

Superior Court of Justice  
Commercial List

FILE/DIRECTION/ORDER

Hard Rock Pawn  
Plaintiff(s)

AND

Dufferin Construction Company  
Defendant(s)

Case Management  Yes  No by Judge: \_\_\_\_\_

Counsel	Telephone No.:	Facsimile No.:
<u>RM Stubbins</u>		
<u>Harvey Ralston</u>		
<u>Steve Weisz</u>		

- Order  Direction for Registrar (No formal order need be taken out)
- Above action transferred to the Commercial List at Toronto (No formal order need be taken out)
- Adjourned to: \_\_\_\_\_
- Time Table approved (as follows): \_\_\_\_\_

Caterpillar and GIB have agreed that each will ~~engage~~ <sup>select</sup> an appraiser of the equipment of the debtors ~~at their own cost~~ to be engaged by the Monitor to conduct such appraisal on the basis of instructions to be jointly agreed upon by Caterpillar and GIB. Caterpillar and GIB will respectively pay the fees of the appraiser selected by them. Caterpillar and GIB will agree on the list of equipment to be appraised. They agree that the appraisals are to be conducted on both a liquidation basis and a going-concern basis.

July 28/08  
Date

Er. Don-Lut J.  
Judge's Signature

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

IN THE MATTER OF THE *COMPANIES' CREDITORS  
ARRANGEMENT ACT*, R.S.C. 1985, c. C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR  
ARRANGEMENT OF THE HARD ROCK PAVING COMPANY LIMITED  
AND THE COMPANIES LISTED ON SCHEDULE "A"  
(collectively, the "Applicants")

**UNOFFICIAL TRANSCRIPTION OF THE ENDORSEMENT OF  
JUSTICE WILTON-SIEGEL**

July 11/08

Caterpillar and GE have agreed that each will select an appraiser of the equipment of the debtors to be engaged by the Monitor to conduct such appraisal on the basis of instructions to be jointly agreed upon by Caterpillar and GE. Caterpillar and GE will respectively pay the fees of the appraiser selected by them. Caterpillar and GE will agree to the list of equipment to be appraised. They agree that the appraisals are to be conducted on both a liquidation basis and a going-concern basis.

Wilton-Siegel, J.