

Court File Number: CV-12-9896CL

Superior Court of Justice  
Commercial List

FILE/DIRECTION/ORDER

BONNIE CUMMINGS AS ESTATE EXECUTRIX.  
Plaintiff(s)

AND

PEOPLE PLEDGE HR SERVICES INC & P.A.O.  
Defendant(s)

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

Counsel	Telephone No:	Facsimile No:

- 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):

Having read no motion record & heard from  
counsel & being satisfied that not only  
is no relief but not opposed in  
principle by any party appearing  
& with the terms attached hereto  
as approved these Orders will issue  
in the form signed

Dec. 10/12  
Date

[Signature]  
Judge's Signature

Additional Pages \_\_\_\_\_

see enclosure Dec 10/12  
phco -

Although Activpayroll does not oppose the relief sought by the Receiver, it seeks to preserve its right to pursue a claim for reimbursement of costs it paid the Receiver for former employees of Peopledge from and after November 6, 2012 (during which period the "bridge" with Ceridian for the transmission of data was apparently operational, which it says would have made the employment of such former employees during that period unnecessary.)

Activpayroll also referred to references in the 2<sup>nd</sup> Report relating to steps taken by the Receiver in connection with confidential information relating to each customer. The 2<sup>nd</sup> Report contains no details as to the manner in which such confidential data may have been viewed, handled or transmitted (electronically or otherwise) from and after October 29, 2012 in respect of which court approval is sought for the Receiver's actions, and Activpayroll seeks to reserve its rights in that regard.

Finally, Activpayroll wishes to ensure that: (i) the authorization and direction to Bank of Montreal ("BMO") for the transfer of funds and the protection afforded to BMO under this Order relates solely to the transfer of funds identified in the 2<sup>nd</sup> Report that have not yet been completed, and not any prior dealings with Peopledge's accounts; and (ii) the relief being sought on this Motion is limited to the relief set out in the Receiver's Notice of Motion.

I am satisfied that the above reservation of rights is appropriate and the Orders sought by the Receiver are made expressly subject to same for the benefit of all customers of Peopledge.

phco