

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

THE HONOURABLE) MONDAY, THE 17th
)
MADAM JUSTICE HOY) DAY OF MAY, 2010

IN THE MATTER OF AN APPLICATION PURSUANT
TO RULE 14.05(2) OF THE ONTARIO RULES OF CIVIL PROCEDURE, R.R.O. 1990,
Reg. 194 AND SECTION 35 OF THE PARTNERSHIPS ACT, R.S.O. 1990, c. P.5

IN THE MATTER OF AN APPLICATION PURSUANT TO
SECTION 101 OF THE COURTS OF JUSTICE ACT, R.R.O. 1990, c. C. 43

BETWEEN:

JAMES HAGGERTY HARRIS

Applicant

- and -

**BELMONT DYNAMIC GROWTH FUND,
an Ontario limited partnership**

Respondent

CLAIMS DETERMINATION ORDER

THIS MOTION, made by the Receiver of Belmont Dynamic Growth Fund, for an order approving the procedures described in the Second Report of the Receiver, was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Notice of Motion, the Second Report of the Receiver, the Supplement to the Second Report, and on hearing the submissions of counsel for the Receiver, Harcourt Investment Consulting AG and Peter Fanconi, National Bank of Canada and National Bank of Canada (Global) Limited c/o National Bank of Canada, and Omniscope Advisors Inc. and the Applicant, and on being advised that



notice has been provided to the Service List and any Person who has filed a Proof of Claim in accordance with the Claims Procedure:

DEFINITIONS

1. **THIS COURT ORDERS** that capitalized terms not otherwise defined in this Order shall have the meanings ascribed to them in the Claims Procedure Order of the Honourable Madam Justice Hoy dated October 21, 2009.

DETERMINATION OF DISPUTED CLAIMS

2. **THIS COURT ORDERS** that the Receiver is authorized to seek the Court's assistance in determining any jurisdictional issues and claims disputed pursuant to a Notice of Dispute ("**Disputed Claims**").

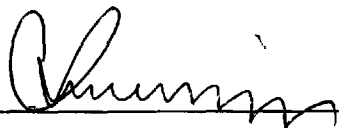
3. **THIS COURT ORDERS** that, subject to further Order of the Court, the Receiver is authorized and directed to determine, together with the Claimant in respect of the Disputed Claim, the procedure for adjudication of the Disputed Claim, including the manner in which evidence may be brought before the Court, the scheduling, length and conduct of any hearing and any other procedural matters which may arise in respect of the determination of any Disputed Claim. The Receiver or Claimant may seek the direction and advice of the Court in respect of such matters.

PRE-HEARING PROCEDURES

4. **THIS COURT ORDERS** that the Receiver shall serve a Notice of Motion in respect of each Disputed Claim, seeking the Court's determination of the Disputed Claim on a date as agreed or determined under paragraph 3 hereof. The Notice of Motion, together with a copy of the Proof of Claim, the Notice of Revision or Disallowance and Notice of Dispute shall be served on the Service List and any Person who has filed a Proof of Claim in accordance with the Claims Procedure.

5. **THIS COURT ORDERS** that in respect of any other individual or party who has been asked by the Receiver or the Claimant to participate as a potential witness at a hearing of a Disputed claim, the Receiver is authorized to disclose such additional information to such individual or party as may be required to assist with their participation in the hearing of the Disputed claim. The Receiver is not obligated to provide further disclosure in respect of the Disputed Claim, other than to the Claimant in issue and the Court, without further Order of this Court.

6. **THIS COURT ORDERS** that any party seeking to participate in the hearing of the Disputed Claim, other than those parties invited to participate by the Receiver or Claimant, or any party seeking pre-hearing disclosure other than the claim Material referred to in paragraph 4 above, shall seek the consent of the Receiver and Claimant, and in the absence of the consent of either the Receiver or the Claimant, may apply for a Court Order.



Christina Irwin
Registrar, Superior Court of Justice

ENTERED AT / INSCRIT A TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO.:

MAY 18 2010

PER / PAR: 

JAMES HAGGERTY HARRIS
Applicant

and

BELMONT DYNAMIC GROWTH
FUND, an Ontario limited partnership
Respondent

Court File No: 09-8302-00CL

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

Proceeding commenced at Toronto

ORDER

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