

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE MR.

WEDNES DAY, THE *12TH*

JUSTICE G. STRATHY

DAY OF MAY, 2010

KATHRYN ROBINSON and RICK ROBINSON

Plaintiffs

and

WESTER FINANCIAL LIMITED, PROMITTERE CAPITAL GROUP
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 plaintiffs, seeking production of a list of Class Members and last known address/contact information, was heard this day at a case conference conducted via telephone conference call.

ON READING the Motion Record of the plaintiffs including the affidavit of Michael B. Stanton and exhibits sworn April 30, 2010 and upon hearing the submissions of counsel for the parties, no one opposing the motion;

1. THIS COURT ORDERS that Rochester Financial Limited, Promittere Capital Group Inc., Promittere Asset Management Ltd., and Banyan Tree Foundation (the "Gift Program Defendants"), produce to counsel for the plaintiffs ("Class Counsel") forthwith, and by no later than May 14, 2010, a list, in electronic form acceptable to Class Counsel, of the names of all Class Members as well as all corresponding contact information including, but not limited to, last known addresses, phone numbers, e-mail addresses, etc. all in the possession of the Gift Program Defendants.

Olshattys J

ENTERED AT / INSCRIT A TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO.:
MAY 12 2010
AS DOCUMENT NO.:
A TITRE DE DOCUMENT NO.:
PER / PAR: *[Signature]*

Olshattys J

(Signature of judge, officer or registrar)

KATHRYN ROBINSON ET AL.

V.

ROCHESTER FINANCIAL ET AL.

Court File No. 08-CV-349792

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding under the *Class Proceedings Act, 1992*
PROCEEDING COMMENCED AT
TORONTO

ORDER

SCARFONE HAWKINS LLP
Barristers & Solicitors
One James Street South, 14th Floor
P.O. Box 926, Depot #1
Hamilton, Ontario
L8N 3P9

DAVID THOMPSON (28271N)
E-Mail: thompson@shlaw.ca
MATTHEW G. MOLOCI (40579P)
E-Mail: moloci@shlaw.ca

Tel : (905) 523-1333
Fax: (905) 523-5878

Lawyers for the plaintiffs, Kathryn Robinson and
Rick Robinson