No. S081520
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C. 1985, c. C-36

AND

IN THE MATTER OF THE *CANADA BUSINESS CORPORATIONS ACT* R.S.C., 1985, c. C-44

AND

IN THE MATTER OF THE *BRITISH COLUMBIA BUSINESS CORPORATIONS ACT* R.S.B.C. 2002 c. 57

AND

IN THE MATTER OF ASCALADE COMMUNICATIONS INC. AND ASCALADE TECHNOLOGIES INC.

PETITIONERS

NOTICE OF MOTION

TAKE NOTICE that an application will be made by Deloitte & Touche Inc., in its capacity as the Court appointed Monitor of the Petitioners to the Honourable Mr. Justice Burnyeat in Chambers, at the Courthouse, 800 Smithe Street, Vancouver, B.C. V6Z 2E1, on Tuesday, the 22nd day of December, 2009 at 9:00 a.m. or so soon thereafter as Counsel may be heard for an Order in substantially the form of the draft Order attached hereto as Schedule "A".

The Applicants will rely on the provisions of the *Companies' Creditors Arrangement Act* ("**CCAA**"), the Orders pronounced herein, including the Order pronounced December 8, 2009 by the Honourable Mr. Justice Burnyeat herein, the British Columbia

Business Corporations Act R.S.B.C. 2002, c.57, Rule 12 of the *Rules of Court* and the inherent jurisdiction of this Honourable Court.

At the hearing of the application, in addition to the motion material filed herein on December 8, 2009, the applicant will rely on the following documents:

(a) Affidavit #1 of Melinda McKie sworn December 17, 2009; and

(b) Affidavit #1 of John Grieve sworn December 17, 2009.

and all such further and other materials as counsel may advise and that this Honourable Court deems admissible.

THIS MATTER IS NOT OF A CONTENTIOUS NATURE AND WILL TAKE APPROXIMATELY 15 MINUTES.

The subject matter is not within the jurisdiction of a Master as the Honourable Mr. Justice Burnyeat is seized of this matter.

The provisions of Rule 51A are dispensed with in relation to all applications in this proceeding.

Dated: December 17, 2009

Solicitors for the Monitor, Deloitte & Touche Inc.

The Solicitors for the Monitor, Deloitte & Touche Inc. are Fasken Martineau DuMoulin LLP, whose office address and address for delivery is 2900 - 550 Burrard Street, Vancouver, B.C. V6C 0A3 Telephone: 604 631 3131 Facsimile: 604 631 3232. (Reference: 242587.00095/ John Grieve(14484))

SCHEDULE "A"

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ORDER

BEFORE THE HONOURABLE MR.	)	TUESDAY, THE 22ND DAY OF
	)	
JUSTICE BURNYEAT	)	DECEMBER, 2009

THE APPLICATION coming on for hearing at Vancouver, British Columbia, this day; AND ON HEARING John Grieve, counsel for Deloitte & Touche Inc., as the Court appointed Monitor of the Petitioners, and no one appearing on behalf of the other parties, although duly served and upon reading the material filed herein and the Monitor's Fifth Report to Court dated December 1, 2009.

THIS COURT ORDERS AND DIRECTS that:

1. the accounts of the Monitor and its counsel, as presented in the Monitor's Fifth Report and, as amended by the Affidavit of Melinda McKie and the Affidavit of John Grieve sworn December 17, 2009, are hereby passed and approved; and

2. the Monitor is hereby discharged.

BY THE COURT

_____
DISTRICT REGISTRAR

APPROVED AS TO FORM:

_____
Counsel for the Monitor

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ORDER

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2900 - 550 Burrard Street
Vancouver, B.C., V6C 0A3
604 631 3131

Counsel: John F. Grieve
Matter No: 242587.95 / 14484