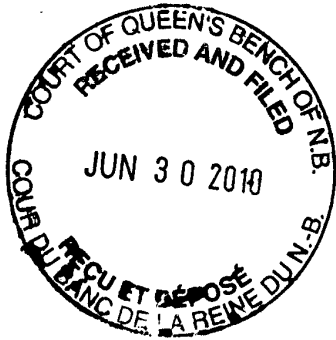


Court File No. N/M/17/10

IN THE COURT OF QUEEN'S BENCH OF NEW BRUNSWICK
IN BANKRUPTCY AND INSOLVENCY
JUDICIAL DISTRICT OF MIRAMICHI



IN THE MATTER OF THE RECEIVERSHIP OF:

ATCON GROUP INC., ATCON HOLDINGS INC.,
ATCON PROPERTY HOLDINGS INC., ATCON
VENEER PRODUCTS INC. and ATCON LOGISTICS
INC.,

PURSUANT TO Section 33 of the *Judicature Act*,
R.S.N.B. 1973, Ch. J-2, Rule 41, Rules of Court, New
Brunswick and Section 243 of the *Bankruptcy and
Insolvency Act*, R.S.C. 1985, c. B-3

BETWEEN:

THE BANK OF NOVA SCOTIA, a Canadian
chartered bank with a registered office in the City of
Saint John, Province of New Brunswick

APPLICANT

- and -

ATCON GROUP INC., ATCON HOLDINGS INC.,
ATCON PROPERTY HOLDINGS INC., ATCON
VENEER PRODUCTS INC. AND ATCON
LOGISTICS INC., all of which are carrying on business
in the Province of New Brunswick

RESPONDENTS

ORDER

THIS MOTION made by Atcon Plywood Inc. ("**Plywood**") for an order lifting the stays of proceedings provided by the order of The Honourable Mr. Justice Riordon dated 2 March 2010 as amended by the order of The Honourable Mr. Justice Riordon dated 30 March 2010 in this proceeding (together the "**Receivership Order**") to permit the continuation of action commenced in the Court of Queen's Bench of New Brunswick, Trial Division, Judicial District of Moncton (having Court File Number M/C/0337/07) by Plywood against Trac Industries Ltd.,

June 30 2010

Atcon Management Services Inc., Jeremy Paul McIntyre, Mark Earl George Howe and Fraser Howe, defendants, and Aviva Insurance Company of Canada, third party, (the "**Action**") was heard this day at 673 King George Highway, Miramichi, New Brunswick.

ON READING the Notice of Motion dated 31 May 2010, the Affidavit of Henry J. Murphy Q.C. dated 31 May 2010, the supplementary affidavit of Henry J. Murphy, Q.C. dated 17 June 2010, and on hearing the submissions of counsel for Plywood, Ernst & Young Inc. in its capacity as receiver appointed in these proceedings (the "**Receiver**"), Ernst & Young Inc. in its capacity as trustee of the estate of Atcon Management Services Inc. ("**Management Services**"), a bankrupt (the "**Trustee**") The Bank of Nova Scotia and other counsel in attendance,

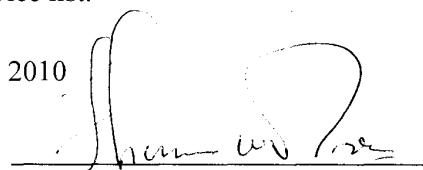
1. **THIS COURT ORDERS** that, subject to the other terms of this Order, leave is hereby granted to continue with the Action.
2. **THIS COURT ORDERS** that, subject to the other terms of this Order, sections 69 to 69.31 of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, no longer operate in respect of Plywood, insofar as necessary to continue with the Action.
3. **THIS COURT ORDERS** that any judgment (or other order for the payment of money) obtained against Management Services in the Action shall be enforceable only as against insurance proceeds, if any, available to Management Services, as the case may be, and not as against the current or future assets of Management Services and the stays of proceedings provided for in the Receivership Order and in the *Bankruptcy and Insolvency Act* shall continue to apply.
4. **THIS COURT ORDERS AND DECLARES** that neither the Receiver nor the Trustee shall have any obligation to participate in or defend the Action.
5. **THIS COURT ORDERS AND DECLARES** that provided that the Receiver or the Trustee, as the case may be, does not defend the Action, the Receiver or the Trustee shall not be subject to discovery or production of documents nor shall any costs be awarded against it.
6. **THIS COURT ORDERS AND DECLARES** that neither the Receiver nor the Trustee shall have any obligation to assist any party to the Action through the production or provision of

Jell
30 June 2010

documents or information provided that if the Receiver or the Trustee agrees to do so the party the Action requesting such documents or information shall pay to the Receiver or the Trustee the Receiver's or the Trustee's reasonable fees and expenses incurred in so doing.

7. **THIS COURT ORDERS** that any other matters arising from the Notice of Motion filed 2 June 2010, or any requests for further directions, be adjourned generally with leave to bring back on for hearing on seven days written notice to the service list.

Dated at Miramichi, New Brunswick, this 30th day of June, 2010

A handwritten signature in black ink, appearing to read 'Thomas W. Riordon', is written over a horizontal line.

Thomas W. Riordon
Judge of the Court of Queen's Bench
of New Brunswick