

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE OF CALGARY

BETWEEN:

I hereby certify this to be a true copy of
the original Order

Dated this 10 day of Sept 2009 **KENDAX INVESTMENTS INC.**

K. Horner
for Clerk of the Court

Applicant

- and -

**DONALD CARMICHAEL AND 658051 ONTARIO LIMITED AND
KINGSCROFT INVESTMENTS LIMITED**

Respondents

BONAVENTURE SMALL INVESTORS GROUP

Interested Parties

**BEFORE THE HONOURABLE
MADAM JUSTICE K. HORNER
IN CHAMBERS**

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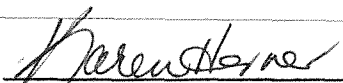
**AT THE CALGARY COURTS
CENTRE, IN THE CITY OF CALGARY,
ON THURSDAY THE 3RD DAY OF
SEPTEMBER, 2009.**

ORDER

UPON THE APPLICATION of the Bonaventure Small Investors Group ("BSIG") pursuant to a Notice of Motion filed August 11, 2009 (the "BSIG Application"); AND UPON IT APPEARING THAT this application should be adjourned and a litigation schedule ordered by this Honourable Court; AND UPON HEARING a preliminary objection from the counsel for Kendax Investments Inc.; AND UPON HEARING from counsel to BSIG, counsel to Kendax Investments Inc. ("Kendax") and counsel to Alger and Associates Inc.;

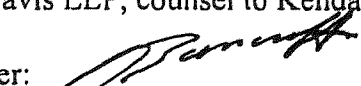
IT IS HEREBY ORDERED AND DECLARED THAT:

1. The BSIG Application is hereby adjourned *sine die*.
2. Any party wishing to participate in the BSIG Application shall file and serve its evidence on or before 5:00 p.m. on October 30, 2009.
3. Any party wishing to cross-examine any other party in relation the BSIG Application shall do so, and any undertakings given at such cross-examinations shall be answered, on or before December 18, 2009.
4. Counsel involved in the BSIG Application are given leave to schedule the hearing of the BSIG Application directly with Justice Horner.
5. Kendax's preliminary objection is hereby deferred and Kendax is granted leave to bring an application to the Court for a determination of the jurisdiction of the Court to decide the matters at issue in this case under the current pleadings including the Amended Originating Notice of Motion and the BSIG Application, after the parties have filed and served their evidence in relation to the BSIG Application; cross-examinations in relation to the BSIG Application have concluded and answers to undertakings given at such cross-examinations have been provided.




J.C.C.Q.B.A.

Approved as to Order granted by
Davis LLP, counsel to Kendax Investments Inc.

Per: 

James A. Bancroft, Q.C.

ENTERED this 10 day of Sept.,
2009.



Clerk of the Court of Queen's Bench



Action No. 0201-13248

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ALBERTA
JUDICIAL DISTRICT OF CALGARY**

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- and -

**DONALD CARMICHAEL AND 658051
ONTARIO LIMITED AND KINGSCROFT
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Respondents

**BONAVENTURE SMALL INVESTORS
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Interested Parties

ORDER

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