

**IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF CALGARY**

BETWEEN:

**NILE CAPITAL I S.À.R.L., NILE CAPITAL II S. À.R.L.,
LUXOR CAPITAL PARTNERS, LP and LUXOR CAPITAL PARTNERS
OFFSHORE MASTER FUND, LP**

**Plaintiffs
(Applicants)**

- and -

**EARTHRENEW CORPORATION, EARTHRENEW, INC., EARTHRENEW IP HOLDINGS LLC,
EARTHRENEW STRATHMORE 1 LP, EARTHRENEW STRATHMORE GENERAL PARTNER
LTD., EARTHRENEW SOLUTIONS LP, EARTHRENEW OPERATIONAL EMPLOYEE LP,
EARTHRENEW MANAGEMENT LP and EARTHRENEW MANAGEMENT GENERAL
PARTNER LTD.**

**Defendants
(Respondents)**

**MOTION RECORD
Volume I of II
(Returnable: October 18, 2010)**

AIRD & BERLIS LLP
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**Steven L. Graff
Ian E. Aversa**

Solicitors for the Plaintiffs (Applicants)

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PARTNER LTD.

Defendants
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SERVICE LIST

TO:	MacLeod Dixon LLP 3700 Canterra Tower 400 Third Avenue SW Calgary, AB T2P 4H2 Attention: Howard Gorman Phone: (403) 267-8222 Fax: (403) 264-5973 Email: Howard.Gorman@macleoddixon.com Lawyers for Earthrenew Corporation, Earthrenew, Inc., Earthrenew LP Holdings LLC, Earthrenew Strathmore 1 LP, Earthrenew Strathmore General Partner Ltd., Earthrenew Solutions LP, Earthrenew Operational Employee LP, Earthrenew Management LP and Earthrenew Management General Partner Ltd.
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AND TO:	RSM Richter Inc. Bow Valley Square 2 3810, 205 - 5 Avenue SW Calgary, AB T2P 2V7 Attention: Robert Taylor Phone: (403) 233-7112 Fax: (403) 206-0841 Email: BTaylor@RSMRichter.com Receiver of Earthrenew Corporation, Earthrenew, Inc., Earthrenew LP Holdings LLC, Earthrenew Strathmore 1 LP, Earthrenew Strathmore General Partner Ltd., Earthrenew Solutions LP, Earthrenew Operational Employee LP, Earthrenew Management LP and Earthrenew Management General Partner Ltd.
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MANAGEMENT LP and EARTHRENEW
MANAGEMENT GENERAL PARTNER LTD.

Defendants
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CLERK OF THE COURT

OCT 14 2010

CALGARY, ALBERTA

MOTION RECORD

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Steven L. Graff
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Solicitors for the Plaintiffs (Applicants)

Let this Motion Record (Volume 1 & 2) containing an
Original Notice of Motion and the Affidavit of Michael
Conboy, sworn October 6, 2010 and prepared by Aird &
Berlis LLP, Ontario counsel be filed notwithstanding that it
is not the regular procedure in the Alberta courts

" J. T. Prowse "

M. C. Q. B. A.
October 14th, 2010