

SUPERIOR COURT
(Commercial Division)

C A N A D A
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

Court No: 500-11-041305-117

Date: November 7, 2011

Present: THE HONOURABLE LOUIS J. GOUIN, J.S.C.

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

HOMBURG INVEST INC. ET AL.

Debtors or Mises-en-cause

-and-

CADILLAC FAIRVIEW CORPORATION LIMITED

STATOIL CANADA LTD.

BOS SOLUTIONS LTD.

CANADIAN TUBULAR SERVICES INC.

KEYWEST PROJECTS LTD.

MHI FUND MANAGEMENT INC.

SPT GROUP CANADA LTD.

PREMIER PETROLEUM CORP.

TUCKER WIRELINE SERVICES CANADA INC.

SURGE ENERGY INC.

MOE HANNAH MCNEILL LLP

LOGAN COMPLETION SYSTEMS INC.

and

CE FRANKLIN LTD.

Mises-en-cause

-and-

SAMSON BÉLAIR/DELOITTE & TOUCHE INC.

Monitor

CASE MANAGEMENT ORDER #5

[1] The Court is seized with a "*Motion for an Order Confirming the Re-Assignment and Assignment of certain Agreements and the Release of HII's Obligations under these*

Agreements" (the "**Motion on Re-Assignment**") presented by the debtor Homburg Invest Inc. ("**HII**") and involving the various mises-en-cause;

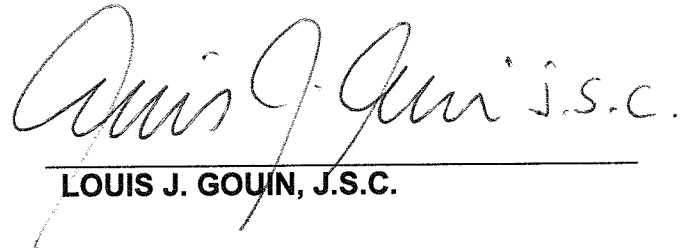
- [2] The mise-en-cause Statoil Canada Ltd. ("**Statoil**") has requested that the hearing (the "**Hearing**") of the Motion on Re-Assignment be postponed (the "**Postponement**") to a later date in order to advance its defence, including debating preliminary objections based on the legal standing of HII and on the Court's jurisdiction (the "**Preliminary Objections**"), filing expert reports and proceeding with certain examinations;
- [3] While the Court is mindful of giving Statoil reasonable time to prepare the Preliminary Objections and its defence, it is also concerned about the "uncertainty" resulting from the present litigation related to lease and sub-lease agreements of premises located at Canoxy Place, in Calgary, and the impact on the various mises-en-cause, including on the ongoing restructuring of HII; more than ever, time is of the essence;
- [4] Therefore, the Court has refused the Postponement and has requested the parties to start the Hearing at 2:15 pm today, with the understanding that the continuation and completion thereof will be on November 18, 2011, thereby giving the parties additional time to finalize their preparation, the whole subject to and under reserve of the Preliminary Objections that will then also be debated;
- [5] In these circumstances, the Court has requested the parties to agree on a tied timetable to complete the Hearing on November 18, 2011, the whole to be confirmed by the Court;

THEREFORE, THE COURT:

- [6] **DECLARES** that the parties shall continue and complete the Hearing on November 18, 2011, at 9:15 am;
- [7] **REQUESTS** the parties to respect the following timetable :

Steps	Dates
Notice from Statoil to Cadillac Fairview Corporation Limited (" CF ") if it requests to examine a representative of CF, with travelling costs to be paid by Statoil	November 8, 2011, before 2:00 pm
Cross-examination of James Miles by Statoil	November 9, 2011
If requested, examination of a representative of CF by Statoil	November 10, 2011
Filing by Statoil of its written contestation, including Preliminary Objections, expert reports and other related matters	November 11, 2011
Examination of Statoil's representative by other parties	November 15, 2011
Filing of any rebuttal expert reports by any other parties	November 16, 2011
Continuation and completion of the Hearing, with no witness but the Monitor	November 18, 2011

- [8] **REQUESTS** the parties to make all reasonable efforts to settle, as diligently as possible, any other issues they may have;
- [9] **THE WHOLE** without costs.



LOUIS J. GOUIN, J.S.C.

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