

TAB 17

**THIS IS EXHIBIT "17" REFERRED
TO IN THE AFFIDAVIT OF
E. BRUCE LEONARD, SWORN
BEFORE ME THIS 13TH DAY OF
OCTOBER, 2006.**



A COMMISSIONER, ETC.



CASSELS BROCK
LAWYERS

October 13, 2006

BY FACSIMILE

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Dear Mr. Howard:

Re: Heico Purchase of Ivaco Business

I am writing further to Mr. Burden's letter of October 3, 2006. That letter outlined the deficiencies in the Monitor's affidavit material concerning the privilege issue. Since the time of that letter, we have received no further information concerning the bundle of documents provided on September 13, 2006. As such, our client is not in a position to know over how many documents the Monitor is purporting to assert privilege on behalf of Ivaco, or what the basic information about those documents is (such as date, author, and recipient). That clearly puts us in an impossible position with respect to responding to the privilege issue.

We also expected that you would have returned to us all documents provided to you on September 13 in respect of which no privilege was being asserted. Since those documents belong to Heico, the Monitor and its counsel should not retain any copies.

The Monitor's failure to provide information concerning which documents privilege is being asserted over, and the basis for the privilege, is obviously a breach of the timetable order made by Justice Ground.

Given the Monitor's failure to provide the required information, we are not able to properly respond to the claims of privilege. This afternoon, we will deliver at least some general responding evidence on the privilege issue (to the extent that we are able based on the limited information that we have). This evidence will include an affidavit of Bruce Leonard as well as an opinion on Quebec law from Lavery, DeBilly. However, we will obviously reserve our rights to deliver further responding information once the Monitor properly defines the privilege issue.

As you can well appreciate, the nature of November 7 privilege motion will be driven by the breadth of the privilege claim. Obviously, if privilege is going to be claimed over



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only a handful of documents, the cross-examinations and the argument to be made will be very different than if dozens of documents are in issue.

We intend to draw the Monitor's failure to provide proper information to the attention of the court and to seek instructions. We propose to convene a chambers appointment before Justice Ground next week for such purpose. Please let us know when you would be available to attend a chambers appointment.

Yours truly,



John N. Birch