

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE MADAM

TUESDAY, THE 19TH

JUSTICE JOAN LAX

DAY OF JANUARY, 2010

vs
EN

KATHRYN ROBINSON and RICK ROBINSON

Plaintiffs

and

ROCHESTER FINANCIAL LIMITED, PROMITTERE CAPITAL GROUP
INC., PROMITTERE ASSET MANAGEMENT LTD., BANYAN TREE
FOUNDATION and FRASER MILNER CASGRAIN LLP

Defendants

Proceeding under the *Class Proceedings Act, 1992*

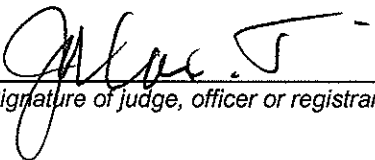
ORDER

THIS MOTION, made by the defendant, Fraser Milner Casgrain ^{LLP} ("FMC") to dismiss the claims against it and other incidental relief, was heard June, 23rd, 24th and 25th, 2009, at Toronto, Ontario.

ON READING THE motion record of FMC including the statement of claim and the transcript from the cross-examination of each of Kathryn Robinson and Rick Robinson taken on May 28, 2009, the factum and brief of authorities of the plaintiffs in response, and upon hearing submissions from counsel for the parties;

IN ACCORDANCE with written reasons issued January 19, 2010,

1. THIS COURT ORDERS that this motion is hereby dismissed.
2. THIS COURT ORDERS that if the parties are unable to agree on costs of the motion, they are to agree on a schedule for the exchange of written submissions to be delivered within 60 days, with costs to be determined thereafter.



(Signature of judge, officer or registrar)

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**ONTARIO
SUPERIOR COURT OF JUSTICE**
PROCEEDING COMMENCED AT TORONTO

ORDER

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