

ONTARIO
SUPERIOR COURT OF JUSTICE BANKRUPTCY COURT
SPECIAL APPOINTMENT SCHEDULING FORM

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

IN THE MATTER OF MAPLE BANK GMBH

AND IN THE MATTER OF THE BANK ACT, S.C. 1991, c. B. 46,
AS AMENDED

AND IN THE MATTER OF THE WINDING-UP AND
RESTRUCTURING ACT, R.S.C. 1985, c. W.-11, AS AMENDED

BETWEEN:

THE ATTORNEY GENERAL OF CANADA

Applicant

and

MAPLE BANK GMBH

Respondent

DATE MOTION FILED: _____

**PLEASE NOTE: THIS FORM MUST BE COMPLETED AND RETURNED TO THE
BANKRUPTCY COURT OFFICE PRIOR TO A SPECIAL APPOINTMENT BEING
SCHEDULED.**

The purpose of this form is to provide the Registrars in Bankruptcy with information to Assess the readiness of the case for hearing, estimate the probable length of the hearing, and to establish a fixed hearing date.

The Moving Party is expected to attempt to consult with all concerned parties and to seek their assistance with the information to be provided.

Please provide a Brief factual overview and nature of relief sought:

Reviewing accounts of KPMG and BLG, the appointment is to discuss the procedure and timing for a motion to approve the accounts of KPMG and BLG.

Party	Name	Telephone	Fax No.	email
Liquidator	KPMG	416.777.3768		nbrearton@kpmg.ca
Lawyer for Liquidator	Alex MacFarlane	416.367.6305	416 367 6749	AMacfarlane@blg.com
Bankrupt	MAPLE BANK GmbH			
Lawyer for Bankrupt	N/A			
OSB	N/A			
Other (Specify)				

1. Parties' current **best estimate in minutes for complete hearing of matter** 30 mins for KPMG and BLG

2. **Percentage estimate of resolution by parties prior to hearing** _____

3. Case type:

Bankrupt's discharge application []

Motion []

Specify relief sought/type of motion: X

Taxation of Statement of Receipts and Disbursements []

Reviewing accounts of KPMG and BLG

Taxation of Legal Bill(s) []
Trustee's Discharge Application []
Other: []

- 4. Is any party self represented? YES NO
5. Is a translator required? YES NO
6. Is oral testimony of any nature required? YES NO

Language _____

7. If the long hearing relates to a motion:

Have all motion materials been prepared? YES NO
If not, when will the materials be served? YES NO
Are cross examinations expected? YES NO
Have all undertakings and/or refusals been answered? YES NO

By what date will examinations be completed? _____

Are any interlocutory motions required? YES NO
If so, have they been booked? YES NO

Please specify date: _____

Will factums be required? YES NO
If so, have they been exchanged? YES NO

If not, please specify date of anticipated exchange: _____

8. Are any pre-hearing examinations required? YES NO

If so, please specify the date agreed upon and booked: _____

Are transcripts available? YES NO

If not, please specify when transcripts will be available: _____

9. IF Oral Examinations before the Registrar are anticipated please complete the following table:

Table with 6 columns: Witness name, Party calling witness, Length of direct examination, Length of cross examination, Length of re-direct, Total length. Contains 6 empty rows.

I HEREBY CERTIFY THAT ON BEHALF OF THE MOVING PARTY I HAVE ACCURATELY ANSWERED ALL OF THE QUESTIONS AND THAT I HAVE CONSULTED WITH ALL OTHER LAWYERS/PARTIES FOR THE PURPOSE OF COMPLETING THIS FORM.

Date: November 16, 2023

[Handwritten signature]

Signature: _____

Print Name: Alex MacFarlane

FOR COURT USE ONLY:

ENDORSEMENT:

Date: _____

Registrar _____

December 14, 2023

Alexander L. MacFarlane and Adriana Gasparini (Law Clerk) for BLG, counsel to KPMG Inc. ("**BLG**")

Nicholas Brearton LIT and George Bourikas LIT for KPMG Inc. Liquidator and Data Custodian (the "**Liquidator**") for Maple Bank BmbH ("**MBTOR**")

In order to implement the terms of the Order of Chief Justice Morawetz dated August 26, 2021 appointing me as Independent Costs Counsel to the Court for the MBTOR Liquidation proceedings, in my Judicial capacity, rather than my prior position as independent costs counsel while I was a "counsel", from discussion with the Liquidator and its counsel, the best solution would be the implementation of the following schedule:

- 1) Both the Liquidator and BLG are to file by February 28th, 2024 in accordance with prior practice with the Commercial Court/and or Bankruptcy Court and in Caselines conventional fee affidavits in the usual procedure for Commercial Court practice in "Receivership" matters, and in the usual format, containing their accounts for the period from the end of the appointment of Jonathan Wigley as Independent Cost Counsel, and as were reviewed in the 1st and 2nd Independent Cost Counsel Reports produced by him. This will produce the required evidence that I can review and make findings of fact on the fees submitted for review in a Judicial capacity in order to implement my role as ICC, in a judicial capacity.
- 2) I will review the Fee Affidavits provided and provide BLG and the Liquidator with guidance as to whether any further evidence is required.
- 3) If no further evidence is required I will schedule a hearing date in April, 2024 to answer any questions I may have and for BLG and the Liquidator to make submissions, when I have determined my April schedule, and in consultation with the Liquidator and its counsel.
- 4) Facta will only be required to be delivered to me 5 days prior to the hearing date so set.



ASSOCIATE JUSTICE ILCHENKO

April 25th, 2024

Alexander L. MacFarlane and Nick Hollard for BLG, counsel to KPMG Inc. ("BLG")

Nicholas Brearton LIT for KPMG Inc. Liquidator and Data Custodian (the "Liquidator") for Maple Bank BmbH ("MBTOR")

Maria Konyukhova for GIA

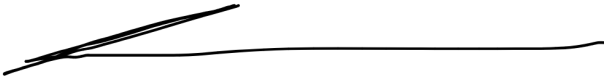
The 16th Report and the appended exhibits, and the Factum of the Liquidator are excellent and have the required backup documentation and jurisprudence.

It would assist the Court if the 16th Report, the Factum and the Affidavits of Nicholas Brearton and Bevan Brooksbank (all without exhibits) be sent to the Court in Word format to the Bankruptcy Court Office by email to my attention.

It would also be helpful if the Liquidator provide a realization analysis of the realization in this Fee Period against the prior fee period, and the total fees and disbursements in both periods with fees expressed as a % of realization in each period, and also over the total life of the Liquidation.

If a "statement of receipts and disbursements" type of document has been prepared as a preliminary to future court hearings, for this Fee Period, that would also be helpful to assist in setting the context over the last 6 years for the activity.

If the Liquidator could provide this to me through the Bankruptcy Court Office by email by June 14th, 2024 that would also be helpful.



ASSOCIATE JUSTICE ILCHENKO