

TAB 4

Court File No. CV- 09-8156-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
[COMMERCIAL LIST]**

IN THE MATTER OF AN APPLICATION UNDER SECTION
47(1) OF THE *BANKRUPTCY AND INSOLVENCY ACT*, R.S.C. 1985,
c. B-3, AS AMENDED, AND SECTION 101 OF THE
COURTS OF JUSTICE ACT, R.S.O. 1990, c. C-43, AS AMENDED

BETWEEN:

**DESJARDINS FINANCIAL SECURITY LIFE
ASSURANCE COMPANY**

Applicant

- and -

CRAIGLEE NURSING HOME LIMITED

Respondent

AFFIDAVIT OF WILLIAM ANDERSON

I, William Anderson, of the City of Toronto, in the Province of Ontario, **MAKE OATH
AND SAY AS FOLLOWS:**

1. I am a partner with Blaney McMurtry LLP ("**Blaneys**"), counsel for the Applicant, Desjardins Financial Security Life Assurance Company ("**Desjardins**"). As such, I have knowledge of the matters hereinafter deposed to except where stated to be on information and belief, and where so stated I verily believe it to be true.

2. Pursuant to an Order of the Honourable Mr. Justice Campbell dated April 28, 2009, Deloitte & Touche Inc. was appointed as Interim Receiver and Receiver and Manager of Craiglee Nursing Limited (“**Craiglee**”). Blaneys has provided services and incurred disbursements in relation to the receivership of Craiglee (the “**Receivership**”) for the period from October 1, 2011 to and including October 31, 2012 as described in the Legal Costs Summary attached hereto and marked as **Exhibit “A”**, and the detailed accounts rendered by Blaneys, all of which are attached hereto and marked as **Exhibits “B”** to “**M**” (the “**Blaneys Accounts**”).
3. Exhibits “B” to “M”, inclusive, to this affidavit are copies of the accounts rendered by Blaneys to Desjardins for legal fees and disbursements dated October 31, November 30, 2011 and January 31, March 7, March 31, April 30, May 31, August 31, September 30, and October 31, 2012.
4. Based on my review of the Blaneys Accounts and my personal knowledge of this matter, the Blaneys Accounts represent a fair and accurate description of the services provided and the amounts charged by Blaneys.
5. A total of approximately 235 hours were expended by Eric Golden, William Anderson, Chris McClelland, Shawn Wolfson, Chad Kopach, Grace Kim, John Papadakis, Mona Taylor, and various law clerks and students during the period noted above in performing legal services relating to the Receivership.
6. I verily believe that the hourly billing rates, outlined in detail in the Blaneys Accounts, are in the range of normal average hourly rates charged by legal counsel for services

rendered in relation to engagements similar to Blaneys' engagement as counsel for Desjardins.

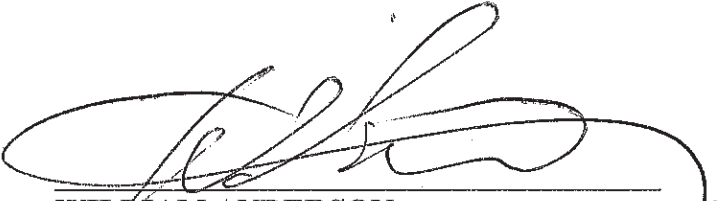
7. I swear this Affidavit in support of a motion for, among other things, approval of Blaneys' fees and disbursements and for no other or improper purpose.

SWORN BEFORE ME at
the City of Toronto,
in the Province of Ontario,
this 14th day of December, 2012



A Commissioner for Taking Affidavits

Alicia Christine Jones, a Commissioner, etc.,
Province of Ontario, for Blaney McMurtry LLP,
Barristers and Solicitors.
Expires November 9, 2015.

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WILLIAM ANDERSON

TAB A

This is **Exhibit "A"** referred to
in the Affidavit of William Anderson
sworn before me, this
14th day of December, 2012



A Commissioner, etc.

Alicia Christine Jones, a Commissioner, etc.,
Province of Ontario, for Blaney McMurtry LLP,
Barristers and Solicitors.
Expires November 9, 2015.

LEGAL COSTS SUMMARY

LAWYER	YEAR OF CALL	HOURLY RATE (up to and including January 31, 2012)	HOURLY RATE (as of February 1, 2012)
William Anderson	1991	\$525.00	\$525.00
Eric Golden	1996	\$395.00	\$425.00
Christopher McClelland	2008	\$250.00	\$300.00
Shawn Wolfson	2002	\$395.00	\$430.00
Chad Kopach	2003	\$325.00	\$325.00
Grace Kim	2008	\$275.00	\$320.00
John Papadakis	1994	\$500.00	\$500.00
Daniel Nyman	Student	\$160.00	\$165.00
Marvin Crotin	Corporate Clerk	\$190.00	\$190.00

SUMMARY OF ACCOUNTS

No.	Date of Account	Fees	Disbursements	H.S.T.	Total
1.	October 31, 2011	\$2,764.00	\$12.72	\$360.97	\$3,137.69
2.	November 30, 2011	\$24,990.50	\$3,131.19	\$3,636.97	\$31,758.66
3.	January 31, 2012	\$8,351.00	\$44.16	\$1,091.37	\$9,486.53
4.	March 7, 2012	\$3,806.50	\$2.50	\$495.17	\$4,304.17
5.	March 31, 2012	\$30,211.50	\$330.50	\$3,970.46	\$34,512.46
6.	April 30, 2012	\$5,232.50	\$1.05	\$680.36	\$5,913.91
7.	May 31, 2012	\$1,850.00	\$73.10	\$250.00	\$2,173.10
8.	August 31, 2012	\$7,855.00	\$6.00	\$1,021.93	\$8,882.93
9.	September 30, 2012	\$420.00	\$182.80	\$78.36	\$681.16

No.	Date of Account	Fees	Disbursements	H.S.T.	Total
10.	October 31, 2012	\$12,487.50	\$59.29	\$1,631.08	\$14,177.87
TOTAL		\$115,028.52			
Average Hourly Rate - (before H.S.T.)		Total fees (before H.S.T.): \$97,968.50 ÷ Total hours: 235 = \$416.89			