

27 May 2009  
Court File No: 09-CL-7934

BANK OF MONTREAL and CPI PLASTICS GROUP LIMITED, et al  
Applicant and Respondents

May 27/09

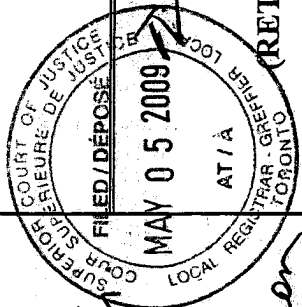
V. Gauthier for Receiver  
C. McLeod for Cognat Holdings Pty.  
A. Whitley for BMO.

Ms. Gauthier admits that Manulife has  
advised that it is not opposing this motion.  
Order to go in the form attached.  
The Receiver is to hold funds totalling  
at least \$1,000 pending a determination  
by Cognat Holdings Pty. limited as to  
whether they wish to pursue their claim on a  
basis other than by way of a claim under  
section 28 of the Personal Property Security Act.

I have concluded that no such claim  
under the Personal Property Security Act can  
be established on the basis of the record  
before the Court as it is not possible to  
identify the goods, if they even exist, or the  
location of the Chinese manufacturer nor is it  
possible to establish that either (1) the debtor  
acquired such goods or (2) the debtor received  
the funds from the Chinese manufacturer. P 70

ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)

Proceeding commenced at Toronto



MOTION RECORD  
RETURNABLE MAY 27, 2009

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Lawyers for Deloitte & Touche Inc., in its  
capacity as interim receiver and receiver and  
manager of Respondents

Thegrah Holdings Pty. limited is to advise the Receiver by June 5/09 ~~whether~~ it intends to pursue a claim in respect of the monies paid to the debtor by way of constructive trust or otherwise, failing which the Receiver shall be entitled to distribute such funds to BMO pursuant to this order.

W. S. Siebel