

**SUPERIOR COURT**  
(Commercial Division)

**CANADA**  
**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 Hill'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*;

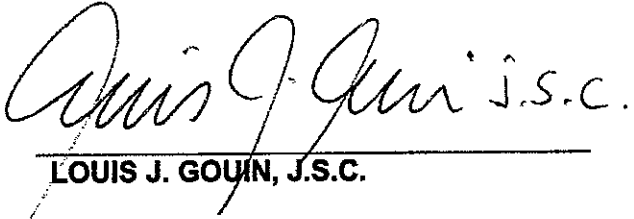
- [2] The *mise-en-cause* Statoil Canada Ltd. ("**Statoil**") has requested that the hearing (the "**Hearing**") of the Motion on Re-Assignment be postponed (the "**Postponement**") to a later date in order to advance its defence, including debating preliminary objections based on the legal standing 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 :

<b>Steps</b>	<b>Dates</b>
Notice from Statoil to Cadillac Fairview Corporation Limited (" <b>CF</b> ") 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.**

Me Martin Desrosiers  
OSLER, HOSKIN & HARCOURT LLP  
Counsel to the Debtor Homburg Invest Inc.

Me Jocelyn Perreault  
MCCARTHY TÉTRAULT LLP  
Counsel for the Monitor

Me Mark E. Meland  
FISHMAN FLANZ MELAND PAQUIN LLP  
Counsel to the Mise-en-cause Cadillac Fairview Corporation Limited

Me Gerry Apostolatos  
LANGLOIS KRONSTRÖM DESJARDINS LLP  
Counsel to the Mise-en-cause Statoil Canada Ltd.

N° : 500-11-041305-117

Superior Court (Commercial Division)  
District of Montreal

**IN THE MATTER OF THE PLAN OF  
COMPROMISE OR ARRANGEMENT OF:  
HOMBURG INVEST INC.,**

Debtor / Petitioner

-and-

**THE ENTITIES LISTED IN ANNEX I AS  
DEBTORS AND MISES-EN-CAUSE**

Debtors

-and-

**STATOIL CANADA LTD. et als.,**

Mises-en-cause

-and-

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

Monitor

**EXHIBIT D-3**

**Case Management Order #5  
dated November 7, 2011**

**ORIGINAL**

Langlois Kronström Desjardins LLP  
Lawyers  
1002, Sherbrooke St. West, 28<sup>e</sup> Floor  
Montréal (Québec) H3A 3L6  
Tel : 514 842-9512  
Fax : 514 845-6573

**LANGLOIS  
KRONSTRÖM  
DESJARDINS**

**Me Gerry Apostolatos  
Me Stefan Chripounoff**

**Our file : 05725-003**

**BL 0250**