

Commercial List Court File No. \_\_\_\_\_ / \_\_\_\_\_  
Superior Court of Justice Court File No. \_\_\_\_\_ / \_\_\_\_\_  
Weekly Court File No. \_\_\_\_\_ / \_\_\_\_\_

Date filed: July 25, 2007

**SUPERIOR COURT OF JUSTICE - COMMERCIAL LIST  
REQUEST FORM - NEW MATTER**

A. Short Title of Proceedings:

**Michael J. Quilling, Receiver v. Nicholas Smith Attorney in Fact in Canada for  
Lloyd's Underwriters**

B. The estimated time for the **first** hearing of this matter is 10 minutes.

**The first hearing will be a 9:30 a.m. scheduling motion for the estimated 2-3 day  
application.**

C. The matter concerns (indicate one of the categories from the Practice Direction, (2002),  
57 O.R. (3d) 97 para. 1. (if under clause 1(k), (indicate nature of the matter and state  
briefly why it should be listed on the Commercial List):

1(l) such other matters as a judge presiding over the Commercial List may direct be  
listed on the Commercial List

**In detail:**

- i) Courtney Wallis Simpson ("Simpson") was a member of the Real Estate Council of Ontario ("RECO"), a broker under the *Real Estate and Business Brokers Act* and the principal broker and controlling mind of "York Region Reality Inc." ("York Realty").
- ii) In 2005, Simpson, acting as a real estate broker induced individuals to enter into agreements of purchase and sale with respect to commercial properties in Stouffville, Ontario and/or to provide money to invest in mortgages.

- iii) A class action proceeding (Court File No. 05-CL-6159) was commenced with the Commercial List Court and the applicant was appointed as the receiver of Simpson and her companies.
- iv) In his capacity as receiver acting for the benefit of victims/creditors of Simpson, the receiver obtained the court's approval to commence this application by order of Justice Pepall dated June 27, 2007.

D. State the date(s) and time(s) for hearing the matter that has (have) been arranged with other counsel.

August 1, 2007

E. Specify if this matter is already being dealt or has been dealt with in the court system (giving particulars as to court number and office, when and by what judge or other judicial official). Advise of any known judicial conflicts.

No known jurisdictional conflicts.

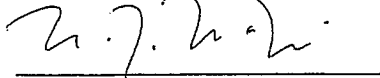
F. The following materials will be necessary for the matter to be considered. (It is the responsibility of counsel to confirm that the proper materials are available for the Court).

Notice of Application

Counsel for applicant:

Party: Michael J. Quilling, in his capacity as court appointed receiver for Courtney Wallis Simpson

Counsel: Lincoln Caylor and M. Joanne MacMillan

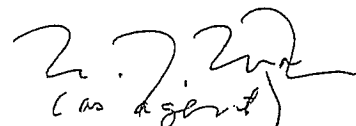


Address: BENNETT JONES LLP  
One First Canadian Place  
Suite 3400, P. O. Box 130  
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M5X 1A4

Counsel for other party:

Party: Nicholas Smith Attorney in Fact in Canada for Lloyd's Underwriters

Counsel: Robert L. Falby



(as agent)

Address: MILLER THOMSON LLP  
Barristers and Solicitors  
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Phone: 416-777-6121 / 4629

Fax: 416-863-1716

Toronto, ON M5H 3S1

Phone: 416-595-8173

Fax: 416-595-8695

(If more than 2 parties involved, add additional signatures and particulars on reverse or separate page)

To be submitted to: Commercial List/Bankruptcy Court Office  
330 University Avenue, 7th Floor  
Toronto, Ontario  
Telephone No. (416) 327-5043  
Fax No. (416) 327-6228

Endorsement / disposition

Aug 1 / 07.

Let this Application issue on  
the Commercial list.

Counsel are to agree on a timetable  
and re-attend on a 9:30 appointment  
to have it confirmed and obtain  
a date for hearing.

*[Signature]*

