

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



THE HONOURABLE REGIONAL
SENIOR JUSTICE MORAWETZ

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FRIDAY, THE 10th
DAY OF MARCH, 2017

IN THE MATTER OF MAPLE BANK GmbH

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

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

BETWEEN:

ATTORNEY GENERAL OF CANADA

Applicant

and

MAPLE BANK GmbH

Respondent

EXECUTIVE EMPLOYEE CLAIM ORDER OF PROCEEDINGS

1. Preliminary Steps

- (a) KPMG INC. in its capacity as court appointed Liquidator of the business in Canada of Maple Bank GmbH and its assets as defined under section 618 of the Bank Act (the “Liquidator”) shall issue Notices of Disallowance to Paul Lishman, Donald Scott, Renat Khouznoutdinov, Cyrus Sukhia and Jeff Campbell (collectively the “Executive Employees”);

- (b) The Executive Employees shall prepare and serve the Liquidator and the German court appointed Insolvency Administrator (the "GIA") with Dispute Notices in accordance with the existing response timeframe;


2. Management of the Claims Process

- (a) ~~This Court shall appoint of a single judge to deal with all outstanding issues relating to the claims Executive Employees, including the GIA objection dated December 28, 2016 (the "GIA Objection") and all preliminary and procedural matters;~~

3. Disposition of Claims

- (a) The Proof of Claim, Notice of Disallowance and the Dispute Notice shall form the pleadings;
- (b) The Executive Employees shall deliver affidavits and supporting documents, setting out evidence relied upon;
- (c) The Liquidator and the GIA will have three weeks to provide affidavits, if any, in response;
- (d) The Executive Employees will have two weeks to provide reply affidavits, if any;
- (e) Cross examinations will be limited to a half day per party and will take place within 30 days of the delivery of reply affidavits;
- (f) Process for resolving undertakings and refusals arising from the cross-examination to be determined;
- (g) Within two weeks of the completion of cross examinations, there will be a case management conference with assigned judge to determine process for disposition of claims (the "Disposition of Claims Process"), including the number of days for any trial of any issues; and

4. Determination of the GIA Objection

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(a) There is an issue as to the timing for addressing the GIA Objection. The Executive Employees propose that the GIA objection be dealt before the Disposition of Claims Process, and the GIA proposes that it be addressed after the Disposition of Claims Process. The Liquidator prefers that the GIA objection be dealt with after the Disposition of Claims process.

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LE / DANS LE REGISTRE NO:

MAR 10 2017

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ATTORNEY GENERAL OF CANADA – Applicant

- and -

MAPLE BANK GmbH, – Respondent

ONTARIO

**SUPERIOR COURT OF JUSTICE
[COMMERCIAL LIST]**

(PROCEEDING COMMENCED AT TORONTO, ONTARIO)

ORDER

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Liquidator of the business in Canada of Maple Bank GmbH and its
assets as defined in section 618 of the *Bank Act*.