

THE QUEEN'S BENCH  
Winnipeg Centre

BETWEEN:

BERNARD W. BELLAN,

Plaintiff,

- and -

CHARLES E. CURTIS, PETER OLFERT, WALDRON (WALLY) FOX-DECENT,  
LEA BATURIN, ALBERT R. BEAL, RON WAUGH, DIANE BERESFORD,  
SYLVIA FARLEY, ROBERT HILLIARD, ROBERT ZIEGLER, JOHN CLARKSON,  
DAVID G. FRIESEN, HUGH ELIASSON, SHERMAN KREINER, JAMES UMLAH,  
JANE HAWKINS, PRICEWATERHOUSECOOPERS LLP, NESBITT BURNS INC.,  
WELLINGTON WEST CAPITAL INC., CROCUS CAPITAL INC., THE MANITOBA  
SECURITIES COMMISSION, and THE CROCUS INVESTMENT FUND,

Defendants.

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NOTICE OF MOTION  
Before The Honourable Mr. Justice Hanssen  
Hearing Date: Monday, September 24, 2007, at 10:00 a.m.

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**Plaintiff,**

**- and -**

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SECURITIES COMMISSION, and THE CROCUS INVESTMENT FUND,**

**Defendants.**

**NOTICE OF MOTION**

THE defendants, Sherman Kreiner and Jane Hawkins, will make a motion before The Honourable Mr. Justice Hanssen on Monday, September 24, 2007, at 10:00 a.m., or so soon after that time as the motion can be heard, at the Law Courts Building, 408 York Avenue, Winnipeg, Manitoba.

THE MOTION IS FOR:

1. An order that a representative of Deloitte and Touche Inc. as Receiver of the Crocus Investment Fund attend at an examination under Rule 39.03 at a time and place to be set by the Court to provide to the lawyer for the defendants Sherman Kreiner and Jane Hawkins the following information and documents:

- a) The names and addresses of all class "A" shareholders at December 10, 2004.

- b) For each shareholder: the dates when shares held by them were purchased; the amount of shares purchased and price per share; as well as the details of any prior redemption of shares.
- c) Copies of all documents relating to how share prices were set; including any valuation reports and related correspondence, all valuation committee records, all Board of Directors' documents regarding valuation.
- d) Copies of all documents relating to the Solidarite transaction.
- e) Copies of all documents relating to prospectuses and other filings with the Manitoba Securities Commission.

THE GROUNDS FOR THE MOTION ARE:

- 1. Pursuant to Rule 39.03, the information and documents sought are relevant to the pending certification motion.
- 2. The Receiver has refused to voluntarily provide the information and documents.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

- 1. Affidavit of Elaine Stobbe, sworn August 16, 2007; and
- 2. Affidavit of Sherman Kreiner, to be filed.

August 16, 2007

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