

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE MADAM

TUESDAY, THE 19<sup>TH</sup>

JUSTICE JOAN LAX

DAY OF JANUARY, 2010



IN

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*

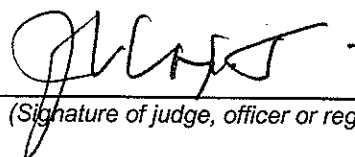
**ORDER**

THIS MOTION, made by the defendants, ROCHESTER FINANCIAL LIMITED, PROMITTERE CAPITAL GROUP INC., PROMITTERE ASSET MANAGEMENT LTD., BANYAN TREE FOUNDATION, (the "gift program defendants") for a stay of this proceeding and other incidental relief, was heard June, 23<sup>rd</sup>, 24<sup>th</sup> and 25<sup>th</sup>, 2009, at Toronto, Ontario.

ON READING THE motion record of the gift program defendants including the notice of motion, the affidavit of Robert Thiessen and exhibits, sworn October 21, 2008; and upon hearing submissions of 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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LE / DANS LE REGISTRE NO.:

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PER / PAR:



Court File No. 08-CV-349792

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SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT TORONTO

**ORDER**

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