@atriomphe.com">pcarvell@atriomphe.com</a>
<b>BENNETT JONES LLP</b> Barristers & Solicitors One First Canadian Place Suite 3400 Toronto, ON M5X 1A4  Counsel to One York Street Inc. (Menkes Development Ltd.)	<b>Raj Sahni</b> Tel: 416.777.4804 Fax: 416.863.1716 Email: <a href="mailto:sahnir@bennettjones.com">sahnir@bennettjones.com</a>  <b>Derek Bell</b> Tel: 416.777.4638 Fax: 416.863.1716 Email: <a href="mailto:belld@bennettjones.com">belld@bennettjones.com</a>
<b>CORRE PARTNERS MANAGEMENT LLC</b> 1370 Avenue of the Americas 29th Floor New York, New York 10019 U.S.A.	<b>Stephen Lam</b> Tel: 1.646.863.7157 Fax: 1.646.863.7161 Email: <a href="mailto:steve.lam@correpartners.com">steve.lam@correpartners.com</a>
<b>BLAKE, CASSELS &amp; GRAYDON LLP</b> Barristers & Solicitors 199 Bay Street Suite 4000, Commerce Court West Toronto, ON M5L 1A9  Counsel to Philips Electronics Ltd.	<b>Linc Rogers</b> Tel: 416.863.4168 Fax: 416.863.2653 Email: <a href="mailto:linc.rogers@blakes.com">linc.rogers@blakes.com</a>  <b>Aryo Shalviri</b> Tel: 416.863.2962 Fax: 416.863.2653 Email: <a href="mailto:aryo.shalviri@blakes.com">aryo.shalviri@blakes.com</a>
<b>BLAKE, CASSELS &amp; GRAYDON LLP</b> Barristers & Solicitors 199 Bay Street Suite 4000, Commerce Court West Toronto, ON M5L 1A9  Counsel to Bose Limited	<b>Linc Rogers</b> Tel: 416.863.4168 Fax: 416.863.2653 Email: <a href="mailto:linc.rogers@blakes.com">linc.rogers@blakes.com</a>  <b>Aryo Shalviri</b> Tel: 416.863.2962 Fax: 416.863.2653 Email: <a href="mailto:aryo.shalviri@blakes.com">aryo.shalviri@blakes.com</a>

<p><b>BLAKE, CASSELS &amp; GRAYDON LLP</b>  Barristers &amp; Solicitors  199 Bay Street  Suite 4000, Commerce Court West  Toronto, ON  M5L 1A9</p> <p>Counsel to Dyson Canada Ltd.</p>	<p><b>Linc Rogers</b>  Tel: 416.863.4168  Fax: 416.863.2653  Email: <a href="mailto:linc.rogers@blakes.com">linc.rogers@blakes.com</a></p> <p><b>Aryo Shalviri</b>  Tel: 416.863.2962  Fax: 416.863.2653  Email: <a href="mailto:aryo.shalviri@blakes.com">aryo.shalviri@blakes.com</a></p>
<p><b>BLAKE, CASSELS &amp; GRAYDON LLP</b>  Barristers &amp; Solicitors  199 Bay Street  Suite 4000, Commerce Court West  Toronto, ON  M5L 1A9</p> <p>Counsel to Lego Canada Inc.</p>	<p><b>Linc Rogers</b>  Tel: 416.863.4168  Fax: 416.863.2653  Email: <a href="mailto:linc.rogers@blakes.com">linc.rogers@blakes.com</a></p> <p><b>Aryo Shalviri</b>  Tel: 416.863.2962  Fax: 416.863.2653  Email: <a href="mailto:aryo.shalviri@blakes.com">aryo.shalviri@blakes.com</a></p>
<p><b>BLAKE, CASSELS &amp; GRAYDON LLP</b>  Barristers &amp; Solicitors  199 Bay Street  Suite 4000, Commerce Court West  Toronto, ON  M5L 1A9</p> <p>Counsel to Hanesbrands Inc.</p>	<p><b>Linc Rogers</b>  Tel: 416.863.4168  Fax: 416.863.2653  Email: <a href="mailto:linc.rogers@blakes.com">linc.rogers@blakes.com</a></p> <p><b>Aryo Shalviri</b>  Tel: 416.863.2962  Fax: 416.863.2653  Email: <a href="mailto:aryo.shalviri@blakes.com">aryo.shalviri@blakes.com</a></p>
<p><b>BLAKE, CASSELS &amp; GRAYDON LLP</b>  Barristers &amp; Solicitors  199 Bay Street  Suite 4000, Commerce Court West  Toronto, ON  M5L 1A9</p> <p>Counsel to Smucker Foods of Canada Corp. / Corp. de Produits Alimentaires Smucker du Canada</p>	<p><b>Linc Rogers</b>  Tel: 416.863.4168  Fax: 416.863.2653  Email: <a href="mailto:linc.rogers@blakes.com">linc.rogers@blakes.com</a></p> <p><b>Aryo Shalviri</b>  Tel: 416.863.2962  Fax: 416.863.2653  Email: <a href="mailto:aryo.shalviri@blakes.com">aryo.shalviri@blakes.com</a></p>
<p><b>BLAKE, CASSELS &amp; GRAYDON LLP</b>  Barristers &amp; Solicitors  199 Bay Street  Suite 4000, Commerce Court West  Toronto, ON  M5L 1A9</p> <p>Counsel to Vita-Mix Corporation</p>	<p><b>Linc Rogers</b>  Tel: 416.863.4168  Fax: 416.863.2653  Email: <a href="mailto:linc.rogers@blakes.com">linc.rogers@blakes.com</a></p> <p><b>Aryo Shalviri</b>  Tel: 416.863.2962  Fax: 416.863.2653  Email: <a href="mailto:aryo.shalviri@blakes.com">aryo.shalviri@blakes.com</a></p>

<b>BLAKE, CASSELS &amp; GRAYDON LLP</b> Barristers & Solicitors 199 Bay Street Suite 4000, Commerce Court West Toronto, ON M5L 1A9  Counsel to Moore Canada Corporation d/b/a RR Donnelley	<b>Linc Rogers</b> Tel: 416.863.4168 Fax: 416.863.2653 Email: <a href="mailto:linc.rogers@blakes.com">linc.rogers@blakes.com</a>  <b>Aryo Shalviri</b> Tel: 416.863.2962 Fax: 416.863.2653 Email: <a href="mailto:aryo.shalviri@blakes.com">aryo.shalviri@blakes.com</a>
<b>BLAKE, CASSELS &amp; GRAYDON LLP</b> Barristers & Solicitors 199 Bay Street Suite 4000, Commerce Court West Toronto, ON M5L 1A9  Counsel to Nestlé Canada Inc.	<b>Linc Rogers</b> Tel: 416.863.4168 Fax: 416.863.2653 Email: <a href="mailto:linc.rogers@blakes.com">linc.rogers@blakes.com</a>  <b>Aryo Shalviri</b> Tel: 416.863.2962 Fax: 416.863.2653 Email: <a href="mailto:aryo.shalviri@blakes.com">aryo.shalviri@blakes.com</a>
<b>BLAKE, CASSELS &amp; GRAYDON LLP</b> Barristers & Solicitors 199 Bay Street Suite 4000, Commerce Court West Toronto, ON M5L 1A9  Counsel to Funai Corporation Inc.	<b>Linc Rogers</b> Tel: 416.863.4168 Fax: 416.863.2653 Email: <a href="mailto:linc.rogers@blakes.com">linc.rogers@blakes.com</a>  <b>Aryo Shalviri</b> Tel: 416.863.2962 Fax: 416.863.2653 Email: <a href="mailto:aryo.shalviri@blakes.com">aryo.shalviri@blakes.com</a>
<b>BLAKE, CASSELS &amp; GRAYDON LLP</b> Barristers & Solicitors 199 Bay Street Suite 4000, Commerce Court West Toronto, ON M5L 1A9  Counsel to Medela Canada Inc.	<b>Aryo Shalviri</b> Tel: 416.863.2962 Fax: 416.863.2653 Email: <a href="mailto:aryo.shalviri@blakes.com">aryo.shalviri@blakes.com</a>
<b>BLAKE, CASSELS &amp; GRAYDON LLP</b> Barristers & Solicitors 199 Bay Street Suite 4000, Commerce Court West Toronto, ON M5L 1A9  Counsel to Northwest Plaza Ltd.	<b>Joseph Grignano</b> Tel: 416.863.4025 Fax: 416.863.2653 Email: <a href="mailto:joseph.grignano@blakes.com">joseph.grignano@blakes.com</a>



<p><b>BLAKE, CASSELS &amp; GRAYDON LLP</b>  Barristers &amp; Solicitors  199 Bay Street  Suite 4000, Commerce Court West  Toronto, ON  M5L 1A9</p> <p>Counsel to ASM Capital V, L.P.</p>	<p><b>Milly Chow</b>  Tel: 416.863.2594  Fax: 416.863.2653  Email: <a href="mailto:milly.chow@blakes.com">milly.chow@blakes.com</a></p>
<p><b>ASM CAPITAL V, L.P.</b>  7600 Jericho Turnpike  Suite 302  Woodbury, NY 11797  U.S.A.</p>	<p><b>Douglas Wolfe</b>  Tel: 1.516.422.7102  Fax: 1.516.422.7118  Email: <a href="mailto:DWolfe@asmcapital.com">DWolfe@asmcapital.com</a></p>
<p><b>GOWLING LAFLEUR HENDERSON LLP</b>  Barristers &amp; Solicitors  1 First Canadian Place  100 King St. West, Suite 1600  Toronto, ON  M5X 1G5</p> <p>Counsel to Fiera Properties Limited</p>	<p><b>Clifton P. Prophet</b>  Tel: 416.862.3509  Fax: 416.862.7661  Email: <a href="mailto:clifton.prophet@gowlings.com">clifton.prophet@gowlings.com</a></p> <p><b>Frank Lamie</b>  Tel: 416.862.3609  Fax: 416.862.7661  Email: <a href="mailto:frank.lamie@gowlings.com">frank.lamie@gowlings.com</a></p>
<p><b>BURCHELLS LLP</b>  Barristers &amp; Solicitors  1801 Hollis St., Suite 1800  Halifax, NS  B3J 3N4</p> <p>Counsel to Halifax 1658 Bedford Highway Inc.</p>	<p><b>David Hutt</b>  Tel: 1.902.442.8373  Fax: 1.902.420.9326  Email: <a href="mailto:dhutt@burchells.ca">dhutt@burchells.ca</a></p>
<p><b>AIRD &amp; BERLIS LLP</b>  Barristers &amp; Solicitors  181 Bay St., Suite 1800  Toronto, ON  M5J 2T9</p> <p>Counsel to CompuCom Systems, Inc. and CompuCom Canada Co.</p>	<p><b>D. Robb English</b>  Tel: 416.865.4748  Fax: 416.863.1515  Email: <a href="mailto:renglish@airdberlis.com">renglish@airdberlis.com</a></p>
<p><b>AIRD &amp; BERLIS LLP</b>  Barristers &amp; Solicitors  181 Bay St., Suite 1800  Toronto, ON  M5J 2T9</p> <p>Counsel to RSP Architects, Ltd.</p>	<p><b>Ian Aversa</b>  Tel: 416.865.3082  Fax: 416.863.1515  Email: <a href="mailto:iaversa@airdberlis.com">iaversa@airdberlis.com</a></p> <p><b>Jeremy Nemers</b>  Tel: 416.865.7724  Fax: 416.863.1515  Email: <a href="mailto:jnemers@airdberlis.com">jnemers@airdberlis.com</a></p>

<p><b>AIRD &amp; BERLIS LLP</b>  Barristers &amp; Solicitors  181 Bay St., Suite 1800  Toronto, ON  M5J 2T9</p> <p>Counsel to CREIT</p>	<p><b>Steven Graff</b>  Tel: 416.865.7726  Fax: 416.863.1515  Email: <a href="mailto:sgraff@airdberlis.com">sgraff@airdberlis.com</a></p>
<p><b>EVOLUTION LIGHTING, LLC</b>  16200 NW 59th Ave, Suite 101  Miami Lakes, FL 33014  U.S.A.</p>	<p><b>Mitch Mossman</b>  Tel: 1.786.533.1807 Ext. 246  Fax: 1.305.558.8027  Email: <a href="mailto:mitchm@evolutionlightingllc.com">mitchm@evolutionlightingllc.com</a></p>
<p><b>DEPARTMENT OF JUSTICE</b>  Ontario Regional Office  130 King Street West, Suite 3400  Toronto, ON  M5X 1K6</p> <p>Counsel to Attorney General of Canada in Right of Canada</p>	<p><b>Diane Winters</b>  Tel: 416.973.3172  Fax: 416.973.0810  Email: <a href="mailto:Diane.Winters@justice.gc.ca">Diane.Winters@justice.gc.ca</a></p> <p><b>Andrew D. Kinoshita</b>  Tel: 416.973.9337  Fax: 416.973.0810  Email: <a href="mailto:andrew.kinoshita@justice.gc.ca">andrew.kinoshita@justice.gc.ca</a></p>
<p><b>SEAPORT GLOBAL HOLDINGS LLC</b>  360 Madison Avenue, 22nd Floor  New York, NY 10017  U.S.A.</p>	<p><b>Scott Friedberg</b>  Tel: 1.212.616.7728  Cell: 1.917.913.4281  Email: <a href="mailto:SFriedberg@theseaportgroup.com">SFriedberg@theseaportgroup.com</a></p>
<p><b>NORTON ROSE FULBRIGHT CANADA LLP</b>  Barristers &amp; Solicitors  Royal Bank Plaza, South Tower, Suite 3800  200 Bay Street, P.O. Box 84  Toronto, ON  M5J 2Z4</p> <p><b>NORTON ROSE FULBRIGHT CANADA LLP</b>  Barristers &amp; Solicitors  Suite 1500, 2828 Laurier Boulevard  Québec, QC  G1V 0B9</p> <p>Counsel to Cominar Real Estate Investment Trust</p>	<p><b>Alan Merskey</b>  Tel: 416.216.4805  Fax: 416.216.3930  Email: <a href="mailto:alan.merskey@nortonrosefulbright.com">alan.merskey@nortonrosefulbright.com</a></p> <p><b>Evan Cobb</b>  Tel: 416.216.1929  Fax: 416.216.3930  Email: <a href="mailto:evan.cobb@nortonrosefulbright.com">evan.cobb@nortonrosefulbright.com</a></p> <p><b>Christian Roy</b>  Tel: 1.418.640.5028  Fax: 1.418.640.1500  Email: <a href="mailto:christian.roy@nortonrosefulbright.com">christian.roy@nortonrosefulbright.com</a></p>

<p><b>PALIARE ROLAND ROSENBERG ROTHSTEIN LLP</b>  Barristers &amp; Solicitors  155 Wellington Street West  35<sup>th</sup> Floor  Toronto, ON  M5V 3H1</p> <p>Counsel to Microsoft Corporation</p>	<p><b>Lindsay Scott</b>  Tel: 416.646.7442  Fax: 416.646.4301  Email: <a href="mailto:lindsay.scott@paliareroland.com">lindsay.scott@paliareroland.com</a></p>
<p><b>FARRIS, VAUGHAN, WILLS &amp; MURPHY LLP</b>  Barristers &amp; Solicitors  200 - 700 W Georgia Street  Vancouver, BC  V7Y 1B3</p> <p>Counsel to Claims Recovery Group LLC</p>	<p><b>David E. Gruber</b>  Tel: 1.604.661.9361  Fax: 1.604.661.9349  Email: <a href="mailto:dgruber@farris.com">dgruber@farris.com</a></p> <p><b>Arden Beddoes</b>  Tel: 1.604.661.9380  Fax: 1.604.661.9349  Email: <a href="mailto:abeddoes@farris.com">abeddoes@farris.com</a></p>
<p><b>CLAIMS RECOVERY GROUP LLC</b></p>	<p><b>Rob Axenrod</b>  Email: <a href="mailto:TargetCanadaNotices@claimsrecoveryllc.com">TargetCanadaNotices@claimsrecoveryllc.com</a></p>
<p><b>CLARK WILSON LLP</b>  Barristers &amp; Solicitors  900-885 West Georgia Street  Vancouver, BC  V6C 3H1</p> <p>Counsel to Narland Properties (Haney) Ltd.</p>	<p><b>Christopher Ramsay</b>  Tel: 1.604.643.3176  Fax: 1.604.687.6314  Email: <a href="mailto:cjr@cwilson.com">cjr@cwilson.com</a></p> <p><b>Katie G. Mak</b>  Tel: 1.604.643.3105  Fax: 1.604.687.6314  Email: <a href="mailto:kgm@cwilson.com">kgm@cwilson.com</a></p>
<p><b>DAVPART INC.</b>  4576 Yonge Street, Suite 700  Toronto, ON  M2N 6N4</p> <p>Landlord to Target Store T3560, located at Lindsay Square,  401 Kent Street West</p>	<p><b>Karen Citron</b>  Tel: 416.222.3010  Fax: 416.222.3013  Email: <a href="mailto:citronk@davpart.com">citronk@davpart.com</a></p>
<p><b>LIQUIDITY SOLUTIONS, INC.</b>  One University Plaza, Suite 312  Hackensack, NJ 07601  U.S.A.</p>	<p><b>Michael Handler</b>  Tel: 1.201.968.0001  Fax: 1.201.968.0010  Email: <a href="mailto:mhandler@liquiditysolutions.com">mhandler@liquiditysolutions.com</a> and  <a href="mailto:lsi@liquiditysolutions.com">lsi@liquiditysolutions.com</a></p>

<b>TORKIN MANES LLP</b> Barristers & Solicitors 151 Yonge Street, Suite 1500 Toronto, ON M5C 2W7  Counsel to Springs Window Fashion LLC	<b>S. Fay Sulley</b> Tel: 416.777.5419 Fax: 1.888.587.5769 Email: <a href="mailto:fsulley@torkinmanes.com">fsulley@torkinmanes.com</a>  <b>Jeffrey Simpson</b> Tel: 416.777.5413 Fax: 1.888.587.9143 Email: <a href="mailto:jsimpson@torkinmanes.com">jsimpson@torkinmanes.com</a>
<b>ALLUVIUM PARTNERS LLC</b> 28 West 44th Street, 16 <sup>TH</sup> Floor New York, NY 10036 U.S.A.	<b>Darren F. Yulfo</b> Tel: 1.212.882.1866 Fax: 1.212.882.1867 Email: <a href="mailto:dyulfo@alluviumpartnersllc.com">dyulfo@alluviumpartnersllc.com</a>
<b>UNIQUE INDUSTRIES, INC.</b> 4750 League Island Blvd. Philadelphia, PA USA, 19112-1222	<b>Michael Dougherty</b> Tel: 1.215.218.7794 Email: <a href="mailto:mdougherty@favors.com">mdougherty@favors.com</a>  <b>Glenn Wattenmaker</b> Tel: 1.215.218.7704 Email: <a href="mailto:gwattenmaker@favors.com">gwattenmaker@favors.com</a>
<b>FARMER BROS. CO.</b> 20333 S. Normandie Avenue Torrance, CA USA, 90502	<b>Colleen A. Brooks</b> Tel: 1.310.787.5393 Fax: 1.310.787.5376 Email: <a href="mailto:cbrooks@farmerbros.com">cbrooks@farmerbros.com</a>
<b>KELLY SANTINI LLP</b> Barristers & Solicitors 160 Elgin Street, Suite 2401 Ottawa, ON K2P 2P7  Counsel to Lozier Corporation	<b>Rick Brooks</b> Tel: 1.613.238.6321 Ext.248 Fax: 1.613.233.4553 Email: <a href="mailto:rbrooks@kellysantini.com">rbrooks@kellysantini.com</a>
<b>KELLY SANTINI LLP</b> Barristers & Solicitors 160 Elgin Street, Suite 2401 Ottawa, ON K2P 2P7  Counsel to Lozier Store Fixtures, LLC	<b>Rick Brooks</b> Tel: 1.613.238.6321 Ext.248 Fax: 1.613.233.4553 Email: <a href="mailto:rbrooks@kellysantini.com">rbrooks@kellysantini.com</a>
<b>SPARK LLP</b> Barristers & Solicitors 169 King Street East, Third Floor Toronto, ON M5A 1J4  Counsel to Helen of Troy LP	<b>Jeffrey Rosekat</b> Tel: 416.639.2151 Fax: 647.490.4888 Email: <a href="mailto:jeff@spark.law">jeff@spark.law</a>

<b>SPARK LLP</b> Barristers & Solicitors 169 King Street East, Third Floor Toronto, ON M5A 1J4  Counsel to Kaz Canada Inc.	<b>Jeffrey Rosekat</b> Tel: 416.639.2151 Fax: 647.490.4888 Email: <a href="mailto:jeff@spark.law">jeff@spark.law</a>
<b>SPARK LLP</b> Barristers & Solicitors 169 King Street East, Third Floor Toronto, ON M5A 1J4  Counsel to Kaz Far East Ltd.	<b>Jeffrey Rosekat</b> Tel: 416.639.2151 Fax: 647.490.4888 Email: <a href="mailto:jeff@spark.law">jeff@spark.law</a>
<b>SPARK LLP</b> Barristers & Solicitors 169 King Street East, Third Floor Toronto, ON M5A 1J4  Counsel to Idelle Labs Ltd.	<b>Jeffrey Rosekat</b> Tel: 416.639.2151 Fax: 647.490.4888 Email: <a href="mailto:jeff@spark.law">jeff@spark.law</a>
<b>First Capital</b> 3350 Riverwood Parkway, Suite 1750 Atlanta, GA 30339 U.S.A.  Counsel to Tara Toy Corp.	<b>Kim Withrow</b> Tel: 1.678.594.5900 Email: <a href="mailto:kwithrow@firstcapital.com">kwithrow@firstcapital.com</a>  <b>Vicki Heller</b> Tel: 1.678.594.5900 Email: <a href="mailto:vheller@firstcapital.com">vheller@firstcapital.com</a>  <b>Kevin McGarry</b> Tel: 1.678.594.5900 Email: <a href="mailto:kmcgarry@firstcapital.com">kmcgarry@firstcapital.com</a>  <b>Lance Baker</b> Tel: 1.954.557.5050 Email: <a href="mailto:Lbaker@firstcapital.com">Lbaker@firstcapital.com</a>
<b>First Capital</b> 3350 Riverwood Parkway, Suite 1750 Atlanta, GA 30339 U.S.A.  Counsel to Miken Clothing	<b>Kim Withrow</b> Tel: 1.678.594.5900 Email: <a href="mailto:kwithrow@firstcapital.com">kwithrow@firstcapital.com</a>  <b>Vicki Heller</b> Tel: 1.678.594.5900 Email: <a href="mailto:vheller@firstcapital.com">vheller@firstcapital.com</a>  <b>Kevin McGarry</b> Tel: 1.678.594.5900 Email: <a href="mailto:kmcgarry@firstcapital.com">kmcgarry@firstcapital.com</a>  <b>Lance Baker</b> Tel: 1.954.557.5050 Email: <a href="mailto:Lbaker@firstcapital.com">Lbaker@firstcapital.com</a>

<b>GOLDMAN SLOAN NASH &amp; HABER LLP</b> Barristers & Solicitors 480 University Avenue, Suite 1600 Toronto, ON M5G 1V2  Counsel to Virginia Johnson Lifestyle Ltd.	<b>Michael Rotsztain</b> Tel: 416.597.7870 Fax: 416.597.3370 Email: <a href="mailto:rotsztain@gsnh.com">rotsztain@gsnh.com</a>
<b>Periscope, Inc.</b> 921 Washington Avenue South Minneapolis, MN 55415 U.S.A.	<b>Aaron Martin</b> Tel: 1.612.399.0417 Email: <a href="mailto:amartin@periscope.com">amartin@periscope.com</a>  <b>Virginia Hines</b> Tel: 1.612.399.0410 Email: <a href="mailto:vhines@periscope.com">vhines@periscope.com</a>
<b>Periscope Canada, Inc.</b> 921 Washington Avenue South Minneapolis, MN 55415 U.S.A.	<b>Aaron Martin</b> Tel: 1.612.399.0417 Email: <a href="mailto:amartin@periscope.com">amartin@periscope.com</a>  <b>Virginia Hines</b> Tel: 1.612.399.0410 Email: <a href="mailto:vhines@periscope.com">vhines@periscope.com</a>
<b>Primeshares World Markets / VonWin Capital</b> 261 Fifth Avenue, 22nd Floor New York, NY 10016 U.S.A.	<b>Neil Desai</b> Tel: 1.212.889.3088 Fax: 1.212.889.2232 Email: <a href="mailto:nd@primeshares.com">nd@primeshares.com</a>
<b>Coface North America Insurance Company</b> 50 Millstone Road Bldg 100, Suite 360 East Windsor, NJ 08520 U.S.A.	<b>Amy Schmidt</b> Tel: 1.609.469.0459 Email: <a href="mailto:amy_schmidt@coface.com">amy_schmidt@coface.com</a>
<b>Rapid Displays Inc.</b> 4300 West 47th Street Chicago, IL 60632 U.S.A.	<b>Karen Teel</b> Tel: 1.773.843.7870 Fax: 1.773.927.0975 Email: <a href="mailto:kteel@rapiddisplays.com">kteel@rapiddisplays.com</a>  <b>Brian L. Greenburg</b> Tel: 1.773.927.5000 Fax: 1.773.927.1091 Email: <a href="mailto:bgreenburg@rapiddisplays.com">bgreenburg@rapiddisplays.com</a>
<b>R S P ARCHITECTS</b> 1220 Marshall Street N.E Minneapolis, MN 55413 U.S.A.	<b>Pat Parrish</b> Email: <a href="mailto:pat.parrish@rsparch.com">pat.parrish@rsparch.com</a>  Tel: 1.612.677.7100 Fax: 1.612.677.7499

<b>BEAUWARD SHOPPING CENTRES LTD.</b> 430, Arthur-Sauvé boulevard, Bureau 6010 Saint-Eustache, QC J7R 6V7	<b>Nathalie Parent</b> Tel: 1.450.473.6831 Ext. 203 Fax: 1.450.473.2184 Email: <a href="mailto:nparent@beauward.com">nparent@beauward.com</a>  <b>Richard Hamelin</b> Tel: 1.450.473.6831 Ext. 202 Fax: 1.450.473.2184 Email: <a href="mailto:rhamelin@beauward.com">rhamelin@beauward.com</a>
<b>MCMILLAN LLP</b> Barristers & Solicitors Brookfield Place 181 Bay Street, Suite 4400 Toronto, ON M5J 2T3	<b>Wael Rostom</b> Tel: 416.865.7790 Fax: 416.865.7048 Email: <a href="mailto:wael.rostom@mcmillan.ca">wael.rostom@mcmillan.ca</a>
<b>MCMILLAN LLP</b> Barristers & Solicitors Royal Centre 1055 West Georgia Street Suite 1500, PO Box 11117 Vancouver, BC V6E 4N7	<b>Daniel Shouldice</b> Tel: 1.778.328.1497 Fax: 1.604.685.7084 Email: <a href="mailto:daniel.shouldice@mcmillan.ca">daniel.shouldice@mcmillan.ca</a>
<b>AMERICAN TEXTILE CO.</b> RIDC Riverplace 10 North Linden Street Duquesne, PA 15110 U.S.A.	<b>Scott Neil</b> Tel: 1.412.948.1020 Ext.263 Fax: 1.412.948.1002 Email: <a href="mailto:sneil@americantextile.com">sneil@americantextile.com</a>
<b>TIERNEY STAUFFER LLP</b> Barristers & Solicitors 510-1600 Carling Avenue Ottawa, ON K1Z 0A1  Counsel to Katherine Stredinyn	<b>Susan Mitchell</b> Tel: 1.613.288.3209 Fax: 1.613.728.9866 Email: <a href="mailto:smitchell@tslawyers.ca">smitchell@tslawyers.ca</a>
<b>BOBILA WALKER LAW LLP</b> Barristers & Solicitors First Canadian Place 100 King Street West, Suite 5600 Toronto, ON M5X 1C9  Counsel to M.E.T.R.O. (Manufacture, Export, Trade, Research Office) Incorporated / Kerson Invested Limited	<b>Maria Bobila</b> Tel: 416.847.1859 Fax: 416.644.8801 Email: <a href="mailto:maria@bobilawalkerlaw.com">maria@bobilawalkerlaw.com</a>

<b>JEFFERIES LEVERAGED CREDIT PRODUCTS, LLC</b> 520 Madison Avenue New York, NY 10022 U.S.A.	<b>Richard Dalessio</b> Tel: 1.212.284.2300 Email: <a href="mailto:rdalessio@jefferies.com">rdalessio@jefferies.com</a>  <b>Michael Richards</b> Tel: 1.212.708.2826 Email: <a href="mailto:mrichards@jefferies.com">mrichards@jefferies.com</a>  <b>Jay Sommer</b> Tel: 1.212.708.2822 Email: <a href="mailto:jsommer1@jefferies.com">jsommer1@jefferies.com</a>
<b>LOWENSTEIN SANDLER LLP</b> Barristers & Solicitors 1251 Avenue of the Americas, 19th Floor New York, NY 10020 U.S.A.	<b>Bruce S. Nathan</b> Tel: 1.212.204.8686 Fax: 1.973.422.6851 Email: <a href="mailto:bnathan@lowenstein.com">bnathan@lowenstein.com</a>  <b>David M. Banker</b> Tel: 1.212.204.8692 Fax: 1.973.422.6863 Email: <a href="mailto:dbanker@lowenstein.com">dbanker@lowenstein.com</a>
<b>CENTERBRIDGE PARTNERS, L.P.</b> 375 Park Avenue, 12th Floor New York, NY 10152 U.S.A.	<b>Tim Denari</b> Tel: 1.212.672.4457 Email: <a href="mailto:tdenari@centerbridge.com">tdenari@centerbridge.com</a>
<b>HYUNDAI MERCHANT MARINE (AMERICA), INC.</b> 222 W. Las Colinas Boulevard Suite 700 Irving, TX 75039 U.S.A.	<b>Sook H. Lee</b> Tel: 1.972.501.1154 Fax: 1.972.501.1281 Email: <a href="mailto:aqshl@hmm21.com">aqshl@hmm21.com</a>
<b>KATTEN MUCHIN ROSENMAN LLP</b> Barristers & Solicitors 575 Madison Avenue New York, NY 10022-2585 U.S.A.  Counsel to Banc of America Credit Products Inc.	<b>Darius J. Goldman</b> Tel: 1.212.940.6355 Fax: 1.973.422.6851 Email: <a href="mailto:dg@kattenlaw.com">dg@kattenlaw.com</a>  <b>Jessica Chue</b> Tel: 1.212.940.6793 Fax: 1.212.940.8776 Email: <a href="mailto:jessica.chue@kattenlaw.com">jessica.chue@kattenlaw.com</a>



<p><b>BANC OF AMERICA CREDIT PRODUCTS INC.</b>  c/o Bank of America Merrill Lynch  Bank of America Tower – 3rd Floor  One Bryant Park  New York, New York 10036  U.S.A.</p>	<p><b>Ryan Weddle</b>  Email: <a href="mailto:ryan.weddle@baml.com">ryan.weddle@baml.com</a></p> <p><b>Esther Chung</b>  Tel: 1.646.855.7450  Email: <a href="mailto:esther.chung@baml.com">esther.chung@baml.com</a></p> <p><b>Ante Jakic</b>  Tel: 1.646.855.7450  Email: <a href="mailto:ante.jakic@baml.com">ante.jakic@baml.com</a></p>
<p><b>TD BANK GROUP</b>  Legal Department  66 Wellington Street West  TD Tower, 15th Floor  Toronto, Ontario M5K 1A2</p>	<p><b>Teresa Walsh</b>  Tel: 416.307.7833  Email: <a href="mailto:Teresa.Walsh@td.com">Teresa.Walsh@td.com</a></p>
<p><b>STEWART MCKELVEY</b>  Barristers &amp; Solicitors  Suite 900  Purdy's Wharf Tower One  1959 Upper Water Street  Halifax, NS B3J 3N2</p>	<p><b>D. Fraser MacFadyen</b>  Tel: 1.902.420.3365  Fax: 1.902.496.6182  Email: <a href="mailto:fmacfadyen@stewartmckelvey.com">fmacfadyen@stewartmckelvey.com</a></p>
<p><b>KLEIN LAWYERS LLP</b>  Barristers &amp; Solicitors  400–1385 West 8th Avenue  Vancouver, BC V6H 3V9</p> <p>Counsel to Nelly Changsek Ku de Com</p>	<p><b>Karalyn Moore</b>  Tel: 1.604.874.7171  Fax: 1.604.874.7180  Email: <a href="mailto:kmoore@callkleinlawyers.com">kmoore@callkleinlawyers.com</a></p>
<p><b>BLAKELEY LLP</b>  Barristers &amp; Solicitors  54 W. 40<sup>th</sup> Street  New York, NY 10018  U.S.A.</p> <p>Counsel to Activa Leisure</p>	<p><b>Ruth Fagan</b>  Tel: 1.929.272.7566  Fax: 1.949.260.0613  Email: <a href="mailto:rfagan@blakeleyllp.com">rfagan@blakeleyllp.com</a></p>
<p><b>SUNHAM HOME FASHIONS, LLC</b>  136 Madison Avenue  New York, NY 10016  U.S.A.</p>	<p><b>Arthur Courbanou</b>  Tel: 1.212.695.1218 Ext.1160  Fax: 1.267.295.2021  Email: <a href="mailto:arthurcourbanou@sunham.com">arthurcourbanou@sunham.com</a></p>
<p><b>GOLDMAN SLOAN NASH &amp; HARBER LLP</b>  Barristers &amp; Solicitors  480 University Avenue  Toronto, ON M5G 1V2</p> <p>Counsel to Kone Inc.</p>	<p><b>Paul Hancock</b>  Tel: 416.597.7881  Fax: 416.597.3370  Email: <a href="mailto:hancock@gsnh.com">hancock@gsnh.com</a></p>

<b>SVITLANA BURLAKOVA</b> 2223 Glenwood School Drive Burlington, ON L7R 3R4	<b>Svitlana Burlakova</b> Tel: 289 981 8148 Email: <a href="mailto:burlakov87@gmail.com">burlakov87@gmail.com</a>
<b>CLIFFORD CHANCE US LLP</b> 31 West 52nd Street New York, NY 10019 U.S.A.  Counsel to Citigroup Financial Products Inc.	<b>Timothy Bennett</b> Tel: 1.212.878.3235 Email: <a href="mailto:timothy.bennett2@cliffordchance.com">timothy.bennett2@cliffordchance.com</a>
<b>CITIGROUP FINANCIAL PRODUCTS INC.</b> 390 Greenwich Street New York, NY 10013 USA	<b>Bryan Magliaro</b> Tel: 1.212.723.6064 Email: <a href="mailto:bryan.magliaro@citi.com">bryan.magliaro@citi.com</a>  <b>Kenneth Keeley</b> Tel: 1.212.723.6501 Email: <a href="mailto:kenneth.keeley@citi.com">kenneth.keeley@citi.com</a>
<b>HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA</b> Ministry of Justice PO Box 9289, Station Provincial Government Victoria, BC V8W9J7	<b>Heather Wellman</b> Tel: 1.250.356.8434 Fax: 1.250.387.0700 Email: <a href="mailto:Heather.Wellman@gov.bc.ca">Heather.Wellman@gov.bc.ca</a>  <b>Aaron Welch</b> Tel: 1.250.356.8589 Fax: 1.250.387.0700 Email: <a href="mailto:Aaron.Welch@gov.bc.ca">Aaron.Welch@gov.bc.ca</a>
<b>LERNERS LLP</b> 130 Adelaide Street West, Suite 2400 Toronto, ON M5H 3P5  Counsel to Amskor Corporation	<b>Domenico Magisano</b> Tel: 416.601.4121 Fax: 416.601.4123 Email: <a href="mailto:dmagisano@lernalers.ca">dmagisano@lernalers.ca</a>
<b>CONTRARIAN CAPITAL MANAGEMENT, L.L.C.</b> 411 West Putnam Avenue, Suite 425 Greenwich, CT 06830 U.S.A.	<b>Keith McCormack</b> Tel: 1.203.862.8270 Email: <a href="mailto:kmccormack@contrariancapital.com">kmccormack@contrariancapital.com</a>  <b>Kimberly Gianis</b> Tel: 1.203.862.8250 Fax: 1.203.629.1977 Email: <a href="mailto:kgianis@contrariancapital.com">kgianis@contrariancapital.com</a>
<b>LERNERS LLP</b> 130 Adelaide Street West, Suite 2400 Toronto, ON M5H 3P5  Counsel to Amskor Corporation	<b>Domenico Magisano</b> Tel: 416.601.4121 Fax: 416.601.4123 Email: <a href="mailto:dmagisano@lernalers.ca">dmagisano@lernalers.ca</a>

<b>PLACE VERSAILLES INC.</b> 7275 Rue Sherbrooke E Bureau 300 Montréal, QC H1N 1E9	<b>William Gregory</b> Tel: 1.514.352.1440 Email: <a href="mailto:williamgregory@placeversailles.com">williamgregory@placeversailles.com</a>
<b>BOWERY INVESTMENT MANAGEMENT, LLC</b> 1325 Avenue of the Americas, 28th Floor New York, New York 10019 U.S.A.	<b>Bradley Max</b> Tel: 1.212.259.4318 Email: <a href="mailto:BMax@boweryim.com">BMax@boweryim.com</a>
<b>FARALLON CAPITAL MANAGEMENT LLC</b> One Maritime Plaza Suite 2100 San Francisco CA 94111 U.S.A.	<b>Michael Linn</b> Tel: 1. 415.421.2132 Email: <a href="mailto:mlinn@farcap.com">mlinn@farcap.com</a>
<b>PUSHOR MITCHELL LLP</b> 301 - 1665 Ellis Street Kelowna, BC V1Y 2B3	<b>Alf Kempf</b> Tel: 1.250.869.1215 Email: <a href="mailto:Kempf@pushormitchell.com">Kempf@pushormitchell.com</a>
<b>UBISOFT</b> 625 3rd Street San Francisco, CA 94107 U.S.A.	<b>Lauren Jaques</b> Tel: 1.415.571.2125 Fax: 1.415-728-9483 Email: <a href="mailto:lauren.jaques@ubisoft.com">lauren.jaques@ubisoft.com</a>
<b>BORDEN LADNER GERVAIS LLP</b> <b>S.E.N.C.R.L., S.R.L.</b> Barristers & Solicitors 1000 Rue de la Gauchetière Ouest Suite / Bureau 900 Montréal, QC H3B 5H4  Counsel to LeapFrog Canada, Inc.	<b>Marc Duchesne</b> Tel: 1.514.954.3102 Fax: 1.514.954.1905 Email: <a href="mailto:mduchesne@blg.com">mduchesne@blg.com</a>  <b>Andrew Hodhod</b> Tel: 1.514.954.3140 Fax: 1.514.954.1905 Email: <a href="mailto:ahodhod@blg.com">ahodhod@blg.com</a>
<b>PACIFIC CYCLE, INC.</b> 4902 Hammersley Road Madison, WI 53711 U.S.A.  Counsel to Pacific Cycle, Inc. and Dorel Industries Inc.	<b>Robert Silvis</b> Tel: 1.608.268.8330 Email: <a href="mailto:BSilvis@Pacific-Cycle.com">BSilvis@Pacific-Cycle.com</a>

<b>BELLUS CAPITAL MANAGEMENT, LLC</b> 299 Park Ave New York, NY 10171 U.S.A.	<b>Jim Cullinane</b> Tel: 1.212.763.5645 Email: <a href="mailto:jcullinane@belluscapital.com">jcullinane@belluscapital.com</a>
<b>AIRD &amp; BERLIS LLP</b> Barristers & Solicitors 181 Bay St., Suite 1800 Toronto, ON M5J 2T9  Counsel to Discovery Harbour Shopping Centre Ltd.	<b>Miranda Spence</b> Tel: 416.865.3414 Fax: 416.863.1515 Email: <a href="mailto:mspence@airdberlis.com">mspence@airdberlis.com</a>
<b>AIRD &amp; BERLIS LLP</b> Barristers & Solicitors 181 Bay St., Suite 1800 Toronto, ON M5J 2T9  Counsel to Northwest Realty Inc.	<b>Steven Graff</b> Tel: 416.865.7726 Fax: 416.863.1515 Email: <a href="mailto:sgraff@airdberlis.com">sgraff@airdberlis.com</a>  <b>Miranda Spence</b> Tel: 416.865.3414 Fax: 416.863.1515 Email: <a href="mailto:mspence@airdberlis.com">mspence@airdberlis.com</a>
<b>KPA LAWYERS PROFESSIONAL CORPORATION</b> Barristers & Solicitors 4304 Village Centre Court Mississauga, ON L4Z 1S2  Counsel to Leda Health Innovations	<b>Preet Pannu</b> Tel: 905.965.6263 Fax: 905.965.6162 Email: <a href="mailto:preet@kpalawyers.ca">preet@kpalawyers.ca</a>
<b>KPA LAWYERS PROFESSIONAL CORPORATION</b> Barristers & Solicitors 4304 Village Centre Court Mississauga, ON L4Z 1S2  Counsel to D&G Laboratories	<b>Preet Pannu</b> Tel: 905.965.6263 Fax: 905.965.6162 Email: <a href="mailto:preet@kpalawyers.ca">preet@kpalawyers.ca</a>
<b>DISTRESSED RESEARCH AND TRADING</b> <b>ARGO PARTNERS</b> 12 West 37th Street, 9th Floor New York, NY 10018 U.S.A.	<b>Paul S. Berg</b> Tel: 212.643.5457 Fax: 212.643.6401 Email: <a href="mailto:paul@argopartners.net">paul@argopartners.net</a>
<b>DRUM CAPITAL MANAGEMENT</b> 107 Elm Street, 10 <sup>th</sup> Floor Stamford, CT 06902 U.S.A.	<b>Edwin K. Camson</b> Tel: 203.391.7557 Fax: 203.391.7545 Email: <a href="mailto:Camson@drumcapital.com">Camson@drumcapital.com</a>

<b>BLANEY MCMURTRY LLP</b> Barristers & Solicitors 2 Queen Street East Suite 1500 Toronto, ON M5C 3G5  Counsel to Capital Brands Inc.	<b>David T. Ullmann</b> Tel: 416.596.4289 Fax: 416.594.2437 Email: <a href="mailto:dullmann@blaney.com">dullmann@blaney.com</a>
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6533868

**CCAA Proceedings of Target Canada Co.et al, Court File No. CV-15-10832-00CL**

**Known Late Claimants Service List  
(as at October 31, 2016)**

<b><u>PARTY</u></b>	<b><u>CONTACT</u></b>
<b>LINDEN &amp; ASSOCIATES</b> Professional Corporation 200 Bay Street, North Tower Suite 2010 Toronto, ON M5J 2J1  Counsel to Donna Morton	<b>Justin S. Linden</b> Tel: 416.861.9338 Ext.250 Fax: 416.861.9973 Email: <a href="mailto:jlinden@lindenlex.com">jlinden@lindenlex.com</a>
<b>ALAM LAW OFFICE, PC</b> Injury Lawyers 6705 Tomken Road Suite 217 Mississauga, ON L5T 2J6  Counsel to Shahida Abid Sindhu	<b>Muhammad M. Alam</b> Tel: 905.564.5953 Fax: 905.564.5903 Email: <a href="mailto:malam@thealamlaw.com">malam@thealamlaw.com</a>
<b>SBMB LAW</b> 10800 Yonge Street Richmond Hill, ON L4C 3E4  Counsel to Erin Wolf-Bloom	<b>George Siotas</b> Tel: 1.888.900.1294 Fax: 905.884.5445 Email: <a href="mailto:gsiotas@sbmblaw.com">gsiotas@sbmblaw.com</a>
<b>TMP Worldwide Advertising and Communications Co.</b> 7800 W. Brown Deer Road 2 <sup>nd</sup> Floor, Suite 400 Milwaukee, WI 53223 USA	<b>Emerson Moore</b> Tel: 1.646.613.2060 Fax: 1.646.765.3947 Email: <a href="mailto:emerson.moore@tmp.com">emerson.moore@tmp.com</a>  <b>Lory Valley</b> Email: <a href="mailto:lory.valley@tmp.com">lory.valley@tmp.com</a>
<b>PACE LAW FIRM PROFESSIONAL CORPORATION</b> Barristers & Solicitors 300 The East Mall Suite 500 Toronto, ON M9B 6B7  Counsel to Linnet Spenser	<b>Allan Chapnik</b> Tel: 416.734.0412 Fax: 416.236.1809 Email: <a href="mailto:achapnik@pacelawfirm.com">achapnik@pacelawfirm.com</a>
<b>DICKINSON WRIGHT LLP</b> Barristers & Solicitors 199 Bay Street Suite 2200 Toronto, ON M5L 1G4  Counsel to Lou Pharma Corp.	<b>Lisa S. Corne</b> Tel: 416.646.4608 Fax: 1.844.670.6009 Email: <a href="mailto:lcorne@dickinsonwright.com">lcorne@dickinsonwright.com</a>

<b>WAZIR CHAND &amp; CO. PVT. LTD</b> Prem Nagar Industrial Area 7th KM Kanth Road Moradabad, Uttar Pradesh 24400 India	<b>Hamid Ahmad Ansari</b> Tel: 91.591.2479200 Fax: 91.591.2479217 Email: <a href="mailto:ahmad@wazirchand.net">ahmad@wazirchand.net</a>
<b>BLANEY MCMURTRY LLP</b> Barristers & Solicitors 2 Queen Street East Suite 1500 Toronto, ON M5C 3G5  Counsel to Capital Brands, LLC	<b>David T. Ullmann</b> Tel: 416.596.4289 Fax: 416.594.2437 Email: <a href="mailto:dullmann@blaney.com">dullmann@blaney.com</a>
<b>FRUITS &amp; PASSION BOUTIQUES INC.</b>	<b>Phil Choi</b> Email: <a href="mailto:pchoi@fruits-passion.com">pchoi@fruits-passion.com</a>
<b>JCORP INC.</b>	<b>Rosemarie Mavrokefalos</b> Email: <a href="mailto:mavrokefalos@jcorp.ca">mavrokefalos@jcorp.ca</a>
<b>WENGER CORPORATION</b>	<b>Rick Duffney</b> Email: <a href="mailto:fredrick.duffney@wengercorp.com">fredrick.duffney@wengercorp.com</a>

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
**COMMERCIAL LIST**

**IN THE MATTER OF THE COMPANIES' CREDITORS ARRANGEMENT**  
**ACT R.S.C. 1985, c. C-36 AS AMENDED**

**AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF  
TARGET CANADA CO., TARGET CANADA HEALTH CO., TARGET CANADA  
MOBILE GP CO., TARGET CANADA PHARMACY (BC) CORP., TARGET CANADA  
PHARMACY (ONTARIO) CORP., TARGET CANADA PHARMACY CORP., TARGET  
CANADA PHARMACY (SK) CORP., and TARGET CANADA PROPERTY LLC**

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# TAB 1

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)**

**IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT*  
ACT R.S.C. 1985, c. C-36 AS AMENDED**

**AND IN THE MATTER OF A PLAN OF COMPROMISE OR  
ARRANGEMENT OF TARGET CANADA CO., TARGET CANADA  
HEALTH CO., TARGET CANADA MOBILE GP CO., TARGET CANADA  
PHARMACY (BC) CORP., TARGET CANADA PHARMACY (ONTARIO)  
CORP., TARGET CANADA PHARMACY CORP., TARGET CANADA  
PHARMACY (SK) CORP., and TARGET CANADA PROPERTY LLC**

**AFFIDAVIT OF BEVERLY SAGERT**

I, Beverly Sagert, Paralegal, at 300 – 2777 Gladwin Road, in the City of Abbotsford, in the Province of British Columbia, MAKE OATH AND SAY:

1. I am a paralegal for Mr. Marco D. Cedrone (hereafter "Mr. Cedrone"), Counsel for the Applicant, Kulwinder Kaur Rai, (hereafter "Rai") and as such have knowledge of the matters to which I hereinafter depose. Where I have been advised of facts by third parties, I have identified the source of the facts and I hereby state that I verily believe such facts to be true.
2. This action is a claim for general damages, economic loss and special damages as a result of injuries sustained by the Applicant on or about December 11, 2014, (the "Incident") while a patron/invitee at a Target shopping center located at 10153 King George Blvd, Surrey, British Columbia ("Target").
3. I am advised by Mr. Cedrone, that Target Canada Entities applied for and were granted protection under the *Companies' Creditors Arrangement Act*, R.S.C.,

1985, c. C-36, as amended pursuant to an Initial Order of the Ontario Superior Court of Justice (Commercial List) on January 15, 2015, a date after the Incident occurred.

4. In the Incident, the Applicant was shopping at Target when she slipped and fell on a wet substance that had been left on the floor in an aisle inside the store.
5. As a result of the Incident, the Applicant sustained the following injuries:
  - a. Injury to the neck;
  - b. Injury to the back;
  - c. Injury to the head;
  - d. Concussion;
  - e. Injury to the right wrist and hand;
  - f. Injury and meniscus tear to the right knee, requiring surgery;
  - g. Injury to the right ankle;
  - h. Headaches; and
  - i. Sleeplessness.
6. I am advised by Mr. Cedrone and verily believe that the claim for non-pecuniary damages for the Incident are in the range of \$45,000.00 to \$75,000.00.
7. On or about February 12, 2015, counsel for the Applicant was retained by the Applicant with respect to this Incident. On that date the Applicant provided us with a copy of a letter dated December 29, 2014, which she received from Sedgwick Claims Management Services Canada Inc., advising that they have been assigned to handle the Incident on behalf of Target Corporation and its insurer, ACE American Insurance Company. Attached to this my Affidavit and marked as **Exhibit "A"** is a true copy of that letter from Sedgwick Claims Management Services Canada Inc. to the Applicant.
8. On March 10, 2015, counsel for the Applicant sent a letter to Sedgwick Claims Management Services Canada Inc. advising that we were retained to act for the Applicant in this matter. Attached to this my Affidavit and marked as **Exhibit "B"** is a true copy of said letter.
9. On or about August 4, 2015, the Applicant attended at Mr. Cedrone's office and dropped off documentation she had received from the Respondents

notwithstanding our letter to Sedgwick Claims Management Services Canada Inc. (**Exhibit "B"**).

10. The document was a Notice to Claimants Against the Target Canada Entities. Attached to this my Affidavit and marked as **Exhibit "C"** is a true copy of said Notice.
11. On or about August 5, 2015, I brought the documentation (**Exhibit "C"**) to the attention of Mr. Cedrone.
12. I was advised by Mr. Cedrone and verily believe that the proceedings in Ontario did not apply to Applicant's claim, noting they did not apply as the Respondents would have served the documents on Mr. Cedrone directly.
13. I was advised by Mr. Cedrone and verily believe that a policy of insurance was extant to respond to the Applicant's loss.
14. I note that in the Claims Procedure Order filed herein on June 11, 2015, it states at paragraph 54:

*"THIS COURT ORDERS that nothing in this Order shall prejudice the rights ... or prevent or bar any Person from seeking recourse against or payment from the Target Canada Entities' insurance ... that exist to protect or indemnify ... or other Persons, whether such recourse or payment is sought directly by the Person asserting a Claim from the insurer ... or any Target Canada Entity; provided, however, that nothing in this Order shall create any rights in favour of such Person under any policies of insurance nor shall anything in this Order limit, remove, modify or alter any defence to such Claim available to the insurer pursuant to the provisions of any insurance policy or at law; and further provided that any Claim or portion thereof for which the Person receives payment directly from, or confirmation that she is covered by, the Target Canada Entities' insurance ... or other liability insurance policy or policies that exist to protect or indemnify the Directors or Officers or other Persons shall not be recoverable as against a Target Canada Entity or Direct or Officer as applicable."*

Attached to this my Affidavit and marked as **Exhibit "D"** is a true copy of pages 26 and 27, paragraph 54 of the Claims Procedure Order entered herein on June 11,

2015. The Claims Procedure Order is 29 pages in length and is not attached in its entirety but will be produced upon request.

15. I was advised by Mr. Cedrone and I verily believe that he relied on the wording of paragraph 54 of **Exhibit "D"**.
16. On August 6, 2015, counsel for the Applicant sent a letter to ACE American Insurance Company advising that Cascade Law Corporation was retained to act for the Applicant in this matter. Attached to this my Affidavit and marked as **Exhibit "E"** is a true copy of said letter.
17. I am advised by Mr. Cedrone and verily believe that Cascade Law Corporation received no communications from ACE American Insurance Company or Sedgwick Claims Management Services Canada Inc. between August 6, 2015 and October 4, 2016.
18. During this time period, the Applicant was involved in a motor vehicle accident on April 16, 2015 wherein she sustained further injury to her neck, right shoulder, lumbar spine and a contusion to her right knee.
19. The Applicant was also recovering from right knee surgery which was performed on May 29, 2015. Attached to this my Affidavit and marked as **Exhibit "F"** is a true copy of the Operative Report regarding the Applicant's surgery on May 29, 2015.
20. On October 4, 2016, counsel for the Applicant obtained a historical Extra-Provincial Company Summary for Target Canada Co. Attached to this my Affidavit and marked as **Exhibit "G"** is a true copy of said search.
21. On October 4, 2016, counsel for the Applicant wrote to Sedgwick Claims Management Services Canada Inc. requesting that they provide us with an address for service in British Columbia for Target Canada Co. Attached to this my Affidavit and marked as **Exhibit "H"** is a true copy of said letter.
22. On November 8, 2016, counsel for the Applicant received an e-mail (**Exhibit "I"**) from Carlie Fox of Goodman LLP responding to our October 4, 2016 letter and attaching their letter dated November 8, 2016 (**Exhibit "J"**), Endorsement of RSJ Morawetz dated October 18, 2016 (**Exhibit "K"**), Unofficial Transcript of the Endorsement of RSJ Morawetz dated October 18, 2016 (**Exhibit "L"**), and Motion

Record of the Monitor for late claims returnable November 29, 2016 (**Exhibit "M"**). Attached to this my Affidavit and marked as **Exhibits "I", "J", "K" and "L"**, respectively, are true copies of said e-mail, letter and documents. The Motion Record of the Monitor for late claims returnable November 29, 2016, attached as **Exhibit "M"** is 163 pages in length and is not attached in its entirety but will be produced upon request.

23. I note from review of the documentation marked as **Exhibits "I", "J", "K", "L" and "M"** that this documentation should have been delivered/served on counsel for the Applicant by October 31, 2016.
24. I am advised by Mr. Cedrone and verily believe that upon further review of **Exhibit "C"** in light of having received **Exhibits "I", "J", "K", "L" and "M"**, that it was a requirement to file the Proof of Claim Form for Claims Against the Target Canada Entities (hereafter "Proof of Claim") within a prescribed time period, namely August 31, 2015 (the "Claims Bar Date").
25. I am advised by Mr. Cedrone and verily believe that he acted in good faith in his belief that the Applicant did not have to submit to the proceedings in Ontario given that an insurer had already responded to the claim in British Columbia, and particularly the wording in paragraph 54 of the Claims Procedure Order filed herein on June 11, 2015.
26. I am advised by Mr. Cedrone and verily believe that there is no prejudice to the Respondents as they were aware of the Applicants claim such that their insurer was alerted and an adjusting firm had been engaged.
27. Furthermore, the delay is not inordinate or inexcusable.
28. The Applicant remains within the 2 year limitation date from the date of loss.
29. The effect of the Claims Bar Date, in fact, abridged the Applicant's right to file her Notice of Civil Claim by 16 months. There is greater prejudice to the Applicant compared to the Respondents.
30. I am advised by Mr. Cedrone and verily believe that the delay in filing our Applicant's claim by the Claims Bar Date is 15 months.

31. The Applicant's loss occurred in British Columbia and the limitation date for maintaining her claim is December 11, 2016.
32. On November 9, 2016, counsel for the Applicant filed a Notice of Civil Claim with respect to this matter in the Supreme Court of British Columbia, Chilliwack Registry, Action No. CHI-S-S-31879. This Notice of Civil Claim was filed in order to preserve the two year limitation period which will expire on December 11, 2016, with the other non-Target Defendants. Attached to this my Affidavit and marked as **Exhibit "N"** is a true copy of said Notice of Civil Claim.
33. In the Notice of Civil Claim marked as **Exhibit "N"** above, counsel for the Applicant have also named CC Retail Holdings Ltd. as a co-Defendant, who is the registered owner of the property whereupon Target was located, and there may be contribution and indemnity claims arising from them and their insurers.
34. In the Notice of Motion filed herein by the Monitor dated October 31, 2016, it states on page 18, bottom of the page footnote 16:

*"One of the known litigation claims relates to the death of a worker which took place at a mall in which a Target store was located, and TCC is a named co-Defendant along with the relevant landlord and other parties.*

*At the time of the Monitor's scheduling attendance before the Court on October 18, 2016, the Monitor was aware of four liquidated claims. Since that time, a fifth claim has come forward, as, on October 24, 2016, the Target Canada Entities received a statement of claim naming TCC as a co-defendant in an action seeking \$5 million in unliquidated damages in respect of a personal injury alleged to have been sustained outside of a former Target Store location."*

Attached to this my Affidavit and marked as **Exhibit "O"** is a true copy of page 18 from the Notice of Motion filed by the Monitor dated October 31, 2016. The Notice of Motion filed on October 31, 2016 is 163 pages in length and is not attached in its entirety but will be produced upon request.



35. I make this affidavit in support of an order to extend the time within which the Applicant be permitted to file the Proof of Claim Form.

**SWORN BEFORE ME** at the City of Abbotsford, in the Province of British Columbia on the 17 day of November, 2016.



Commissioner for Taking Affidavits  
In the Province of British Columbia

  
**BEVERLY SAGERT**

**MARCO D. CEDRONE**  
Barrister & Solicitor  
300 - 2777 Gladwin Rd  
Abbotsford, BC V2T 4V1  
Telephone # (604) 850-1737

# TAB A

Sedgwick Claims Management Services Canada Inc.  
General Imaging- Dept. 132 Sedgwick  
800 Tapscott Road  
Toronto, Ontario M1X1A4



Phone: 416.695.5100  
Fax: 416.695.5120  
Toll Free: 1.866.278.0310

December 29, 2014

KULWINDER RAI  
3656 BLUEJAY ST  
ABBOTSFORD BC V2T 6R6

This is Exhibit " A "  
referred to in the affidavit of  
Beverly Sagert  
made before me on  
Nov 17-2014  
[Signature]  
Commissioner for taking  
Affidavits in British Columbia

Re: Our Client: Target Corporation  
Our Claim File: 000158188G-0001  
Date of Loss: 12/11/2014  
Regarding: KULWINDER RAI

Dear Kulwinder:

I have been assigned to handle this matter on behalf of Target Corporation and its insurer, ACE American Insurance Company.

Sedgwick Claims Management Services, the claim service administrator for Target Corporation, is notified when there is an incident involving one of their guests. I have been unable to reach you by phone and would like to speak with you about the incident.

If you wish to contact me regarding the incident, I can be reached at the toll free number below.

Sincerely,

[Signature]  
Debbie Attardo, CIP, Licensed All Lines  
Claims Representative  
Target Corporation Guest Reporting Center  
Phone: 866.278.0310 Ext 55136  
Fax: 416.695.5120  
Debbie.Attardo@sedgwickcms.ca

File Number: 000158188G-0001  
Target Guest Reporting Center | General Imaging – Dept. 132 Sedgwick | 800 Tapscott Road, Toronto Ontario M1X 1A4



# TAB B

C150078

March 10, 2015


VIA FAX: 1-877-686-4222

Sedgwick Claims Management Services Canada Inc.  
General Imaging- Dept.132 Sedgwick  
800 Tapscott Road  
Toronto, Ontario M1X 1A4

**Attention: Debbie Attardo**

Dear Ms. Attardo:

**Re: RAI, Kulwinder**  
**Claim No. – 000158188G-0001**  
**Date of Loss- December 11, 2014**

This is Exhibit " B "  
referred to in the affidavit of  
Beverly Sagert  
made before me on  
Nov 17-2014  
  
Commissioner for taking  
Affidavits in British Columbia

This is to confirm and advice that we have been retained as legal counsel to represent the above noted caption, Kulwinder Rai. We are enclosing herewith copies of invoices received from our Client for physiotherapy, costs incurred to date and also for medical expense incurred and we would request reimbursement therefore made via our office for the benefit of our client at this time. We can also advice that our Client is also scheduled for surgery on 10 of April regarding the injuries she sustained herein. We note that you obtained a recorded oral statement from our Client on Friday, 9<sup>th</sup> of January at approximately 8:00 o'clock PST and I would request that our offices be provided with a copy thereof. Additionally, if you have a copy of the Target company's video but we understand exists our client's fall within the premises we would appreciate receiving a copy of that as well. Perhaps you could indicate as soon as you may whether Target Corporation acknowledges liability herein so that we may be guided accordingly.


Yours truly,

**CASCADE LAW CORPORATION**

Per: Wm. Randall Fowle

WRF/vg  
Encl.

# TAB C

This is Exhibit " C "  
referred to in the affidavit of  
Beverly Sager  
made before me on  
Nov 17 2016  
  
Commissioner for taking  
Affidavits in British Columbia

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**NOTICE TO CLAIMANTS  
AGAINST THE TARGET CANADA ENTITIES**

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**RE: NOTICE OF CLAIMS PROCESS FOR TARGET CANADA CO., TARGET CANADA HEALTH CO., TARGET CANADA MOBILE GP CO., TARGET CANADA PHARMACY (BC) CORP., TARGET PHARMACY (ONTARIO) CORP., TARGET CANADA PHARMACY CORP., TARGET CANADA PHARMACY (SK) CORP., TARGET CANADA PROPERTY LLC, TARGET CANADA PHARMACY FRANCHISING LP, TARGET CANADA MOBILE LP, and TARGET CANADA PROPERTY LP (COLLECTIVELY, THE "TARGET CANADA ENTITIES") PURSUANT TO THE COMPANIES' CREDITORS ARRANGEMENT ACT (the "CCAA")**

PLEASE TAKE NOTICE that on June 11, 2015, the Ontario Superior Court of Justice (Commercial List) issued an order (the "Claims Procedure Order") in the CCAA proceedings of the Target Canada Entities, requiring that all Persons who assert a Claim (capitalized terms used in this notice and not otherwise defined have the meaning given to them in the Claims Procedure Order) against the Target Canada Entities, whether unliquidated, contingent or otherwise, and all Persons who assert a claim against Directors and/or Officers of the Target Canada Entities (as defined in the Claims Procedure Order, a "D&O Claim"), must file a Proof of Claim (with respect to Claims against the Target Canada Entities) or D&O Proof of Claim (with respect to D&O Claims) with Alvarez & Marsal Canada Inc. (the "Monitor") on or before 5:00 p.m. (Toronto time) on August 31, 2015 (the "Claims Bar Date"), by sending the Proof of Claim or D&O Proof of Claim to the Monitor by prepaid ordinary mail, registered mail, courier, personal delivery or electronic transmission at the following address:

**Alvarez & Marsal Canada Inc., Target Canada Monitor**  
**Address:** Royal Bank Plaza, South Tower  
200 Bay Street, Suite 2900, P.O. Box 22  
Toronto, ON Canada M5J 2J1  
**Fax No.:** 416-847-5201  
**Email:** [targetcanadaclaims@alvarezandmarsal.com](mailto:targetcanadaclaims@alvarezandmarsal.com)  
**Attention:** Greg Karpel

Pursuant to the Claims Procedure Order, Claims Packages, including the form of Proof of Claim and D&O Proof of Claim, will be sent to all known Claimants by mail, on or before June 30, 2015. Claimants may also obtain the Claims Procedure Order and a Claims Package from the Monitor's website at [www.alvarezandmarsal.com/targetcanada](http://www.alvarezandmarsal.com/targetcanada), or by contacting the Monitor by telephone (1-844-864-9548).

Only Proofs of Claim and D&O Proofs of Claim actually received by the Monitor on or before 5:00 p.m. (Toronto time) on August 31, 2015 will be considered filed by the Claims Bar Date. **It is your responsibility to ensure that the Monitor receives your Proof of Claim or D&O Proof of Claim by the Claims Bar Date.**

**CLAIMS AND D&O CLAIMS WHICH ARE NOT RECEIVED BY THE APPLICABLE CLAIMS BAR DATE WILL BE BARRED AND EXTINGUISHED FOREVER.**

## **CLAIMANT'S GUIDE TO COMPLETING THE PROOF OF CLAIM FORM FOR CLAIMS AGAINST THE TARGET CANADA ENTITIES<sup>1</sup>**

This Guide has been prepared to assist Claimants in filling out the Proof of Claim form for Claims against the Target Canada Entities. If you have any additional questions regarding completion of the Proof of Claim, please consult the Monitor's website at [www.alvarezandmarsal.com/targetcanada](http://www.alvarezandmarsal.com/targetcanada) or contact the Monitor, whose contact information is shown below.

Additional copies of the Proof of Claim may be found at the Monitor's website address noted above.

Please note that this is a guide only, and that in the event of any inconsistency between the terms of this guide and the terms of the Claims Procedure Order made on June 11, 2015 (the "Claims Procedure Order"), the terms of the Claims Procedure Order will govern.

### **SECTION 1 – DEBTOR**

1. The full name of the Target Canada Entity or Entities against which the Claim is asserted must be listed (see footnote 1 for complete list of Target Canada Entities).

### **SECTION 2(a) – ORIGINAL CLAIMANT**

2. A separate Proof of Claim must be filed by each legal entity or person asserting a claim against the Target Canada Entities, or any of them.
3. The Claimant shall include any and all Claims it asserts against the Target Canada Entities, or any of them, in a single Proof of Claim.
4. The full legal name of the Claimant must be provided.
5. If the Claimant operates under a different name or names, please indicate this in a separate schedule in the supporting documentation.
6. If the Claim has been assigned or transferred to another party, Section 2(b) must also be completed.
7. Unless the Claim is assigned or transferred, all future correspondence, notices, etc. regarding the Claim will be directed to the address and contact indicated in this section.

---

<sup>1</sup> Target Canada Co., Target Canada Health Co., Target Canada Mobile GP Co., Target Canada Pharmacy (BC) Corp., Target Canada Pharmacy Corp., Target Canada Pharmacy (Ontario) Corp., Target Canada Pharmacy (SK) Corp., Target Canada Property LLC, Target Canada Pharmacy Franchising LP, Target Canada Mobile LP, and Target Canada Property LP (collectively, the "Target Canada Entities").



## **SECTION 2(b) – ASSIGNEE**

8. If the Claimant has assigned or otherwise transferred its Claim, then Section 2(b) must be completed.
9. The full legal name of the Assignee must be provided.
10. If the Assignee operates under a different name or names, please indicate this in a separate schedule in the supporting documentation.
11. If the Monitor in consultation with the Target Canada Entities is satisfied that an assignment or transfer has occurred, all future correspondence, notices, etc. regarding the Claim will be directed to the Assignee at the address and contact indicated in this section.

## **SECTION 3 - AMOUNT OF CLAIM OF CLAIMANT AGAINST DEBTOR**

12. Indicate the amount the Target Canada Entity or Entities was and still is indebted to the Claimant in the Amount of Claim column, including interest up to and including January 14, 2015.

### **Currency**

13. The amount of the Claim must be provided in the currency in which it arose.
14. Indicate the appropriate currency in the Currency column.
15. If the Claim is denominated in multiple currencies, use a separate line to indicate the Claim amount in each such currency. If there are insufficient lines to record these amounts, attach a separate schedule indicating the required information.
16. If necessary, currency will be converted in accordance with the Claims Procedure Order.

### **Unsecured Claim**

- ☐ Check this box ONLY if the Claim recorded on that line is an unsecured claim.

### **Secured Claim**

- ☐ Check this box ONLY if the Claim recorded on that line is a secured claim.

## **SECTION 4 - DOCUMENTATION**

Attach to the Proof of Claim form all particulars of the Claim and supporting documentation, including amount, and description of transaction(s) or agreement(s), or legal breach(es) giving rise to the Claim, including any claim assignment/transfer agreement or similar document, if applicable and amount of invoices, particulars of all credits, discounts, etc. claimed, description of the security, if any, granted by the affected Target Canada Entity to the Claimant and estimated value of such security.

## **SECTION 5 - CERTIFICATION**

The person signing the Proof of Claim should:

- (a) be the Claimant or authorized representative of the Claimant.
- (b) have knowledge of all the circumstances connected with this Claim.
- (c) assert the Claim against the Debtor as set out in the Proof of Claim and certify all supporting documentation is attached.
- (d) have a witness to its certification.

By signing and submitting the Proof of Claim, the Claimant is asserting the Claim against the Target Canada Entity or Entities.

## **SECTION 6 - FILING OF CLAIM**

The Proof of Claim must be received by the Monitor on or before 5:00 p.m. (Toronto time) on August 31, 2015 (the "Claims Bar Date") by prepaid ordinary mail, registered mail, courier, personal delivery or electronic transmission at the following address:

**Alvarez & Marsal Canada Inc., Target Canada Monitor  
Royal Bank Plaza, South Tower  
200 Bay Street, Suite 2900, P.O. Box 22  
Toronto, ON Canada M5J 2J1  
Attention: Greg Karpel**

**Email: [targetcanadaclaims@alvarezandmarsal.com](mailto:targetcanadaclaims@alvarezandmarsal.com)  
Fax No.: 416-847-5201**

**Failure to file your Proof of Claim so that it is actually received by the Monitor on or before 5:00 p.m., on the Claims Bar Date will result in your claim being barred and you will be prevented from making or enforcing a Claim against the Target Canada Entities. In addition, you shall not be entitled to further notice in and shall not be entitled to participate as a creditor in the Target Canada Entities' CCAA proceedings.**

# TAB D

52. THIS COURT ORDERS that if, during any period during which notices or other communications are being given pursuant to this Order, a postal strike or postal work stoppage of general application should occur, such notices or other communications sent by ordinary or registered mail and then not received shall not, absent further Order of this Court, be effective and notices and other communications given hereunder during the course of any such postal strike or work stoppage of general application shall only be effective if given by courier, personal delivery, facsimile transmission or email in accordance with this Order.

#### MISCELLANEOUS

53. THIS COURT ORDERS that the Monitor may from time to time apply to this Court to extend the time for any action which the Monitor is required to take if reasonably required to carry out its duties and obligations pursuant to this Order and for advice and directions concerning the discharge of its powers and duties under this Order or the interpretation or application of this Order.

54. THIS COURT ORDERS that nothing in this Order shall prejudice the rights and remedies of any Directors or Officers or other Persons under the Directors' Charge or any applicable insurance policy or prevent or bar any Person from seeking recourse against or payment from the Target Canada Entities' insurance and any Director's or Officer's liability insurance policy or policies that exist to protect or indemnify the Directors or Officers or other Persons, whether such recourse or payment is sought directly by the Person asserting a Claim from the insurer or derivatively through the Director or Officer or any Target Canada Entity; provided, however, that nothing in this Order shall create any rights in favour of such Person under any policies of insurance nor shall anything in this Order limit, remove, modify or alter

This is Exhibit " D " referred to in the affidavit of Beverly Sagat made before me on Nov 17 2016  
K  
Commissioner for taking Affidavits in British Columbia

any defence to such Claim available to the insurer pursuant to the provisions of any insurance policy or at law; and further provided that any Claim or portion thereof for which the Person receives payment directly from, or confirmation that she is covered by, the Target Canada Entities' insurance or any Director's or Officer's liability insurance or other liability insurance policy or policies that exist to protect or indemnify the Directors or Officers or other Persons shall not be recoverable as against a Target Canada Entity or Director or Officer as applicable.

55. THIS COURT ORDERS that nothing in this Order shall prejudice, limit, bar, extinguish or otherwise affect (i) any right or claim of any Person, including under any guarantee, indemnity or otherwise, against Target Corporation, any predecessor tenant, or any other Person other than the Target Canada Entities and the Directors and Officers; and (ii) any right or claim of Target Corporation, any predecessor tenant, or any other Person in response to such right or claim. For greater certainty, this Order is subject to and shall not derogate from paragraph 19A of the Initial Order.

56. THIS COURT HEREBY REQUESTS the aid and recognition of any court, tribunal, regulatory or administrative bodies, having jurisdiction in Canada or in the United States of America, to give effect to this Order and to assist the Target Canada Entities, the Monitor and their respective agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Target Canada Entities and to the Monitor, as an officer of this Court, as may be necessary or desirable to give effect to this Order, to grant representative status

# TAB E

C150078


August 6, 2015

VIA FAX: 1-416-368-0641

**ACE American Insurance Company**  
1400-25 York Street  
Toronto, Ontario  
M5J 2V5

Dear Sir/Madam:

**Re: Our Client: Kulwinder Rai**  
**Your Insured: Target Corporation**  
**Date of Loss: December 11, 2014**  
**Location of Loss: Surrey, British Columbia**  
**Type of Loss: Slip & Fall**

This is Exhibit "E"  
referred to in the affidavit of  
Beverly Sagert  
made before me on  
Nov 17-2016  
  
Commissioner for taking  
Affidavits in British Columbia

Please be advised that we represent Kulwinder Rai in connection with her claim for damages arising out of injuries caused as a result of the above noted personal injury.

On or about December 11, 2014, Ms. Rai slipped and fell at the Target location in Surrey Central Mall in Surrey, B.C. sustaining numerous injuries.

**We ask that you treat this letter as sufficient notice that Target Corporation exercise adequate care to ensure that there is no spoliation of evidence (ie. surveillance) as it relates to the slip and fall.**

Yours truly,

**CASCADE LAW CORPORATION**

Per:  
MARCO D. CEDRONE

BS/mls

# TAB F



Patient: **RAI, KULWINDER KAUR**

Document No: **14287154ARH**

Patient ID: **AB00160334**

Powered By:  xcelleris

Age: 49 years Sex: F

Date of Birth: Sep 08 1965

PHN: **9141734646 BC**

Loc: **ARH AB.SDC**

Date of Service: Jun 01 2015

Reported by: **Fraser Health Transcription**



Telephone: **604-806-9696**

fraserhealth Fax: **604-806-8257**

Reported on: Jun 01 2015 10:27

Dictating/Ordering Dr: **MEHIN Dr. RAMIN**

Reported to: **GOSAL Dr. MANJIT, MEHIN Dr. RAMIN**

Printed on: 2015-06-01 14:47

Page 1 of 2

**ABBOTSFORD REGIONAL HOSPITAL**

**Patient Location: AB.SDC**

**OPERATIVE REPORT**

Name of Patient: **RAI, KULWINDER KAUR**

Medical Record Number: **AB00160334**

Date of Birth: **08/09/1965**

PHN: **9141 734 646**

Sex: **F**

Surgeon: **Ramin Mehin, MD**

Date of Procedure: **29/05/2015**

Assistant(s): **Anesthetist: Dr. Palmer**

**PREOPERATIVE DIAGNOSIS**


**Painful right knee, early arthritis.**

**POSTOPERATIVE DIAGNOSIS**

**Painful right knee, early arthritis.**

**OPERATION PERFORMED**

**Diagnostic right knee arthroscopy.**

This is Exhibit "F"  
referred to in the affidavit of  
Beverly Sager  
made before me on  
Nov 17-2016  
  
Commissioner for taking  
Affidavits in British Columbia

**PROCEDURE**

The patient had general anesthetic with oropharyngeal intubation. Tourniquet was applied to the right thigh. The right leg was prepped and draped. The tourniquet was inflated. The inferolateral portal was used to introduce the arthroscope. The undersurface of the patella had some fraying. Medial compartment was clear. The medial meniscus had anteriorly some fraying and a shaver was introduced through the inferomedial portal. This was shaved and the underlying meniscus was normal. There was slight irregularity of the articular cartilage of the medial femoral epicondyle. The ACL was intact. The lateral compartment was intact.

The wound was irrigated and dried. The wound was infiltrated with Marcaine. The wound was closed.

Dictated By: **Ramin Mehin, MD**

**FINAL RESULTS**

Printed for: MEH27674B|MEHIN Dr. RAMIN

Patient: **RAI, KULWINDER KAUR**

Document No: **14287154ARH**

Patient ID: **AB00160334**

Powered By 

Age: **49 years** Sex: **F**

Date of Birth: **Sep 08 1965**

PHN: **9141734646 BC**

Loc: **ARH AB.SDC**

Date of Service: **Jun 01 2015**

Reported by: **Fraser Health Transcription**



Telephone: **604-806-9696**

**fraserhealth**

Fax: **604-806-8257**

Reported on: **Jun 01 2015 10:27**

Dictating/Ordering Dr: **MEHIN Dr. RAMIN**

Reported to: **GOSAL Dr. MANJIT, MEHIN Dr. RAMIN**

Printed on: **2015-06-01 14:47**

Page **2** of **2**

**RM/MODL**

**Job #: 449696**

**Doc #: 22020244**

**D: 29/05/2015 14:51:39**

**T: 01/06/2015 10:08:12**

**cc: Ramin Mehin, MD**

**Manjit S. Gosal, MD**

**If signature line does not contain electronic signature status, the report has not been reviewed by author prior to distribution. A corrected report will be distributed if necessary.**

**BCCA #:**

**Meditech Report ID: 0106-0888**

# TAB G



## Extraprovincial Company Summary

For  
**TARGET CANADA CO.**

Date and Time of Search: October 04, 2016 03:57 PM Pacific Time  
Currency Date: June 27, 2016

### HISTORICAL - Registration Cancelled on April 28, 2016

Registration Number in BC: A0083080  
Name of Extraprovincial Company: TARGET CANADA CO.  
Registration Date and Time: Registered in British Columbia on April 19, 2011 09:34 AM Pacific Time  
Last Annual Report Filed: April 19, 2015 Receiver: No

### FOREIGN JURISDICTION INFORMATION

Identifying Number in Foreign Jurisdiction: 3250374  
Name in Foreign Jurisdiction: TARGET CANADA CO.  
Date of Incorporation, Continuation or Amalgamation in Foreign Jurisdiction: December 06, 2010  
Foreign Jurisdiction: NOVA SCOTIA

### CANCELLATION/RESTORATION/REINSTATEMENT INFORMATION

Filing/Event: Cancelled  
Date of Filing: April 28, 2016

### HEAD OFFICE INFORMATION

Mailing Address: 1959 UPPER WATER STREET  
SUITE 900  
HALIFAX NS B3J 3N2  
CANADA  
Delivery Address: 1959 UPPER WATER STREET  
SUITE 900  
HALIFAX NS B3J 3N2  
CANADA

### ATTORNEY INFORMATION

This is Exhibit "G"  
referred to in the affidavit of  
Beverly Sagent  
made before me on  
Nov 17-2016  
Commissioner for taking  
Affidavits in British Columbia

**Corporation or Firm Name:**  
CH CORPORATE SERVICES LTD.

**Mailing Address:**  
800 - 1070 DOUGLAS STREET  
VICTORIA BC V8W 2S8  
CANADA

**Delivery Address:**  
800 - 1070 DOUGLAS STREET  
VICTORIA BC V8W 2S8  
CANADA

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## **DIRECTOR INFORMATION**

Directors are not recorded for extraprovincial registration types. Go to the incorporating jurisdiction for director information.

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**TAB H**

C150078

October 4, 2016

VIA MAIL

**Sedgwick Claims Management Services Canada Inc.**  
General Imaging- Dept. 132 Sedgwick  
800 Tapscott Road  
Toronto, Ontario M1X 1A4

Dear Sirs/Mesdames:

**Re: Our Client: Kulwinder RAI**  
**Your Claim No. – 000158188G-0001; Your Client: Target Corporation**  
**Date of Loss- December 11, 2014**

---

As you know, we have been retained as legal counsel to represent the above noted caption, Kulwinder Rai with respect to a slip and fall incident at the Target location in Surrey Central which is no longer in operation. We have previously communicated with your adjuster Debbie Attardo, who we understand is no longer at your company.

As the limitation date in this matter is fast approaching, would you kindly advise if the Target Corporation has an address in British Columbia or elsewhere in Canada which we can use for the purposes of filing and serving our Notice of Civil Claim.

We look forward to hearing from you at your earliest opportunity.

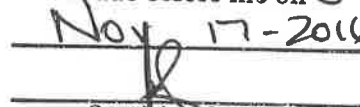
Yours truly,

**CASCADE LAW CORPORATION**

Per:

CARRIE VAUGHAN  
Paralegal  
[cvaughan@cascadelaw.com](mailto:cvaughan@cascadelaw.com)

/cv

This is Exhibit " H "  
referred to in the affidavit of  
Beverly Saget  
made before me on  
Nov 17-2016  
  
Commissioner for taking  
Affidavits in British Columbia

# TAB I



## Carrie Vaughan

---

**From:** Fox, Carlie <cfox@goodmans.ca>  
**Sent:** Tuesday, November 08, 2016 12:14 PM  
**To:** Carrie Vaughan  
**Cc:** Carfagnini, Jay; Mark, Alan; Kussner, Francy; Wagner, Melaney; Mighton, Jesse; tsandler@osler.com; jdacks@osler.com; 'rschwill@dwvpv.com'  
**Subject:** Target Canada Co. et al. CCAA Proceedings - Your Client: Kulwinder Rai; Your File No.: C150078  
**Attachments:** Letter to Cascade Law Corporation (dated November 8, 2016).pdf; Endorsement of RSJ Morawetz - October 18 2016.pdf; Target - Unofficial Transcript of the Endorsement of RSJ Morawetz (Octob....pdf; Target Canada CCAA Proceedings - Motion Record of the Monitor (returnabl....pdf

Ms. Vaughan,

Please see attached correspondence and enclosures.


Kindly confirm receipt.

Regards,

**Carlie Fox**  
Goodmans LLP

416.849.6907  
[cfox@goodmans.ca](mailto:cfox@goodmans.ca)

Bay Adelaide Centre  
333 Bay Street, Suite 3400  
Toronto, ON M5H 2S7  
[goodmans.ca](http://goodmans.ca)

This is Exhibit "I"  
referred to in the affidavit of  
Beverly Sager  
made before me on  
Nov 17-2016  
  
Commissioner for taking  
Affidavits in British Columbia

# TAB J

November 8, 2016

Our File No.: 14.3291

Via Email (cvaughan@cascadelaw.com)

Cascade Law Corporation  
300-2777 Gladwin Road  
Abbotsford, BC V2T 4V1

Attention: Carrie Vaughan

This is Exhibit "J"  
referred to in the affidavit of  
Beverly Sagert  
made before me on  
Nov 17 - 2016  
[Signature]  
Commissioner for taking  
Affidavits in British Columbia

Dear Ms. Vaughan:

**Re: Claim of Kulwinder Rai against the Target Canada Entities**

**And Re: Target Canada Co. et al. Ongoing CCAA Proceedings,  
Court File No.: CV-15-10832-CL**

Reference is made to your letter addressed to Sedgwick Claims Management Services Canada Inc. dated October 4, 2016 in respect of a potential claim by your client, Kulwinder Rai (the "Claim").

We are counsel to Alvarez & Marsal Canada Inc. (the "Monitor") in its capacity as court-appointed Monitor of Target Canada Co. ("TCC") and its subsidiary and affiliated companies (collectively, the "Target Canada Entities") in their ongoing proceedings under the *Companies' Creditors Arrangement Act* (the "CCAA").

The documents referred to herein are available on the Monitor's website: [www.alvarezandmarsal.com/targetcanada](http://www.alvarezandmarsal.com/targetcanada).

As you may be aware, the Target Canada Entities applied for and were granted protection under the CCAA pursuant to an Initial Order of the Ontario Superior Court of Justice (Commercial List) (the "Court") dated January 15, 2015, as amended and restated on February 11, 2015 (the "Initial Order").

Pursuant to the Initial Order, a broad stay of all proceedings was implemented: (i) staying and suspending all proceedings currently under way; and (ii) prohibiting the commencement of any new proceedings against the Target Canada Entities during the Stay Period. By order of the Court dated September 26, 2016, the stay period was extended to January 20, 2017.

On June 11, 2015, the Court issued an order (as amended from time to time, the “**Claims Procedure Order**”) requiring that all Persons asserting a Claim (as defined in the Claims Procedure Order) against the Target Canada Entities, whether unliquidated, contingent or otherwise, were to file a Proof of Claim with the Monitor by no later than August 31, 2015 (the “**Claims Bar Date**”).

In accordance with the Claims Procedure Order, a claims package was mailed to your client on or about June 16, 2015, however your client failed to file a Proof of Claim prior to the Claims Bar Date.

Please be aware of the following important procedural events that have occurred in the Target Canada Entities’ CCAA proceedings.

First, the Target Canada Entities Joint Amended and Restated Plan of Compromise and Arrangement (the “**Plan**”) was adopted by a unanimous vote of creditors at a duly convened creditors’ meeting held May 25, 2016.

Second, on June 2, 2016, the Court issued the Sanction and Vesting Order, among other things, approving the Plan. In accordance with the Sanction and Vesting Order, the Plan was implemented on June 28, 2016.

Among other things, the Plan provides for broad releases in favour of TCC and the Target Canada Entities and others. These releases are confirmed in the Sanction and Vesting Order, which provides explicitly at paragraph 12:

any claim for which a Proof of Claim has not been filed by the Claims Bar Date in accordance with the Claims Procedure Order, whether or not the holder of such claim has received personal notification of the claims process established by the Claims Procedure Order, shall be and are hereby and forever barred, extinguished and released with prejudice.

Therefore, your client’s claim against the Target Canada Entities, or any of them, is forever barred, extinguished and released, with prejudice.

As set out in the Twenty-Seventh Report of the Monitor dated May 11, 2016, the Monitor is no longer accepting the filing of late claims. By operation of the Plan and the Sanction and Vesting Order, the Monitor no longer has the discretion to do so.

However, please be advised that the Court will hear a motion on November 29, 2016 whereat the Monitor will seek the advice and directions of the Court with respect to the treatment of late-filed claims, at which time counsel to such late claimants will have an opportunity to file evidence and make submissions.

Enclosed herewith, please find the Court's endorsement of October 18, 2016 (the "**October 18 Endorsement**") (along with an unofficial transcription of same) setting out the procedures to be followed with respect to the November 29 motion.

As required by the October 18 Endorsement, the Monitor served and filed its motion record in respect of the November 29 motion on October 31, 2016. The Monitor's motion record is enclosed herewith and is hereby served upon you in accordance with the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194.

Responding materials from late-filing claimants may be served and filed in advance of the November 29 motion.

Should your client wish to seek to advance his or her claim against the Target Canada Entities, or any of them, the November 29 motion is the sole and final opportunity for him or her to do so. Please contact me if you have any questions regarding the foregoing.

Yours truly,

Goodmans LLP



Carlie Fox

CF/krw

Encl.

c: Tracy Sandler, Jeremy Dacks (*Osler Hoskin Harcourt LLP*)  
Jay Carfagnini, Alan Mark, Francy Kussner and Jesse Mighton (*Goodmans LLP*)  
Robin Schwill (*Davies Ward Phillips Vineberg LLP*)

# TAB K

Court File Number: CV-15-10832-00 CL

Superior Court of Justice  
Commercial List

FILE/DIRECTION/ORDER

This is Exhibit "K"  
referred to in the affidavit of  
Beverly Sagert  
made before me on

Nov 17-2016

Target Canada.

Commissioner for taking  
Affidavits in British Columbia  
Plaintiff(s)

AND

Defendant(s)

Case Management ☐ Yes ☐ No by Judge: \_\_\_\_\_

Counsel	Telephone No:	Facsimile No:
J. Dicks for Target Cdn	416 862-4923	
D. Ullmann for Capital Brands. J. Carfagnini J. Moughton	416-596-4289 416-979-2211	

- ☐ Order ☐ Direction for Registrar (No formal order need be taken out)  
☐ Above action transferred to the Commercial List at Toronto (No formal order need be taken out)

- ☐ Adjourned to: \_\_\_\_\_  
☐ Time Table approved (as follows): \_\_\_\_\_

Monitor intends to bring motion for directions  
in respect of a late-filed claim  
of Capital Brands. The materials to be  
filed by the Monitor will also be sent to  
other late-filed claimants who have already  
been advised that their claims have been  
dismissed. This group of claimants will  
have the opportunity to file materials  
and be heard, if so advised.

October 18/2016

Date

[Signature]  
Judge's Signature

☒ Additional Pages 142

Superior Court of Justice  
Commercial List

## FILE/DIRECTION/ORDER

## Judges Endorsment Continued

The Monitor intends to proceed with a Second Distribution in the near future. Monitor has advised that sufficient reserves will be held back to address the ~~later~~ <sup>all</sup> possibility that late filed claims will be allowed. It is acknowledged that there may be an impact on the precast range of distribution. ~~serve ad~~  
Monitor to file its Rept. by Monday October 24<sup>th</sup>, 2016.

Mr. Ullman to file response affidavit by ~~October 24, 2016~~ November 4, 2016.

Hearing scheduled for 3 hours on Tuesday November 29, 2016 commencing at 9.30 a.m.

If parties require further directions to address scheduling they should contact Commercial List Office.



# TAB L

**TAB M**

**TAB N**



This is Exhibit " N "  
referred to in the affidavit of  
Beverly Sagert  
made before me on  
Nov 17-2016  
[Signature]  
Commissioner for taking  
Affidavits in British Columbia

No. Court File No. **CHI-S-S-31879**  
Chilliwack Registry

## IN THE SUPREME COURT OF BRITISH COLUMBIA

Between

KULWINDER KAUR RAI

Plaintiff

And

CC RETAIL HOLDINGS LTD., TARGET CANADA CO.  
doing business as TARGET STORE T3617 and the said  
TARGET CANADA CO., ABC COMPANY, JOHN DOE and JANE DOE

Defendants

### NOTICE OF CIVIL CLAIM

This action has been started by the Plaintiff for the relief set out in Part 2 below.

If you intend to respond to this action, you or your lawyer must

1. file a response to civil claim in Form 2 in the above-named registry of this court within the time for response to civil claim described below, and
2. serve a copy of the filed response to civil claim on the Plaintiff.

If you intend to make a counterclaim, you or your lawyer must

- (a) file a response to civil claim in Form 2 and a counterclaim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim and counterclaim on the plaintiff and on any new parties named in the counterclaim.

JUDGMENT MAY BE PRONOUNCED AGAINST YOU IF YOU FAIL to file the response to civil claim within the time for response to civil claim described below.

### **TIME FOR RESPONSE TO CIVIL CLAIM**

A response to civil claim must be filed and served on the Plaintiff,

- (a) if you were served with a notice of civil claim anywhere in Canada, within 21 days after that service,
- (b) if you were served with the notice of civil claim anywhere in the United States of America, within 35 days after that service,
- (c) if you were served with the notice of civil claim anywhere else, within 49 days after that service, or
- (d) if the time for response to civil claim has been set by order of the court, within that time.

### **CLAIM OF THE PLAINTIFF**

#### **Part 1: STATEMENT OF FACTS**

##### The Parties

1. The Plaintiff has an address for service c/o #300 – 2777 Gladwin Road, Abbotsford, British Columbia, V2T 4V1.
2. The Defendant, CC Retail Holdings Ltd. (the “Defendant CC Retail”), is a company incorporated pursuant to the laws of the Province of British Columbia, and has an address for services at #800 – 885 West Georgia Street, Vancouver, British Columbia, V6C 3H1.
3. The Defendant, Target Canada Co. (the “Defendant Target Canada”), is an extra provincial company incorporated pursuant to the laws of the Province of Nova Scotia, with an address for service in British Columbia located at c/o Ch Corporate Services Ltd., #800 – 1070 Douglas Street, Victoria, British Columbia, V8W 2S8.
4. The Defendants, ABC Company, John Doe and Jane Doe are unknown to the Plaintiff.
5. At all material times the Defendant CC Retail was the registered owner in fee simple of the premises located at 10153 King George Blvd, Surrey, British Columbia, V3T 2W1, upon which Target Store T3617 was situated, and legally described as:

PID: 008-541-159

Lot 130, Block 5N, Plan 38826, Section 27, Range 2,

New Westminster Land District, Except Plan Pt Subdivided by PI 78781  
LMP1398 & PT DEDICATED RD ON PL BCP13931

(the "Premises").

6. At all material times, the Defendants, or any one or more of them, were the occupiers within the meaning of the *Occupier's Liability Act*, R.S.B.C. 1996, c. 337 and the amendments thereto, of the Premises.
7. At all material times, the Defendant Target Canada held the business license for the Premises.
8. At all material times, one or more of the Defendants maintained and controlled the Premises.
9. At all material times, one or more of the Defendants were the occupiers and in physical possession of the Premises and responsible for its maintenance and/or condition.
10. In the alternative, at all material times, one or more of the Defendants were the tenants of the Premises occupying the space and were responsible for the maintenance and condition of the Premises.

The Incident

11. On or about the 11<sup>th</sup> day of December, 2014, under the possession and/or responsibility and control of the Defendants, or one or more of them, the Plaintiff, while an invitee on the Premises and while walking through an aisle, slipped on a wet substance that was on the floor, which caused the Plaintiff to slip and fall to the ground, causing the Plaintiff to sustain serious injuries, loss and expense (the "Incident").

Particulars of the Defendant's Negligence

12. The Plaintiff claims the Incident was caused, or contributed to, by the negligence of the Defendants, particulars of which are as follows:
  - a) failing to take any reasonable care to ensure that the Plaintiff would be reasonably safe in attending the Premises;
  - b) failing to warn or notify the Plaintiff of the hazardous condition of the Premises;
  - c) failing to post any notice or warning of the dangerous condition;
  - d) failing to provide any adequate floor mats;
  - e) failing to take any reasonable precaution for the safety of the Plaintiff and, in particular, failing to have in place an adequate system for monitoring, detection and response to any dangerous condition; and

- f) failing to correct or replace the dangerous condition.

#### The Plaintiff's Injuries

13. As a result of the Incident and the negligence of the Defendants, and each of them, or any one or more of them, the Plaintiff has sustained physical injuries and other loss and damage and in particular has sustained:

- a) musculo-ligamentous injuries;
- b) injury to the back;
- c) injury to the neck;
- d) injury to the head;
- e) concussion;
- f) injury to the right wrist and hand;
- g) injury and tear to the right knee;
- h) injury to the right ankle;
- i) headaches;
- j) sleeplessness;
- k) other injuries as may become known to counsel.

(collectively "the Injuries").

#### General Damages

14. As a result of the Incident and the negligence of the Defendants, and each of them, or any one or more of them, the Plaintiff has sustained injuries, loss and damage, including:

- a) pain and suffering;
- b) loss of enjoyment of life and physical disability, past and prospective.

#### Wage Loss

15. As a further result of the Incident and the negligence of the Defendants, and each of them, or any one or more of them, the Plaintiff has sustained, and continues to sustain:

- a) loss of income, past and prospective;
- b) loss of opportunity to earn income, past and prospective;
- c) loss of income earning capacity, past and prospective.

#### Homemaking Capacity

16. As a further result of the Incident and the negligence of the Defendants, and each of them, or any one or more of them, the Plaintiff has sustained loss of homemaking capacity, past and prospective.

#### Special Damages

17. As a further result of the Incident and the negligence of the Defendants, and each of them, or any one or more of them, the Plaintiff has sustained certain special damages, loss and expense for medical treatment, including but not limited to:
- a) cost of transportation to and from medical treatments; and
  - b) cost of medication and rehabilitation expenses.
18. The Plaintiff continues to undergo medical care and treatment and to sustain loss and expense, particulars of which will be delivered upon request.

#### In Trust Claim

19. As a result of her injuries, the Plaintiff has, and continues to require assistance from friends and family members for which she has a moral obligation to repay. As such, the Plaintiff makes a claim, "In Trust" for those individuals, particulars of which include:
- a) assumption of responsibilities and increased involvement in various aspects of the personal care requirements of the Plaintiff;
  - b) assumption of household responsibilities normally attended to by the Plaintiff; and
  - c) further and other particulars as become known.

#### Health Care Cost Recovery

20. As a result of her Injuries, the Plaintiff has, and will continue, to require "health care services" as defined by Section 1 of the *Health Care Recovery Act*, S.B.C. 2008, c.27. Particulars of the cost and nature of the health care services received will be provided when known.

#### **Part 2: RELIEF SOUGHT**

1. The Plaintiff claims judgment against the Defendants, and each of them, for:
- a) an award for damages for:
    - i. non-pecuniary loss;



- ii. loss of domestic capacity, past and prospective;
  - iii. future care costs;
  - iv. an "In Trust" claim for relatives and others who provided care and assistance to the Plaintiff;
  - v. special damages;
  - vi. past and future care costs including "past cost of health care services" and "future cost of health care services" as defined in the *Health Care Costs Recovery Act*;
- b) interest pursuant to the *Court Order Interest Act*, R.S.B.C. 1996, c. 79;
  - c) costs of this action;
  - d) such further and other relief as to this Honourable Court may seem just.

### **Part 3: LEGAL BASIS**

#### **Duty**

1. The Plaintiff claims the Defendants owed a duty of care to the Plaintiff, which duty was breached by the Defendants.
2. The Plaintiff claims that the injuries were caused solely by the Incident which resulted from the Defendants' negligence and breach of duty of care.
3. The Defendants were in breach of their statutory duty to the Plaintiff pursuant to the *Occupier's Liability Act*, R.S.B.C. 1996, c. 337 and amendments thereto, particulars of which are set out in paragraphs under Part 1: 8(a) through (f) and under Part 3: 1 and 2.

#### The Negligence Act

4. The Plaintiff pleads the provision of the *Negligence Act*, R.S.B.C. 1996, c. 333 and amendments thereto.

Plaintiff's address for service:

Cascade Law Corporation  
 #300 – 2777 Gladwin Road  
 Abbotsford, BC V2T 4V1

Fax number address for service (if any):

(604) 850-8519


Place of trial:

Chilliwack, British Columbia

The address of the registry is:

46085 Yale Road  
Chilliwack, BC V2P 2L8

Dated: November 1, 2016

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Lawyer for the Plaintiff,  
Marco D. Cedrone

Rule 7-1(1) of the Supreme Court Civil Rules states:

(1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,

- (a) prepare a list of documents in Form 22 that lists
  - (i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and
  - (ii) all other documents to which the party intends to refer at trial, and
- (b) serve the list on all parties of record.

## APPENDIX

### Part 1: CONCISE SUMMARY OF NATURE OF CLAIM:

1. A claim for damage in compensation for personal injuries arising from injuries sustained at a department store.

### Part 2: THIS CLAIM ARISES FROM THE FOLLOWING:

*[Check one box below for the case type that best describes this case.]*

A personal injury arising out of:

- ☐ a motor vehicle accident
- ☐ medical malpractice
- ☒ another cause

### Part 3: THIS CLAIM INVOLVES:

*[Check all boxes below that apply to this case]*


- ☐ a class action
- ☐ maritime law
- ☐ Aboriginal law
- ☐ constitutional law
- ☐ conflict of laws
- ☒ none of the above
- ☐ do not know

### Part 4:

*Court Order Interest Act, R.S.B.C., 1996, c. 79*  
*Negligence Act, R.S.B.C. 1996, c. 333*  
*Health Care Costs Recovery Act, S.B.C. 2008, c. 27*  
*Occupier's Liability Act, R.S.B.C. 1996, c. 337*

**TAB O**

number of vendor claims filed in the Claims Process asserted amounts in respect of unliquidated sums, including damages. The process for determining such unliquidated vendor claims may be more involved and may result in the incurring of further professional fees.

This is Exhibit 0  
referred to in the affidavit of  
Beverly Sager  
made before me on  
Nov 17 - 2016  
  
Commissioner for taking  
Affidavits in British Columbia

### Litigation Claims

6.7 The Monitor is aware of five litigation claims or cross-claims for unliquidated damages asserted against the Target Canada Entities in connection with personal injuries alleged to have occurred at or near former Target Canada store locations.<sup>16</sup> The known litigation claims include approximately \$7.5 million in claims or cross-claims asserted against the Target Canada Entities, and one claimant who seeks to pursue a claim against the Target Canada Entities' insurers in the approximate amount of \$1 million (collectively, the "Late Litigation Claims").

6.8 Because these litigation claims are for unliquidated amounts, there is no way of assessing them based on the Target Canada Entities' books and records. The Monitor's efforts in assessing the Late Litigation Claims, should any of them be permitted to file Proofs of Claim, will necessitate the involvement of the Monitor's legal counsel, and the Monitor notes that there is clear potential for delays in assessment given the relative difficulty in assessing such claims.

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<sup>16</sup> One of the known litigation claims relates to the death of a worker which took place at a mall in which a Target store was located, and TCC is a named co-defendant along with the relevant landlord and other parties.

At the time of the Monitor's scheduling attendance before the Court on October 18, 2016, the Monitor was aware of four liquidated claims. Since that time, a fifth claim has come forward, as, on October 24, 2016, the Target Canada Entities received a statement of claim naming TCC as a co-defendant in an action seeking \$5 million in unliquidated damages in respect of a personal injury alleged to have been sustained outside of a former Target store location.

**IN THE MATTER OF THE COMPANIES' CREDITORS ARRANGEMENT ACT, R.S.C. 1985, c. C-36, AS AMENDED  
AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF TARGET CANADA CO., et al**

Court File No. CV-15-10832-00CL

<p><b>ONTARIO</b> <b>SUPERIOR COURT OF JUSTICE</b> <b>COMMERCIAL LIST</b></p> <p>PROCEEDING COMMENCED AT TORONTO</p>	
<p><b>RESPONDING MOTION RECORD</b></p>	
<p><b>CASCADE LAW CORPORATION</b> 2777 Gladwin Road, Suite 300 Abbotsford, BC V2T 4V1</p> <p>By Its Ontario Agents:</p> <p><b>PALLET VALO LLP</b> Lawyers &amp; Trade-Mark Agents 77 City Centre Drive, West Tower Suite 300 Mississauga, ON L5B 1M5</p> <p>ALEX ILCHENKO (LSUC # 33944Q) NEETA SANDHU (LSUC #71049A) Tel: (905) 273-3300 Fax: (905) 273-6920</p> <p>Lawyers for Kulwinder Kaur Rai</p>	