

IN THE COURT OF QUEEN'S BENCH OF NEW BRUNSWICK

TRIAL DIVISION

JUDICIAL DISTRICT OF SAINT JOHN

BETWEEN:

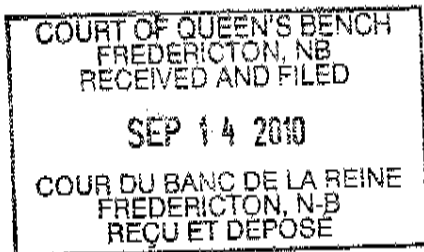
Joe Broczkowski and Abigail Paul

Plaintiffs

- and -

St. Anne-Nackawic Pulp Company Ltd.,

Defendant



ORDER

WHEREAS a Consent Order was issued by the Court of Queen's Bench of New Brunswick on August 10, 2009 for cause number S/C/384/09 declaring, among other things, that section 69.3 of the *Bankruptcy and Insolvency Act*, R.S.C. 1985 c. B-3 no longer operated in respect of the intended Plaintiffs, Joe Broczkowski and Danny Tonner, and

WHEREAS Danny Tonner, one of the original two intended Plaintiffs at the time of the granting of the Order on August 10, 2009, is no longer a Plaintiff to the action, and

WHEREAS Abigail Paul is now acting as Plaintiff in the action in place of Danny Tonner, and

WHEREAS a Notice of Action with Statement of Claim Attached was filed on June 14, 2010 under cause number S/C/323/10 by the Plaintiffs, Joe Broczkowski and Abigail Paul, against the Defendant, St. Anne-Nackawic Pulp Company Ltd., and other defendants, and

WHEREAS the Plaintiffs have filed a new Statement of Claim in this matter, which includes claims against additional Defendants as well as minor corrections to the names of currently-named Defendants. These changes will not affect the nature of the action as against St. Anne Nackawic Pulp Company Ltd., and

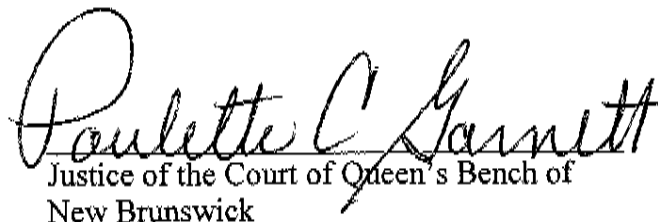
UPON hearing counsel for A. C. Poirier and Associates Inc., Trustee in Bankruptcy for the Defendant, St. Anne-Nackawic Pulp Company Ltd., and

UPON hearing counsel for Joe Broczkowski and Abigail Paul, Plaintiffs herein.

IT IS HEREBY ORDERED THAT:

1. With regard to the Plaintiffs' claim against St. Anne-Nackawic Pulp Company Ltd., section 69.3 of the *Bankruptcy and Insolvency Act*, R.S.C. 1985 c. B-3 no longer operates in respect of the Plaintiffs, and the Plaintiffs are accordingly granted leave to proceed with their Notice of Action With Statement of Claim Attached, with court file number S/C/442/10, attached hereto, against St. Anne-Nackawic Pulp Company Ltd., pursuant to s. 69.4 of the *Bankruptcy and Insolvency Act*, R.S.C. 1985 c. B-3, and
2. The Trustee in Bankruptcy for St. Anne-Nackawic Pulp Company Ltd. shall not be liable for discovery, documentary or oral, or for costs unless it defends or takes a position in the above-noted Action, and
3. The Trustee in Bankruptcy for St. Anne-Nackawic Pulp Company Ltd. shall retain, safeguard and make available to the parties all relevant documents of St. Anne-Nackawic Pulp Company Ltd. which are in the Trustee's possession or control, until resolution of this matter or until further Order of the Court, and
4. In the event that the Trustee in Bankruptcy for St. Anne-Nackawic Pulp Company Ltd. obtains a discharge, the Trustee shall continue to safeguard and make available to the to the parties all relevant documents of St. Anne-Nackawic Pulp Company Ltd. which are in his possession or control following the discharge, notwithstanding any right that may otherwise exist to destroy such documents following discharge.

DATED at the City of Fredericton and Province of New Brunswick this 14 day of September 2010.


Justice of the Court of Queen's Bench of
New Brunswick