

Ms. KONYUKHOVA,

Please forward this endorsement
to all counsel.
Signed order can be picked
up from CLO. on the 7th floor
after 1:00PM. THSR: Neville

Fax

MR. ASHLEY TAYLOR
TO Ms. MARIA KONYUKHOVA

NEVILLE

✓ 416-947-0866 Pages 4 including cover.

Phone 869-5236/30 Date MARCH 12, 2012

Re: TIMMINCO LTD. CC.

CV-12-9539-00CL

Urgent For Review Please Comment Please Reply Please Recycle

March 9/12

March 9, 2012

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

Proceeding commenced at Toronto

MOTION RECORD
(RETURNABLE MARCH 9, 2012)

A. Taylor M. Konyukhova for Applicant

D. Birk for Q31

M. Lockhart for Walker Canada.

D. Wray for ~~CEP~~ CEP

L. Rogers for ~~CEP~~ FTI, Toronto

C. Sinclair for USW

{ A. Kaufman for IQ

{ C. Phoenix

M. Bailey for Department of Financial Services

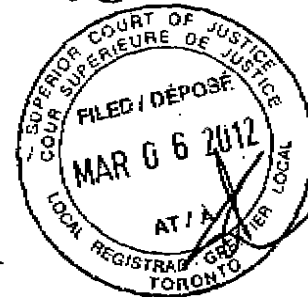
A. Murray for Mercedes - Adm of Timminco Hely
Pension Plan

K. N'Eleon for Dow Corning

K. Peters for ATG Advanced

The motion was not opposed.

I am satisfied that it is appropriate
to postpone the ~~fact~~ fact during the
stay period. The basis for the
request is set out in the
facts and the legal basis
for authorizing the postponement



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is set out at 22-25 of the facts

With respect to the request to approve

the Stalling these Bid Process

I am satisfied that it is appropriate
in these instances, to approve the request.

In doing so, however, it is noted that counsel
to CEP has noted, for the record,

that CEP does have concerns about

the process and specifically has reserved

its rights to challenge certain provisions

specifically 2.5 (a) which addresses

Excluded Whistleblowers and in particular certain

claim related to employees and

providers. Counsel to CEP raised

the issues as to the legality of the

provision and whether it was contrary

to law. Counsel also references

section 9.14 - Severability. In addition

counsel made reference to s 32 + 33

of the CCA and certain provisions of

s 45 of the Quebec Labour Code.

The position of CEP is noted. It

is recognized that these points

may be raised on a future

note.

Having reviewed the record & being satisfied,
I am satisfied that it is appropriate
to approve the settling work
agreed and the bidding procedure.

Although the time line is short, the
Applicant is of the view that
it will lead to a reasonable
outcome. The Minister is of the view
that the bidding procedures are reasonable
and appropriate in the circumstances.

I am also satisfied that the
project cost part of the Expense
Reimbursement is the amount of \$500,000
is reasonable in the circumstances
and it is approved. The DIO

Amount is also approved. Ancillary
relief is also appropriate.

The note is quoted and in

order to be signed in the

form presented?

[Signature]