

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

GUY J. COLLETTE and JANICE MYHRE

PLAINTIFF

AND:

DUNDEE SECURITIES CORPORATION/CORPORATION DE VALEURS MOBILIERES
DUNDEE

DEFENDANT

AND:

MULTIMETRO MORTGAGE CORPORATION and KEN MEGALE

THIRD PARTIES

NOTICE OF MOTION

TO: The Defendant

AND TO: Its Solicitors

TAKE NOTICE that an application will be made by the Plaintiffs, to the Honourable Madam Justice Wedge at the Courthouse at 800 Smithe Street, Vancouver, British Columbia, at 10:00 a.m. on Friday, December 1, 2006, for an Order that:

- (1) The Contingency Fee Retainer Agreement entered into between the Plaintiff, Guy J. Collette, and Fredricksen, McAlister, dated December 2, 1999, be approved.
- (2) The Contingency Fee Retainer Agreement entered into between the Plaintiff, Janice Myhre, and Fredricksen, McAlister, dated February 1, 2005, be approved.

- (3) The disbursements incurred by Fredricksen, McAlister in respect of this matter in the amount of \$145,181.29 are approved.
- (4) The legal fees claimed by Fredricksen, McAlister in the amount of \$2,731,927.48, plus G.S.T. in the amount of \$163,915.65, plus P.S.T. in the amount of \$191,234.92 are approved.
- (5) From the \$7 million settlement fund provided by the Defendant to the Plaintiffs, there shall be made the following payments:
 - (a) Fredricksen, McAlister shall be paid \$145,181.29, representing payment of its disbursements to date inclusive of G.S.T.;
 - (b) A further \$25,000.00 shall be deducted from the settlement funds and paid into a separate trust account of Fredricksen, McAlister to act as security for the disbursements which will be incurred by Fredricksen, McAlister in respect of its attempts to distribute the settlement funds to the class members;
 - (c) Fredricksen, McAlister shall be entitled to pay to itself as legal fees from the settlement fund \$2,731,927.48, plus G.S.T. in the amount of \$163,915.65, plus P.S.T. in the amount of \$191,234.92.
 - (d) The balance of the settlement funds shall be distributed to the class members based upon their *pro rata* share of the investments which they made in the Nanaimo Mortgage and the Parksville Mortgage which are the subject of this action.
- (6) If it chooses to do so, Fredricksen, McAlister shall be entitled to place the funds to which it is entitled by way of fees and taxes into a separate trust account. Any

interest which shall accrue in respect of the funds invested within that separate trust account shall accrue to the benefit of Fredricksen, McAlister.

- (7) The Plaintiffs shall have leave to apply to the Court for directions with respect to the distribution of the settlement funds.

The applicant will rely on s. 38 of the *Class Proceedings Act*, R.S.B.C. 1996, c. 50.

At the hearing of the application, the applicant will rely on the following Affidavits and other documents:

- (a) The Affidavit of David G. Fredricksen, #8, sworn November 1, 2006;
- (b) The Affidavit of David G. Fredricksen, #7, sworn October 26, 2006;
- (c) The Affidavit of Guy J. Collette, #6, sworn October 26, 2006; and
- (d) The Affidavit of Janice Myhre, #3, sworn October 27, 2006.

The applicant estimates that with the related application for approval of the settlement herein, this application will take one day in which to be heard.

If you wish to receive notice of the time and date of the hearing or to respond to the application, you must, within the proper time for response,

- (a) deliver to the applicant
 - (i) 2 copies of a Response in Form 124, and
 - (ii) 2 copies of each of the Affidavits and other documents, not already in the Court file, on which you intend to rely at the hearing, and

- (b) deliver to every other party of record
 - (i) one copy of a Response in Form 124, and
 - (ii) one copy of each Affidavit and other document, not already in the Court file, on which you intend to rely at the hearing.

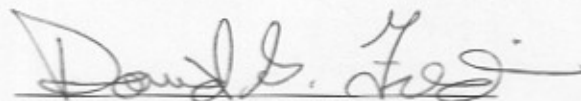
TIME FOR RESPONSE

If the application is for a final judgment under Rule 18A, the Response must be delivered on or before the 11th day after the delivery to you of the Notice of Motion.

In all other cases, the Response must be delivered on or before the 8th day after the later of

- (a) the last date fixed for entry of appearance by you, and
- (b) the date on which the Notice of Motion was delivered to you.

Dated: October 31, 2006


DAVID G. FREDRICKSEN
Solicitor for the Plaintiffs