

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTRÉAL

SUPERIOR COURT

Commercial Division

(Sitting as a court designated pursuant to the
Companies Creditors' Arrangement Act, R.S.C.
1985, c. C-36)

No: 500-11-038484-107

**IN THE MATTER OF THE PLAN OF
COMPROMISE OR ARRANGEMENT OF:**

DAVIE YARDS INC.

Petitioner

- and -

**SAMSON BÉLAIR/DELOITTE & TOUCHE
INC.**

Monitor

**PETITIONER'S MOTION TO REFER THE FILE
TO THE SUPERIOR COURT OF THE DISTRICT OF QUÉBEC**

(Art. 9 of the Companies Creditors' Arrangement Act)

**TO THE HONOURABLE JUSTICE MARTIN CASTONGUAY, THE PETITIONER
RESPECTFULLY SUBMITS THE FOLLOWING:**

1. On February 25, 2010, this Honourable Court issued an initial order pursuant to Article 11 of the *Companies Creditors' Arrangement Act*, the whole as more fully appears from the Court record.
2. On March 8, 2010, this Honourable Court issued its reasons (the "**Reasons**") for the judgement issuing the initial order (the *Motifs du jugement accueillant la requête en vue de l'émission d'une ordonnance initiale*).
3. In view of the Reasons, Petitioner is therefore respectfully requesting that the present file be referred to the Superior Court of the district of Québec.
4. This Motion is well-founded in fact and in law.

WHEREFORE, MAY IT PLEASE THIS HONOURABLE COURT TO:

GRANT the present Motion;

REFER the present file to the Superior Court of the district of Québec;

THE WHOLE without costs.

MONTRÉAL, March 10, 2010

(SGD) Osler, Hoskin & Harcourt LLP

OSLER, HOSKIN & HARCOURT, LLP
Attorneys for Petitioner

TRUE COPY

Osler, Hoskin & Harcourt LLP
Osler, Hoskin & Harcourt LLP

NOTICE OF PRESENTATION

- TO: INVESTISSEMENT QUÉBEC**
393 rue Saint-Jacques, Suite 500
Montréal, QC H2Y 1N9
Attention: Me Pierre Lafrenière
email: pierre.lafreniere@invest-quebec.ca
- TO: SAMSON BÉLAIR/DELOITTE TOUCHE INC.** **Court-Appointed Monitor**
1 Place Ville Marie, Suite 3000
Montréal, QC H3B 5K1
Attention: Mr. Pierre Laporte
Mr. Jean-François Nadon
email: pilaporte@deloitte.ca
jnadon@deloitte.ca
- TO: MCCARTHY TÉTRAULT LLP** **Counsel to Monitor**
1000 De La Gauchetière Street West, Suite 2500
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Attention: Me Mason Poplaw
Me Miguel Bourbonnais
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mbourbonnais@mccarthy.ca
- TO: BORDEN LADNER GERVAIS LLP** **Counsel to Ocean Hotels PLC**
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Attention: Me Mathieu Lévesque
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- TO: LANGLOIS KRONSTROM DESJARDINS LLP** **Counsels to Export Development Canada**
801 Grande Allée West, Suite 300
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Attention: Me Alain Robitaille
Me Gerald N. Apostolatos
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TAKE NOTICE that the attached Motion to Refer the File to the Superior Court of the District of Québec will be presented for hearing and allowance before Justice Martin Castonguay, in a room to be determined at 2:15 p.m. at the Montreal Courthouse, located at 1 Notre-Dame Street East, Montreal, Quebec, on March 15, 2010, or at such other time as this Honourable Court may deem appropriate.

MONTRÉAL, March 10, 2010

(SGD) Osler, Hoskin & Harcourt LLP

OSLER, HOSKIN & HARCOURT, LLP
Attorneys for Petitioner

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No: 500-11-038484-107

S U P E R I O R C O U R T

Commercial Division
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

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COMPROMISE OR ARRANGEMENT OF:**

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**PETITIONER'S MOTION TO REFER THE FILE
TO THE SUPERIOR COURT OF THE DISTRICT
OF QUÉBEC**

**(Section 9 of the *Companies' Creditors Arrangement
Act*)**

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