

IN THE MATTER OF AN APPLICATION PURSUANT TO SECTION 47 OF THE *BANKRUPTCY AND INSOLVENCY ACT*, R.S.C. 1985, c. B-3, AS AMENDED; AND SECTION 101 OF THE *COURTS OF JUSTICE ACT*, R.S.O. 1990, c. C.43, AS AMENDED

TRISURA GUARANTEE INSURANCE COMPANY

- and -

EBERSOLE EXCAVATING INC. AND D&S
RAILWAY CONSTRUCTION INC.

Applicant

Dec 22/14
Respondents

Dec 23, 2014

R. Jaipargas - for moving party

S. Graft - for interim Receiver

R. Hanna - for Mr. Ebersole

On consent, order to issue appointing the interim Receiver a full Receiver. I am satisfied that it is just and convenient and appropriate in the circumstances.

The issues concerning approval of the interim Receiver's first report and the fees is adjourned on consent to 9:30 a.m. on January 16, 2015. In the absence of a resolution of those issues, a motion date will be set. Counsel for Mr. Ebersole will appear in his position by January 12, 2015.

I am satisfied that the Receiver should be given the authorization to file arguments into Bankruptcy of the Debtors along with the ancillary relief requested. Given the interim Receiver's information as to what has been happening at the Debtors, the powers under the BIA are required as soon as possible.

Order signed by me.

Andrew Hodhod

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

PROCEEDINGS COMMENCED AT TORONTO

MOTION RECORD
(Appointment of Receiver)

BORDEN LADNER GERVAIS LLP
40 King Street West
Toronto, Ontario
M5H 3Y4

ROGER JAIPARGAS
Tel: (416) 367-6266
Fax: (416) 361-7067
Email: rjaipargas@blg.com
LSUC# 43275C

ANDREW HODHOD
Tel: (416) 367-6290
Fax: (416) 361-2799
Email: ahodhod@blg.com
LSUC# 66314K

Lawyers for Trisura Guarantee Insurance Company

TOR01-5790341-v1

January 16, 2015
B. daipangas)
J. Newman's / for receiver

~~R. daipangas~~

J. Freeman - Maynards

The receiver seeks approval of those matters adjourned on its Dec 23, 2014 motion, particularly approval of the First Report, fees and disbursements of the interim receiver and its legal counsel.

Those requesting the adjournment have not attended today although arrived and take no position in opposition as I'm advised.

I am satisfied the order requested should issue. All interested parties have had sufficient time to respond.
Order signed by me.

 R. daipangas