

General Division Court File No. 07-CL-7122

Date filed: January 29, 2008

Weekly Court File No.: _____ / _____

ONTARIO SUPERIOR COURT OF JUSTICE - COMMERCIAL LIST

9:30 a.m. HEARING REQUEST FORM

A. **PLEASE NOTE: The 9:30 hearing procedure is only for "ex parte, urgent, scheduling and consent matters which will take no more than 10 minutes" (Practice Direction, (1995), 24 O.R. (3d) 455; paragraph 24). This restriction will be enforced. This matter is (tick one or more):**

ex parte **urgent** **scheduling** **consent** **other (explain)**

B. Short Title of Proceedings:

Michael J. Quilling(receiver) v. Nicholas Smith Attorney in fact in Canada for Lloyd's Underwriters

C. Date(s) Requested

January 31, 2008 February 1, 2008 February 4, 2008

D. The following is a brief description of the matter to be considered at the 9:30 appointment:

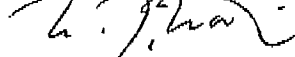
- 1. The parties have agreed, as recommended by Madam Justice Pepall, to mediate this insurance dispute.
- 2. In an effort to reduce costs to the receivership estate and as suggested by Madam Justice Pepall, the parties are requesting a judge from the Commercial List be appointed to act as the mediator.

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

- 1. **Copy of the Notice of Application**
- 2. **Copy of Justice Pepall's endorsement dated November 28, 2007 in the related action, Court File No. 05-CL-6159**

Counsel for applicant/moving party:

Party: Michael J. Quilling, receiver

Counsel: 

Address: M. Joanne MacMillan
Bennett Jones LLP
One First Canadian Place
Suite 3400, P.O. Box 130
Toronto, ON M5X 1A4

Phone: 416-777-4629
Fax: 416-863-1716

Counsel for other party:

Party: Respondent

Counsel:  (agent)

Robert L. Falby, Q.C.
Miller Thomson LLP
Barristers and Solicitors
Scotia Plaza
40 King Street West
Toronto, Ontario 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
393 University Avenue, 10th Floor
Toronto, Ontario
Telephone No. (416) 327-5043
Fax No. (416) 327-6228

And to: Robert L. Falby, Q.C., Miller Thomson LLP

Form revised: Sept. 1997

JAN 31, 2008 @ 4:30

Jan 29/08 @ 3:20pm
Confirmed w/ Ms. MacMillan (JMN)

Endorsement / disposition

January 31 2008

Ms Macmillan for π
Mr Falley for Δ .

Full day settlement conference scheduled,
on consent, for April 21, 2008.

Settlement conference briefs to be served/
filed by March 31, 2008.

Alexander Hor D
(HOX).