



Court File No. CV-14-10766-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

THE HONOURABLE

)

FRIDAY, THE 16th DAY

)

JUSTICE

Patillo

)

OF JANUARY, 2015

BETWEEN:

TRISURA GUARANTEE INSURANCE COMPANY

Applicant

- and -

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

Respondents

**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**

**AND IN THE MATTER OF SECTION 243(1) 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**

ORDER

(Approval of Report and Fees)

THIS MOTION made by the Trisura Guarantee Insurance Company ("Trisura") for an Order, pursuant to section 243(1) of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, as amended (the "BIA") and section 101 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended (the "CJA"), appointing Grant Thornton Limited ("GTL") as receiver (in such capacities, the "Receiver"), without security, of all of the assets, undertakings and properties of

Ebersole Excavating Inc. and D & S Railway Construction Inc. (collectively, the "Debtors") acquired for, or used in relation to a business carried on by the Debtors, was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the affidavit of Stuart Detsky, sworn November 24, 2014 and the exhibits thereto, the first report of GTL dated December 15, 2014 (the "First Report"), prepared in GTL's capacity as interim receiver of the Debtors (in such capacity, the "Interim Receiver"), the Affidavit of Jacob Wiebe, sworn December 15, 2014 (the "Wiebe Affidavit"), the Affidavit of Ian Aversa, sworn December 15, 2014 (the "Aversa Affidavit") and on hearing the submissions of counsel for Trisura and counsel for the Receiver, no one else appearing for any other party although duly served as appears from the affidavit of service of Andrew Hodhod, sworn January 9, 2014,

SERVICE

1. THIS COURT ORDERS that the time for service of the Notice of Motion and the Motion Record is hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.

APPROVAL OF INTERIM RECEIVER'S REPORT AND ACTIVITIES

2. THIS COURT ORDERS that the First Report and the activities of the Interim Receiver as described therein, be and are hereby approved.

APPROVAL OF FEES

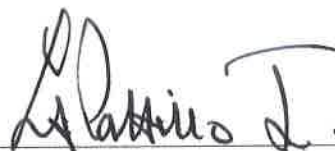
3. THIS COURT ORDERS that the fees and disbursements of the Interim Receiver, as described in the First Report and as set out in the Wiebe Affidavit, be and are hereby approved.

4. THIS COURT ORDERS that the fees and disbursements of the Interim Receiver's legal counsel, Aird & Berlis LLP, as described in the First Report and as set out in the Aversa Affidavit, be and are hereby approved.

ENTERED AT / INSCRIT À TORONTO
ON / BOOK NO.
LE / DANS LE REGISTRE NO.

JAN 19 2015

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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

Respondents

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

PROCEEDINGS COMMENCED AT TORONTO

**ORDER
(Approval of Report and Fees)**

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