

Court File No.: CV-08-7878

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

B E T W E E N:

**IN THE MATTER OF THE COMPANIES' CREDITORS
ARRANGEMENT ACT, R.S.C. 1985, c. C-36, AS AMENDED**

**AND IN THE MATTER OF A PLAN OF COMPROMISE OF
ARRANGEMENT OF UNIVERSAL SETTLEMENTS
INTERNATIONAL INC.**

Applicant

NOTICE OF MOTION

A Creditor, Gilbert Pereira ("Pereira"), will bring a motion before The Honourable Mr. Justice Wilton-Siegel of the Commercial List on a date to be determined at 10:00 a.m. or as soon after that time as the motion can be heard, at 330 University Avenue, Toronto, Ontario.

PROPOSED METHOD OF HEARING:☐

in writing under subrule 37.12.1 because it is on consent, unopposed or made without notice;

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in writing as an opposed motion under subrule 37.12.1(4);

☒

orally;

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THE MOTION IS FOR:

1. an order that pursuant to paragraph 18 of the Claims Procedure Order of Mr. Justice Wilton-Siegel dated January 23, 2009 (the "Order") for the final determination of Pereira's claim as a creditor of USI;
2. Pereira's costs of this motion on a substantial indemnity basis; and
3. Such further and other relief as counsel may request and this Honourable Court deems just.

THE GROUNDS FOR THE MOTION ARE:

1. Pereira filed a proof of claim form in accordance with the requirements of the Order.
2. On April 14, 2009 the Monitor advised Pereira of the disallowance of his claim.
3. On April 28, 2009 Pereira filed his dispute notice.
4. To date he has not had a response to his dispute notice from the Monitor or the Applicant.
5. Pereira maintains, for the reasons set out in his affidavit sworn June 5, 2009, that he is a creditor of USI.

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

1. Affidavit of Gilbert Pereira sworn June 5, 2009 and the exhibits attached thereto.

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June 5, 2009

ORMSTON LIST FRAWLEY LLP

Barristers & Solicitors
40 University Avenue, Suite 720
Toronto, ON M5J 1T1

John P. Ormston

LSUC No.: 37251V

telephone: (416) 594-0791
facsimile: (416) 594-9690
email: jormston@olflaw.com

Solicitors for Tom Mitchell, Daphne Mitchell,
Gilbert Pereira, Rino Bifulchi, Patrick
Runstedler and Cajubi Caja Paraguaya de
Jubilaciones y Pensiones

TO: OGILVY RENAULT LLP
Royal Bank Plaza, South Tower
200 Bay Street, Suite 3800
Toronto, ON M5J 2Z4

William McNamara

telephone: (416) 216-3906
facsimile: (416) 216-3930

Solicitors for the Applicant

AND TO: BLAKE, CASSELS & GRAYDON LLP
199 Bay Street, Suite 2800
Commerce Court West
Toronto, ON M5L 1A9

Katherine McEachern

telephone: (416) 863-2572
facsimile: (416) 863-2653

Solicitors for the Monitor, Ernst & Young Inc.

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(PROCEEDING COMMENCED AT TORONTO)

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ORMSTON LIST FRAWLEY LLP
40 University Avenue
Suite 720
Toronto, ON M5J 1T1

JOHN P. ORMSTON
LSUC No.: 37251V

Telephone: (416) 594-0791
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Paraguaya de Jubilaciones y Pensiones