

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE) THURSDAY , THE 26TH
MADAM JUSTICE MESBUR)
DAY OF MAY, 2011

BETWEEN :

BANK OF MONTREAL

Applicant

- and -

ACS PRECISION COMPONENTS PARTNERSHIP

Respondent

ORDER

THIS MOTION, made by Zeifman Partners Inc. (the "Receiver") in its capacity as Receiver of ACS Precision Components Partnership ("ACS"), for, *inter alia*, an Order,

- (a) approving a process and timetable to determine the amount owing by ACS Precision Components (Shanghai) Co. Ltd. ("ACS Shanghai") to ACS; and
- (b) granting such further and other relief as counsel may advise and this Honourable Court may deem just

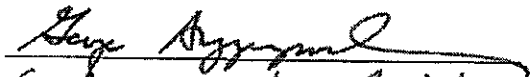
was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Notice of Motion of the Receiver, the Receiver's Ninth Report to the Court, the Notice of Cross-motion of ACS Shanghai, the Factum of ACS Shanghai, the Book of Authorities of ACS Shanghai, the Factum of the Receiver and on hearing the submissions of the lawyers for the Receiver and ACS Shanghai:

1. THIS COURT ORDERS that the following process and timetable be implemented to determine the amount, if any, owing by ACS Shanghai to ACS:

- (a) the Receiver shall deliver a Statement of Claim on the Commercial List by June 17, 2011;
- (b) the Statement of Claim shall be assigned a related action number;
- (c) the Statement of Claim shall be served on Mr. John Porter of Thornton Grout Finnigan LLP, lawyers for ACS Shanghai, such service constituting sufficient service on ACS Shanghai;
- (d) ACS Shanghai shall deliver a Statement of Defence within 30 days of service of the Statement of Claim;
- (e) the Receiver shall deliver a Reply, if any, within 10 days of delivery of the Statement of Defence;
- (f) the Receiver and ACS Shanghai shall deliver Affidavits of Documents by August 30, 2011;
- (g) the Receiver and ACS Shanghai shall attend at Commercial Court on September 7, 2011 at 9:30 a.m. before Madam Justice Mesbur, if available, or such other Judge as may be assigned, to schedule next steps, including discoveries, and to determine the process for the hearing (summary trial or other process);

2. THIS COURT ORDERS that the costs of this motion shall be reserved to the trial judge.


G. Argyropoulos, Registrar
Ontario Superior Court of Justice

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PER/PAR: 

BANK OF MONTREAL
Applicant and **ACS PRECISION COMPONENTS**
Respondent

Court File No: 10-8702-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

Proceeding commenced at Toronto

ORDER

MILLER THOMSON LLP
ONE LONDON PLACE
255 QUEENS AVENUE, SUITE 2010
LONDON, ON CANADA N6A 5R8

Tony Van Klink LSUC#: 29008M
Tel: 519.931-3509
Fax: 519.858.8511

Lawyers for Zeifman Partners Inc.,
Receiver