

November 14, 2011

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Delivered Via Courier

The Registrar
Ontario Superior Court of Justice
393 University Avenue
Toronto, Ontario M5G 1E6

Dear Sir/Madam:

Re: Keith Carruthers, et al v. David J. McCallen, et al
Court File No.: CV-09-00388836-0000
Our File No.: 09/0776

We are counsel for the Plaintiffs in the above referenced action. We confirm receipt of the Notice that Action will be Dismissed dated October 11, 2011.

Attached please find:

- (a) the Amended Amended and Restated Initial CCAA Order of May 12, 2009 of the Honourable Mr. Justice Morawetz;
- (b) the July 30, 2009 Claims Order of the Honourable Mr. Justice Morawetz; and
- (c) the September 26, 2011 stay extension Order of the Honourable Mr. Justice Newbould extending the stay to January 13, 2012.

Further to the above Orders, in particular paragraphs 15 and 20 of the Amended Amended and Restated Initial Order, this action is stayed. Pursuant to the September 26, 2011 Order, the stay is currently in effect until January 13, 2012. We expect that a request will be made by the monitor to further extend the stay prior to January 13, 2012.

Accordingly, lawsuit CV-09-00388836-00 is currently stayed and should not be dismissed.

If you have any questions, please do not hesitate to contact the writer.

Yours truly,

KOSKIE MINSKY LLP



Demetrios Yiokaris

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Enclosures

c Ashley Taylor - Stikeman Elliott LLP
Edmond F.B. Lamek - Fasken Martineau Dumoulin LLP
Andrew Hatnay – Koskie Minsky LLP

(via Facsimile – w/o enclosure)

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