

Clerk's stamp:

COURT FILE NUMBER: 1603 04298

COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE: Edmonton

PLAINTIFFS: PRESTIGIOUS PROPERTIES INC.

DEFENDANTS: COLD LAKE ESTATES INC., NORTHERN ALBERTA ESTATES INC., THE MULLER RYAN RICHARD DEVELOPMENT GROUP INC. also known as the MRR DEVELOPMENT SERVICES INC., M DOUBLE M ENGINEERING SERVICES INC., CHARLES RYAN, MATTHYS MULLER, ROGER RICHARD and TRI-CITY CAPITAL CORP.

DOCUMENT: **LITIGATION PLAN**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PERSON FILING THIS DOCUMENT:

**Field LLP**  
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File No. 59575-2  
**Attention: Sandeep K. Dhir, Q.C.**  
**Lindsey E. Miller**  
**Sharon A. Roberts**

WHEREAS the Parties named above are under the Case Management of Honourable Associate Chief Justice Rooke ("ACJ Rooke"); AND WHEREAS the Parties have attended a Case Management Officer meeting on March 28, 2017 before Case Management Counsel Ms. Michelle Pidhirney ("Ms. Pidhirney"); AND WHEREAS submissions were made by counsel for Prestigious Properties Inc. ("Prestigious"), counsel for Cold Lake Estates Inc., Northern Alberta Estates Inc., the Muller Ryan Richard Development Group Inc. also known as MRR Development Group Inc. and Charles Ryan (collectively the "Ryan Defendants") and counsel for Matthys Muller and M Double M Engineering Services Inc. (collectively the "Muller Defendants"); AND WHEREAS, the Parties have, as of the 13<sup>th</sup> day of April 2017, agreed to the following:

1. The following applications will be heard together before ACJ Rooke on June 20 and 22, 2017 (the "ACJ Hearing"):

- Recovery of Costs Application – Prestigious as Applicant
- PPI Security for Costs Application – Prestigious as Applicant
- Conflict of Interest Application – Prestigious as Applicant
- Set Aside Application – Ryan Defendants as Applicant

The date(s) for the ACJ Hearing will be finalized by the parties once Ms. Pidhirney has forwarded dates ACJ Rooke is available and the parties have agreed on a date(s).

2. The following timelines will apply to the Applications to be heard at the ACJ Hearing:

- a. Prestigious will provide the Defendants with an application and affidavit for the Conflict of Interest Application (if applicable) by April 18, 2017;
- b. Prestigious will provide the Defendants with an application in the Recovery of Costs Application (if applicable) by April 18, 2017;
- c. The Defendants will complete any Examination on Affidavit in relation to the Conflict of Interest Application (the “Conflict Examination”) by May 15, 2017;
- d. Prestigious will complete Answers to Undertakings of the Conflict Examination by May 23, 2017;
- e. The Defendants will complete Questioning on Undertakings relating to the Conflict Examination by May 30, 2017;
- f. The briefs of the Applicants for the ACJ Hearing will be due on the Friday two weeks preceding the ACJ Hearing date; and
- g. The briefs of the Respondents for the ACJ Hearing will be due on the Friday immediately preceding the ACJ Hearing.

NOTE: The parties agree that if the timelines outlined in 2(a) and 2 (c-e) above regarding the Conflict of Interest Application cannot be met, it will be parceled off to be heard as a separate matter in front of ACJ Rooke at a date to be determined and the ACJ Hearing will contain the three remaining applications outlined in #1 above.

3. The Ryan Defendants shall provide Answers to Undertakings from the Questioning of Charles Ryan on February 21 and 23, 2017 to counsel for Prestigious by April 18, 2017.

- a. Prestigious will complete Questioning on Answers to Undertakings by May 15, 2017.

4. The following shall apply with respect to Questioning and Undertakings of the Muller Defendants:

- a. Prestigious will complete Questioning of Matthys Muller on May 25-26, 2017;
- b. The Muller Defendants will provide any Answers to Undertakings by August 4, 2017.

- c. Prestigious will complete any Questioning on Answers to Undertakings by September 15, 2017.
5. The following shall apply with respect to the Questioning and Undertakings of Roger Richard:
  - a. Prestigious will schedule Questioning of Roger Richard for the week of May 23-26, 2017 with completion being contingent on the appearance of Mr. Richard;
  - b. If the Questioning is completed, Mr. Richard will provide any Answers to Undertakings by August 4, 2017.
  - c. Prestigious will complete any Questioning on Answers to Undertakings by September 15, 2017.
6. The following shall apply with respect to the Questioning and Undertakings of Charles Ryan:
  - a. Prestigious will complete Questioning of Charles Ryan by October 25, 2017;
  - b. Counsel for Mr. Ryan will provide Answers to Undertakings to Prestigious by November 30, 2017;
  - c. Prestigious will complete Questioning on Answers to Undertakings by December 21, 2017.
7. The following shall apply with respect to the Questioning and Undertakings of Thomas Beyer:
  - a. Prestigious will provide Answers to Undertakings stemming from the Questioning of Mr. Beyer on January 24-26, 2017 by April 10, 2017 subject to Undertakings involving third parties (the "Third Party Undertakings") and the Undertaking relating to the large amount of documents (the "Large Undertaking");
  - b. If the Third Party Undertakings and the Large Undertaking cannot be answered by April 10, 2017, Prestigious will provide the Defendants with an explanation of the circumstances and a timeline for completion;
  - c. The Defendants will complete Questioning on Undertakings of Mr. Beyer by August 30, 2017 subject to the Third Party Undertakings and Large Undertaking being completed;
8. Mr. Nestor Makuch will seek instructions from the Charles Ryan and Cold Lake Estates Inc. and provide an answer to other counsel regarding the Consolidation of Action No: 1603 05096, which if consented to will run consecutively to any trial in this Action. Prestigious will seek the consent of Mr. James Thorlakson, counsel for 1536466 Alberta Ltd., who is a named party in the above noted action.
  - a. Mr. Kelly has already provided consent on behalf of the Muller Defendants;

- b. If Mr. Makuch is unable to obtain consent from his clients, Prestigious can bring an application seeking consolidation before Master Schlosser in morning chambers.
- 9. The parties will write to Ms. Pidhirney by December 21, 2017 seeking a date for a subsequent Case Management Meeting in January 2017 if the above noted timelines in this Litigation Plan have been met and the steps outlined have been completed.
- 10. The Parties may adjust any of the obligations herein by mutual written agreement between them, or by Court Order should they fail to reach such an agreement.
- 11. This Litigation Plan may be consented to by the parties in counterpart and by way of facsimile.

**AGREED TO BY:**

**Field LLP**

Per: \_\_\_\_\_

Sandeep K. Dhir, Q.C.  
Solicitor for the Plaintiff,  
Prestigious Properties Inc.

**Witten LLP**

Per: \_\_\_\_\_

Liam Kelly  
Solicitor for the Defendants,  
Matthys Muller and M  
Double M Engineering  
Services Inc.

**Wheatley Sadownik**

Per: \_\_\_\_\_

Nestor Makuch  
Solicitor for the Defendants,  
Cold Lake Estates Inc.,  
Northern Alberta Estates  
Inc., the Muller Ryan Richard  
Development Group Inc. also  
known as MRR Development  
Group Inc. and Charles Ryan