

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF
TIMMINCO LIMITED AND BÉCANCOUR SILICON INC.

May 17/12

R.B. Schwill for J.T. Timmins
A.J. Taylor & K. Esau for Applicant
S. Weisz for Trustee
L.J. Cassey for Q1
A. Kaufman for EQ
J. Harnan for Trustee

May 18, 2012

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

Proceeding Commenced at Toronto

**MOTION RECORD
OF THE RESPONDING PARTY, J. THOMAS
TIMMINS**

(Returnable May 18, 2012)

I have not been persuaded that the requested relief is necessary in the circumstances. In my view a complete response has been provided by the Trustee in accordance with the May 17, 2012 draft to Mr. Schwill.

In addition as submitted by Mr. Kaufman - the claim of Mr. Timmins is an unsecured

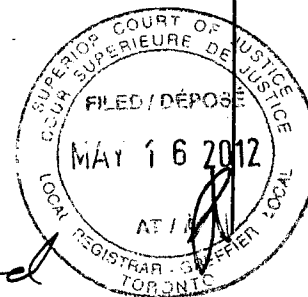
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claim - (which may or may not be
post-filing - my words) and such
a claim is as against Timmins - not
BSI. The proceeds from the F.A.
Report are in respect of BSI not
Timmins. The Schull submits that
fairness requires that the ~~money~~ \$125,000
be set aside ^{on the basis of} ~~from~~ the F.A. Report.

In my view - this is not fair.

The ~~date~~ date of Mr. Timmins is
scheduled for June 4, 2012. The
~~date of the~~ The ASI ~~transacts~~,
transacts, if approved, may close
around the same time. If closed
it will give rise to sale proceeds
which Mr. Casey has acknowledged
would be subject to a court process
addressing priorities. In essence,
this is the same position put forward
by the Trustee. In my view,
Mr. Timmins does not require ~~the~~

additional protection at this time.
~~Mr. Schmitt~~ ~~Mr. Schmitt~~ ~~Mr. Schmitt~~

In the result, the Töter is
dismissed with the promise that
Mr. Schmitt is free to raise
this issue again ^{at the} ~~re~~ Jul 4, 2012
hearing

 J. D. Brown J.