

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**



THE HONOURABLE REGIONAL

)

FRIDAY, THE 26th

)

SENIOR JUSTICE MORAWETZ

)

DAY OF JANUARY, 2018

IN THE MATTER OF MAPLE BANK GmbH

AND IN THE MATTER OF THE *WINDING-UP AND RESTRUCTURING ACT*,
R.S.C. 1985, C.W-11, AS AMENDED

AND IN THE MATTER OF THE *BANK ACT*, S.C. 1991, C.46, AS AMENDED

BETWEEN:

THE ATTORNEY GENERAL OF CANADA

Applicant

-and-

MAPLE BANK GmbH

Respondent

DATA TRANSFER ORDER

THIS MOTION, made by KPMG Inc. ("**KPMG**"), in its capacity as court-appointed liquidator (the "**Liquidator**") in respect of the winding-up of the business in Canada of Maple Bank GmbH ("**MBTOR**") for an Order authorizing and directing the Liquidator to produce certain of the books and records of MBTOR which are in the power, possession or control of the Liquidator

to Dr. Michael C. Frege in his role as Insolvency Administrator of Maple Bank GmbH ("**Maple Bank**"), as appointed pursuant to the German Insolvency Code (the "**German Insolvency Administrator**" or "**GIA**") was heard this day at the court house, 330 University Avenue, Toronto, Ontario.

ON READING the materials filed on the initial appearance of December 13, 2017, namely the Motion Record filed by the Liquidator (the "**Motion Record**"), the Thirteenth Report of the Liquidator, the affidavit of Dr. Charlotte Schildt (the "**Schildt Affidavit**"), and on reading the Second Supplement to the Thirteenth Report of the Liquidator (the "**Second Supplement**") and on hearing the submissions of counsel to the Liquidator, counsel to the German Insolvency Administrator, counsel to Deloitte Restructuring Inc. ("**Deloitte**"), in its capacity as trustee in bankruptcy (the "**Trustee**") of Maple Financial Group Inc. ("**MFGI**"), counsel to Ontario Teachers' Pension Plan ("**OTPP**"), counsel to National Bank of Canada ("**NB**"), both as former shareholders of MFGI, Osler, Hoskin & Harcourt LLP ("**Osler**"), as counsel to Maple Securities Canada Limited (together with its predecessors, "**MSCL**") and as former counsel to MFGI, no other parties appearing although duly served with the Motion Record as evidenced by the affidavit of Marie Pacheco sworn, and filed,

1. **THIS COURT ORDERS**, pursuant to paragraphs 8 and 9 of the Winding-Up Order of Regional Senior Justice Morawetz dated February 16, 2016 (the "**Winding-Up Order**") and section 7(3)(c) of the *Personal Information Protection and Electronic Documents Act*, (Canada) ("**PIPEDA**") that the Liquidator is hereby authorized and directed to

- (i) produce, transfer and release to the GIA

(a) all digital records of MBTOR stored on the Global One database, which server is currently located in Frankfurt Germany and is in the possession of the GIA (the “**Global One Records**”);

(b) all physical records of MBTOR stored at the storage facility located in the Greater Toronto Area and known as the “**Recall Facility**” (the “**Recall Records**”);
and,

(c) all data stored in the Laserfiche system that relates solely to the Master Agreements for Securities Lending and Repo transactions for MBTOR (the “**Laserfiche Data**”) ((a), (b) and (c) collectively, the “**Initial Transfer Data**”)

(ii) to authorize any other person with the Initial Transfer Data in their possession, power or control (“**Applicable Person**”) to produce, transfer and release the Initial Transfer Data to the GIA,

subject to the Liquidator’s right to (a) make and maintain copies of the Global One Records and the Laserfiche Data; and (b) have continued access to the Initial Transfer Data until the Liquidator has been finally discharged by order of this Court.

2. **THIS COURT ORDERS AND DIRECTS** that the Liquidator, or its agent, shall make a copy of the data stored at the data storage facility located in Mississauga, Ontario known as the “**SunGard Facility**” and to the extent practicable, the Liquidator, or its agent, shall segregate, remove and separately store from the copy of the data stored at the SunGard Facility the following digital data: (a) personal information of the mortgagor, borrower, and/or any guarantor related to

the (i) mortgage loans; (ii) immigrant investor program loans; and (iii) personal information of or related to employees, as listed on Schedule "A", hereto; (b) personal information (including personal financial information) of former employees or clients of MSCL as identified by MSCL, in consultation with the GIA; (c) personal information of the mortgagors associated with the Maple Bank Den Haag Branch in the Netherlands, as listed on Schedule "B", hereto; and (d) certain confidential and/or proprietary information of sub-tenants of MSCL which are not part of the Maple Bank group of companies, with the remaining data and records located on the copy identified as the "**Data Set**".

3. **THIS COURT ORDERS AND DIRECTS** that the Data Set shall be indexed by the Liquidator, or an agent retained by the Liquidator, with software selected by the Liquidator in consultation with the GIA, MSCL, OTPP, NB and the Trustee in order to render it searchable. The Liquidator shall ensure that any agent retained by it is subject to appropriate confidentiality obligations.

4. **THIS COURT ORDERS** that nothing in this Order shall prejudice the rights of access of the Liquidator, the Trustee, or MSCL to the physical records stored at the RecordXpress Facility and the data tapes stored at the EY Facility and the KPMG Facility, and the original data set stored at the SunGard Facility, and the physical records stored at the RecordXpress Facility, the data tapes stored at the EY Facility and the KPMG Facility, and the original data set stored at the SunGard Facility shall not be subject to the terms of this Order.

5. **THIS COURT ORDERS** that nothing in this Order shall prejudice the rights, including any rights of access, of the GIA, if any, in respect of physical records stored at the RecordXpress Facility and the data tapes stored at the EY Facility and the KPMG Facility and the original data

set stored at the SunGard Facility excluding any rights to transfer any portion of such data or documents the nature of which would be segregated by the terms of this Order without further order of this Court.

6. **THIS COURT ORDERS AND DIRECTS** that upon receiving an appropriate direction and authorization from the Trustee on behalf of MFGI in form satisfactory to Osler and the Trustee (the “**MFGI Authorization**”), Osler, in its capacity as former counsel to MFGI, shall make reasonable inquiries of its matter information and accounting system with a view to generating a list of the Osler legal professional timekeepers who performed legal services for MFGI, during the period 1997-2016 and Osler shall provide the resulting list to the Liquidator, OTPP, NB, the Trustee and the GIA.

7. **THIS COURT ORDERS AND DIRECTS** that upon receiving the MFGI Authorization, Osler, in its capacity as former counsel to MFGI, shall make reasonable inquiries of two current partners at Osler who have the greatest knowledge of such matters with a view to generating a list of (i) the external law firms (other than Osler), and (ii) the MFGI in-house counsel lawyers, if any, that, in each case, to the reasonable best recollection of such partners, performed legal services for MFGI, during the period 2010-2016, and Osler shall provide the resulting list to the Liquidator, OTPP, NB, the Trustee and the GIA.

8. **THIS COURT ORDERS AND DIRECTS** the Trustee to provide the MFGI Authorization to Osler on behalf of MFGI in order to facilitate the completion of Paragraphs 6 and 7 of this Order.

9. **THIS COURT ORDERS AND DIRECTS** that the Liquidator, OTPP, NB, the Trustee and the GIA are authorized to use the list and information provided by Osler pursuant to Paragraphs 6 and 7 solely for the purposes of implementing this Order.

10. **THIS COURT ORDERS AND DIRECTS** that in providing the information identified in Paragraphs 6 and 7 of this Order, Osler shall be deemed not to have breached any duty of confidentiality, any duty of loyalty or any other duty towards its former client MFGI. In addition, in complying with Paragraphs 6, 7, 8, and 9 of this Order, neither the Trustee nor Osler shall be deemed to have waived any claim of privilege on behalf of MFGI.

11. **THIS COURT ORDERS AND DIRECTS** that OTPP and NB may prepare and deliver to the GIA, the Trustee and the Liquidator, within 30 days after the receipt from Osler of the information pursuant to paragraphs 6 and 7 above (after which OTPP and NB may introduce no further search terms, except in order to correct spelling or clerical errors contained in the initial search terms or by way of qualification of existing search terms and in accordance with paragraph 15 below), a list of proposed search terms to be applied by the Liquidator to the Data Set (the “**Search Terms**”). The proposed search terms shall be limited to those reasonably required to identify any:

- (a) data or documents related to MFGI that may be reasonably considered to be subject to MFGI privilege in accordance with Canadian Law (collectively the “**MFGI Privileged Data**”);
- (b) emails and other communications to and from or documents created for or by OTPP and NB (each in their capacity as shareholders of MFGI), in relation to MFGI,

including any such communications and documents to and/or from OTPP and/or NB that involved other shareholders of MFGI in their capacities as such (collectively the “**MFGI OTPP or NB Shareholder Data**”);

- (c) MFGI board meeting minutes and materials; and
- (d) emails and other communications in relation to MFGI to and from members of the Board of Directors of MFGI in their capacities as MFGI board members or communications to and from the MFGI Board of Directors as a whole (collectively with (c) the “**MFGI Board Data**”).

12. **THIS COURT ORDERS** that to the extent that any of the proposed Search Terms or Additional MFGI Privileged Search Terms (as defined below) consist of the name of any person who acted in one or more other capacities with other Maple entities, such names shall only be applied as search terms in conjunction with reasonable and relevant qualifying search terms consistent with paragraph 11 above.

13. **THIS COURT ORDERS** that to the extent that OTPP and NB are aware of additional search terms that are reasonably required to identify any MFGI data or documents that may reasonably be considered to be MFGI Privileged Data and the disclosure of which to the GIA might reasonably reveal MFGI Privileged Data, and subject to the same condition in paragraph 12, then, OTPP and NB may within 30 days after the receipt from Osler of the information pursuant to paragraphs 6 and 7 above, provide those search terms directly to the Liquidator, on a confidential basis (the “**Additional MFGI Privileged Search Terms**”), and in so doing none of OTPP, NB, MFGI, or the Trustee shall be deemed to have waived any claim of privilege with regard to such

information as provided to the Liquidator and the Liquidator shall not otherwise use or rely on such information in any manner whatsoever.

14. **THIS COURT ORDERS** that the Liquidator shall as soon as is practicable following submission of the Search Terms and the Additional MFGI Privileged Search Terms by OTPP and NB pursuant to paragraphs 11 and 13, and notwithstanding any disputes as to the appropriateness of search terms, apply all of the proposed search terms to the Data Set and provide a report to OTPP, NB, the GIA and the Trustee setting out each proposed search term (except that the Additional MFGI Privileged Search Terms delivered pursuant to paragraph 13 can be identified by number), the number of hits associated with each search term, and, to the extent practicable, type of document/data (the “**Initial Hit Report**”).

15. **THIS COURT ORDERS** that the Liquidator and the GIA shall review the Initial Hit Report and the proposed Search Terms provided pursuant to paragraph 11, and the Liquidator confidentially shall review the Additional MFGI Privileged Search Terms provided pursuant to paragraph 13, herein, and:

- (a) should the Liquidator or GIA have any concerns with the search terms provided pursuant to paragraph 11, that cannot be resolved in consultation with OTPP, NB, and/or the Trustee, as may be applicable; or
- (b) should the Liquidator have any concerns with the search terms provided pursuant to paragraph 13, that cannot be resolved in consultation with OTPP and NB; then

the Liquidator or the GIA may seek directions from this Court, or Kevin McElcheran as the appointed Claims Officer (the “**Claims Officer**”) pursuant to the Claims Procedure Order dated June 8, 2016 (the “**Claims Procedure Order**”) as to the appropriateness of the Search Terms, and in the case of a request for directions in relation to the Additional MFGI Privileged Search Terms, the request and the Additional MFGI Privileged Search Terms shall be sealed. In considering the appropriateness of any Search Terms the Court or the Claims Officer, as the case may be, is entitled to consider, among other things, (i) whether the Search Terms appropriately identify MFGI Privileged Data, MFGI OTPP or NB Shareholder Data, or MFGI Board Data; and (ii) the number and proportion of other data and documents that the Search Terms identify.

16. **THIS COURT ORDERS** that in the event that the Liquidator, or the GIA seek directions from the Claims Officer as to the appropriateness of the Search Terms pursuant to paragraph 15, above, the resolution of claims dispute process, as set out in paragraphs 13, 14 and 15 of the Claims Procedure Order, shall apply *mutatis mutandis* to the process as set out in paragraph 15, above.

17. **THIS COURT ORDERS** that, no less than 30 days after the date on which the Liquidator circulates the Initial Hit Report pursuant to paragraph 14, or any later date to which the GIA, OTPP, and NB may consent, and each 45 days thereafter, subject to any party’s right to seek directions from this Court at any time,

- (a) the Liquidator shall, at the request of the GIA, apply all agreed, approved and remaining disputed (and not resolved) Search Terms and Additional MFGI Privileged Search Terms, as at such time, to the Data Set; and

(b) any data not identified by means of the application of all agreed, approved and remaining disputed (and not resolved) Search Terms and Additional MFGI Privileged Search Terms in accordance with paragraph 17(a) (each, "Interim Transfer Data") shall be released to the GIA (each, an "Interim Transfer") as soon as is practicable, without further order of this Court or agreement of the parties). To the extent the Interim Transfer Data contains any personal information (including personal financial information) relating to the former employees or clients of MSCL or MBTOR, the GIA shall hold such information and not disclose or disseminate such information except as, and to the extent, permitted under applicable German laws and/or upon inquiry or request of any authority, regulatory, governmental or legal body or court.

18. **THIS COURT ORDERS** that the data and documents identified from time to time by means of the application of the then agreed, approved and remaining disputed (and not resolved) Search Terms and Additional MFGI Privileged Search Terms in accordance with paragraph 17(a) (collectively the "Interim Segregated Data") shall be removed from the Data Set by the Liquidator and shall not be released to the GIA except by agreement of the parties, or pursuant to a subsequent Interim Transfer in accordance with paragraph 17 or a Final Transfer in accordance with paragraph 20.

19. **THIS COURT ORDERS** that following the resolution of any remaining disputes relating to the Search Terms or Additional MFGI Privileged Search Terms pursuant to paragraph 15, the Liquidator shall apply the final Search Terms and Additional MFGI Privileged Search Terms to any Interim Segregated Data, and any data or documents identified by means of the final agreed

Search Terms and Additional MFGI Privileged Search Terms shall be segregated from the Interim Segregated Data by the Liquidator (the "Final Segregated Data" and together with the Interim Segregated Data, the "Segregated Data") and not be released to the GIA, pending further order of this Court. The Liquidator shall not conduct any further review of the Final Segregated Data, and any person(s) subsequently selected to conduct any further review of the Final Segregated Data, to the extent required, shall be determined at a later date by mutual agreement of the GIA, Trustee, Liquidator, OTPP, and NB or further order of this Court.

20. **THIS COURT ORDERS** that the remaining portion of the Interim Segregated Data exclusive of the Final Segregated Data identified after the steps undertaken pursuant to paragraph 19 (the "Final Transfer Data"), shall be released to the GIA without further order of this Court (the "Final Transfer"). To the extent the Final Transfer Data contains any personal information (including personal financial information) relating to the former employees or clients of MSCL or MBTOR, the GIA shall hold such information and not disclose or disseminate such information except as, and to the extent, permitted under applicable German laws and/or upon inquiry or request of any authority, regulatory, governmental or legal body or court.

21. **THIS COURT ORDERS** that this Order, the determination and application of search terms, and the segregation of the Segregated Data are all without prejudice to: (i) any rights of the GIA in respect of data and documents already in its possession or in the possession of Maple Bank, (ii) the ability of the GIA, Maple Bank, the Liquidator, MBTOR or MSCL to assert any right it may have to the transfer and release of and access to the Data Set, any of the Segregated Data, and any other data or documentation, including any right to assert that any or all of the Segregated Data should not be segregated from the Data Set or to make any submissions in relation to or in defence

of any such rights including submissions in respect of the standing of OTPP and NB; and (iii) the ability of OTPP or NB to assert any right they may have in accordance with this Order, including any right to assert that any or all of the Segregated Data should not be transferred to the GIA or to make any submissions in relation to or in defence of any such rights including asserting the standing of OTPP and NB.

22. **THIS COURT ORDERS** that in connection with any transfer of all or any portion of the Initial Transfer Data, Interim Transfer Data or the Final Transfer Data, any software licensed by MSCL at the time of such transfer which is required to enable the GIA to review the Initial Transfer Data, Interim Transfer Data, or the Final Transfer Data, as applicable, shall be made available to the GIA in accordance with, and to the extent permitted pursuant to, the terms of any applicable software license agreement to which MSCL is then a party.

23. **THIS COURT ORDERS** that the Liquidator shall, upon each application of the search terms to the Data Set (or the remaining portion thereof) pursuant to paragraph 16 of this Order, deliver a report to OTPP, NB, the GIA and the Trustee in which it shall report on the Segregated Data, setting out each search term (or remaining search term) (except that search terms delivered pursuant to paragraph 13 can be identified by number), the number of hits associated with each search term, and, to the extent practicable, a breakdown of hits by search term and type of document/data.

24. **THIS COURT ORDERS** that the GIA shall be permitted to remove and transfer the Initial Transfer Data, Interim Transfer Data and Final Transfer Data from Canada to Germany in furtherance of the Information Request, as defined in the Schildt Affidavit, without further order of this Court, or the consent of the Liquidator, or the consent of any other person, entity, individual

or corporation, provided that a duplicate copy of the Initial Transfer Data, exclusive of the Recall Records, Interim Transfer Data and the Final Transfer Data is maintained with the Liquidator in Canada and that the Liquidator shall have continuing access to the Initial Transfer Data, Interim Transfer Data and the Final Transfer Data, as it relates to MBTOR, until the Liquidator has been finally discharged by order of this Court.

25. **THIS COURT ORDERS** that the estate of MBTOR shall be responsible to pay the reasonable costs incurred by the Liquidator to assemble, transfer and release the Initial Transfer Data to the GIA and such costs shall form part of the Administration Charge as provided for in the Winding-Up Order.

26. **THIS COURT ORDERS** that all costs incurred by, or on behalf of the Liquidator in connection with the foregoing identification and application of the Search Terms, and to assemble, transfer and release of the Interim Transfer Data and Final Transfer Data to the GIA shall also form part of the Administration Charge as provided for in the Winding-Up Order, but shall be separately tracked and allocated among the Liquidator, GIA, OTPP and NB as those parties agree or, failing such an agreement, by order of this Court. Each party shall otherwise bear its own costs.

27. **THIS COURT ORDERS** that the Liquidator, KPMG, MBTOR, Maple Bank, Deloitte, the Trustee, Osler, Canada Mortgage Housing Corporation, MSCL, and any purchaser of, or successor issuer of, any of the assets or business of MBTOR, whether before or subsequent to the Winding-Up Order to date, and their respective directors, officers, partners, employees agents, representatives and legal counsel, be and are hereby forever released and discharged from any and all liability or any claim of breach of professional duty in any way arising out of, or in connection with obtaining, complying with, or carrying out the terms of this Order. The GIA, his firm, its

partners, employees, agents, representatives and legal counsel, be and are hereby forever released and discharged from any and all liability in any way arising out of, or in connection with the obtaining, complying with, or carrying out the terms of this Order, subject to the GIA complying with applicable German privacy laws with regard to any personal information and/or data that is released and transferred to the GIA pursuant to the terms of this Order.

28. **THIS COURT ORDERS** that the disclosure and transfer of data and/or records, pursuant to this Order, which may be subject to a claim of privilege by any of MBTOR, Maple Bank, the GIA, MSCL, MFGI, OTPP, or NB, including without limitation (i) the providing of any identified privileged search terms to the Liquidator by OTPP and/or NB in accordance with paragraphs 11 and 13 of this Order; and (ii) the providing of any information to the Liquidator, OTPP, NB, the Trustee and the GIA by Osler in accordance with paragraphs 6 and 7 of this Order, shall not constitute, or be deemed to constitute, a waiver of any claims for privilege that any of MBTOR, Maple Bank, the GIA, MSCL, MFGI, OTPP, or NB may have in respect of any such information, data and/or records (collectively the “**MFGI Privilege Claim**”). Notwithstanding that MBTOR, MSCL, MFGI, OTPP, NB, the Trustee or the GIA or Maple Bank have consented to, or not opposed the granting of this order, MBTOR, MSCL, MFGI, OTPP, NB, the Trustee, the GIA or Maple Bank reserve all their rights in respect of the assertion or determination of any MFGI Privilege Claim, as applicable, including, without limitation, their right to seek directions under Paragraph 30 to seek a determination of a Privilege Claim.

29. **THIS COURT ORDERS** that, notwithstanding anything else in this Order, if the GIA receives written notice from MSCL, OTPP, NB, MFGI, or the Trustee that such party reasonably asserts a privilege claim over certain specified data or documents which were transferred to the

GIA as part of the Interim Transfer Data or a Final Transfer Data, the GIA (i) shall not use, or rely on the specified data or documents in any place, wherever such data or documents may be located without the consent of such other party, or further order of this Court and (ii) in the event that such data or documents have been transferred by the GIA to a third party (a “**Transferee**”), to the extent reasonably practicable, the GIA shall advise the party or parties asserting the privilege claim of the Transferee and provide the Transferee’s contact details.

30. **THIS COURT ORDERS** that any party with any interest in the Segregated Data, shall be at liberty to bring a motion for directions, or seek any other relief before this Court, including for the determination of the status of any or all of the Segregated Data, or for the establishment of a process to determine the status of any or all of the Segregated Data.

31. **THIS COURT HEREBY REQUESTS** the aid, assistance and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada, the United States, United Kingdom, the Republic of Germany, including the assistance of the Amtsgericht Frankfurt am Main [Insolvency Court] to give effect to this Order and to assist the Liquidator and its agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Liquidator, as an officer of this Court, as may be necessary or desirable to give effect to this Order or to assist the Liquidator and its agents in carrying out the terms of this Order.

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JAN 26 2018

PER / PAR:

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G.B. Morawetz, RSJ

**This is Schedule "A" to the
Data Transfer Order**

The following is a list of the databases that have been removed from the GIA Data Copy:

- 1) TBSM
- 2) TBSM_HE
- 3) TBSM_NL

1	e:\dfs user shares\Account\common\MBBRAccount\KPMG(Claims)\Executive employee info\Wilburn request\Item 7 - Trailer fees\Item 7a and 7b - Immigrant note sales	26	e:\dfs user shares\Account\common\MBBRAccount\FY 2014\Oct 13\Mortgage Book\
2	e:\dfs user shares\Account\common\MBBRAccount\KPMG(Immigrant note)	27	e:\dfs user shares\Account\common\MBBRAccount\FY 2015\Sep 15\Mortgage book\
3	e:\dfs user shares\Account\common\MBBRAccount\Hedge Accounting\2013\Sep 13\Immigrant note info to EY\	28	e:\dfs user shares\Account\common\MBBRAccount\FY 2015\Jun 15\Mortgage book\
4	e:\dfs user shares\LF Export\Policies, Procedures and related documents\Material Agreements\Agreements\MBTOr\IMMIGRANT INVESTOR PROGRAM\	29	e:\dfs user shares\Account\common\MBBRAccount\FY 2015\Mar 15\Mortgage book\
5	e:\dfs user shares\LF Export\External Audit\E and Y\2013 - Pre Year End Audit\1. Financing of Immigration Investment Program\	30	e:\dfs user shares\Account\common\MBBRAccount\FY 2015\Feb 15\Mortgage book\
6	e:\dfs user shares\LF Export\External Audit\E and Y\2013\1. Immigrant Investor Program\	31	e:\dfs user shares\Account\common\MBBRAccount\FY 2015\Oct 14\Mortgage book\
7	e:\dfs user shares\FinProc\HROse\Tom\Waiple\Bank Tor branch\EY Audit - Immigrant Financing Strategy 2015\	32	e:\dfs user shares\Account\common\MBBRAccount\FY 2015\May 15\Mortgage book\
8	e:\dfs user shares\EY German\Immigrant Investor\	33	e:\dfs user shares\Account\common\MBBRAccount\FY 2015\Jul 15\Mortgage book\
9	e:\dfs user shares\Account\Legal\compliance\Private Client Services\AIG Files\Xceed Mortgage\	34	e:\dfs user shares\Account\common\MBBRAccount\FY 2015\Aug 15\Mortgage book\
10	e:\dfs user shares\Account\common\MBBRAccount\FY 2014\Sep 14\Mortgage book\	35	e:\dfs user shares\Account\common\MBBRAccount\FY 2015\Apr 15\Mortgage book\
11	e:\dfs user shares\Account\common\MBBRAccount\FY 2014\July 14\Mortgage book\	36	e:\dfs user shares\Account\common\MBBRAccount\FY 2015\Nov 14\Mortgage book\
12	e:\dfs user shares\Account\common\MBBRAccount\FY 2014\June 14\Mortgage book\	37	e:\dfs user shares\Account\common\MBBRAccount\FY 2015\Dec 14\Mortgage book\
13	e:\dfs user shares\Account\common\MBBRAccount\FY 2014\June 14\FS\OSFI reporting\3rd party originated mortgage questionnaire\	38	e:\dfs user shares\Account\common\MBBRAccount\FY 2015\Jan 15\Mortgage book\
14	e:\dfs user shares\Account\common\MBBRAccount\FY 2014\June 14\FS\OSFI reporting\3rd party originated mortgage questionnaire\OSFI Agreements\	39	e:\dfs user shares\Account\common\MBBRAccount\FY 2016\Aug 16\Mortgage book\
15	e:\dfs user shares\Account\common\MBBRAccount\FY 2014\June 14\FS\OSFI reporting\3rd party originated mortgage questionnaire\OSFI Agreements\Purchasing Agreements\	40	e:\dfs user shares\Account\common\MBBRAccount\FY 2016\Dec 15\Mortgage book\
16	e:\dfs user shares\Account\common\MBBRAccount\FY 2014\June 14\FS\OSFI reporting\3rd party originated mortgage questionnaire\OSFI Agreements\Administration Agreements\	41	e:\dfs user shares\Account\common\MBBRAccount\FY 2016\Oct 15\Mortgage book\
17	e:\dfs user shares\Account\common\MBBRAccount\FY 2014\June 14\FS\OSFI reporting\3rd party originated mortgage questionnaire**	42	e:\dfs user shares\Account\common\MBBRAccount\FY 2016\Jan 16\Mortgage book\
18	e:\dfs user shares\Account\common\MBBRAccount\FY 2014\May 14\Mortgage book\	43	e:\dfs user shares\Account\common\MBBRAccount\FY 2016\Nov 15\Mortgage book\
19	e:\dfs user shares\Account\common\MBBRAccount\FY 2014\Mar 14\Mortgage book\	44	e:\dfs user shares\Account\common\MBBRAccount\FY 2016\Feb 15, 16 cut off - KPMG\Mortgage book\
20	e:\dfs user shares\Account\common\MBBRAccount\FY 2014\Aug 14\Mortgage book\	45	e:\dfs user shares\Account\common\MBBRAccount\FY 2016\Oct 16\Mortgage book\
21	e:\dfs user shares\Account\common\MBBRAccount\FY 2014\Dec 13\Mortgage book\	46	e:\dfs user shares\Account\common\MBBRAccount\FY 2016\Feb 29, 16\Mortgage book\
22	e:\dfs user shares\Account\common\MBBRAccount\FY 2014\Apr 14\Mortgage book\	47	e:\dfs user shares\Account\common\MBBRAccount\FY 2016\Mar 16\Mortgage book\
23	e:\dfs user shares\Account\common\MBBRAccount\FY 2014\Feb 14\Mortgage book\	48	e:\dfs user shares\Account\common\MBBRAccount\FY 2016\Sep 16\Mortgage book\
24	e:\dfs user shares\Account\common\MBBRAccount\FY 2014\Jan 14\Mortgage book\	49	e:\dfs user shares\Account\common\MBBRAccount\FY 2016\Jun 16\Mortgage book\
25	e:\dfs user shares\Account\common\MBBRAccount\FY 2014\Nov 13\Mortgage Book\	50	e:\dfs user shares\Account\common\MBBRAccount\FY 2016\Jul 16\Mortgage book\
51	e:\dfs user shares\Account\common\MBBRAccount\FY 2016\Feb 10, 16 cut off - German liquidator\Mortgage book\	77	e:\dfs user shares\Account\common\MBBRAccount\FY 2012\Nov 11\Mortgage book\
52	e:\dfs user shares\Account\common\MBBRAccount\FY 2016\Apr 16\Mortgage book\	78	e:\dfs user shares\Account\common\MBBRAccount\FY 2012\Dec 11\Mortgage book\

53	e:\dfs user shares\Account\common\MBBRAccount\FY 2016\May 16\mortgage book\	e:\dfs user shares\Account\common\MBBRAccount\FY 2012\Jan 12\mortgage book\
54	e:\dfs user shares\Account\common\MBBRAccount\FY 2013\Sep 13\mortgage book\	e:\dfs user shares\Account\common\MBBRAccount\FY 2012\Oct 11\mortgage book\
55	e:\dfs user shares\Account\common\MBBRAccount\FY 2013\June 13\mortgage book\	e:\dfs user shares\Account\common\MBBRAccount\SPG Mortgage info\
56	e:\dfs user shares\Account\common\MBBRAccount\FY 2013\July 13\mortgage book\	e:\dfs user shares\Account\common\MBBRAccount\FY 2011\Sep 11\mortgage book\
57	e:\dfs user shares\Account\common\MBBRAccount\FY 2013\Aug 13\mortgage book\	e:\dfs user shares\Account\common\MBBRAccount\mortgage Pool info\
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103	e:\dfs user shares\Cash\LishmanP\MBTO Branch\CBA\mortgage Prepayment Disclosure\	e:\dfs user shares\Cash\LishmanP\MBTO Branch\OSFI Info\OSFI Mortgage Industry Monitoring\
104	e:\dfs user shares\Cash\LishmanP\Process (Job) Descriptions\Maple Trust\Securitization\Smart Trust Portfolio Reports\MBTOR_Sep 30_03\CIBC Mortgage Pool 200 FINAL\	e:\dfs user shares\LF Export\External Audit\E and Y\2013\4. Canada Mortgage Bond Program\
105	e:\dfs user shares\Cash\LishmanP\Process (Job) Descriptions\Maple Trust\mortgage Banking P&L\	e:\dfs user shares\LF Export\External Audit\E and Y\2013\3. Financing of Mortgage Companies\
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106	e:\dfs user shares\Cash\Lishman\Economic Info\US Subprime Mortgage\	e:\dfs user shares\LF Export\Mortgages\	132
107	e:\dfs user shares\Cash\SukhiaC\Wynextmortgage\	e:\dfs user shares\T_Users\Laserfiche\20160909\T\Department Notes\Mortgage\	133
108	e:\dfs user shares\LF Export\Compliance\OSFI Review - May 2015\Section D_ Mortgage Securitization\	e:\dfs user shares\T_Users\Laserfiche\20160601\T\Department Notes\Mortgage\	134
109	e:\dfs user shares\LF Export\Compliance\OSFI Review - May 2015\Section A_ General Information, Product Profile and Front Office Oversight\5_ Reports\Mortgage Securitization\	e:\dfs user shares\T_Users\campbelk\Scripts\Powershell\Mortgage\	135
110	e:\dfs user shares\LF Export\Compliance\OSFI Review - March 2013\Section C - Asset Securitization activity\C2 Sold and Securitized Insured Mortgage Portfolios\	e:\dfs user shares\T_Users\Stumkur\AdhocSQL\MortgageFiles\	136
111	e:\dfs user shares\LF Export\Compliance\OSFI Review - March 2013\Section C - Asset Securitization activity\C1 Warehouse of Insured Mortgages\	e:\dfs user shares\T_Users\ptobin\My Documents\Mortgages\	137
112	e:\dfs user shares\LF Export\Accounts Payable\2011\W\MBSIA (Mortgage-Backed Securities Issuers Association)\	e:\dfs user shares\T_Users\Fung\Projects\Kondor\AppSolutions\MortgageCashFlows\	138
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114	e:\dfs user shares\LF Export\Policies, Procedures and related documents\Material Agreements\Agreements\MBTor\CFR\Xceed Mortgage Corp\	e:\dfs user shares\Stockins\SPECIAL\2006\2006\q12006\Dec\financial statements\WTC\Consolidated Mortgage Banking 12_31_05\	140
115	e:\dfs user shares\LF Export\Policies, Procedures and related documents\Material Agreements\Agreements\MBTor\CFR\Pacific Mortgage Group\	e:\dfs user shares\Stockins\Wilkinsons\ääåSteve's Data\Data Files\Projects\Mortgage Banking\	141
116	e:\dfs user shares\LF Export\Policies, Procedures and related documents\Material Agreements\Agreements\MBTor\CFR\Lakeview Mortgage Funding Inc\	e:\dfs user shares\Stockins\Wilkinsons\ääåSteve's Data\Data Files\HEDGE ACCOUNT\QUARTER-END FILES\2004\Qtr 4.04\Mortgage Banking\	142
117	e:\dfs user shares\LF Export\Policies, Procedures and related documents\Material Agreements\Agreements\MBTor\CFR\MCAN Mortgage Corporation\	e:\dfs user shares\Stockins\Dykes\Main\GRAHAM'S DATA\Internal Audit\Maple Trust\Mortgage File Review\	143
118	e:\dfs user shares\LF Export\Policies, Procedures and related documents\Material Agreements\Agreements\MBTor\Loan Agreements\Xceed Mortgage Corp\	e:\dfs user shares\Creditinfo\Mutual Funds (United States)\FUND (GOLDMAN)\FUND (GOLDMAN_U_S MORTGAGE FUND)\	144
119	e:\dfs user shares\LF Export\Policies, Procedures and related documents\Material Agreements\Agreements\MBTor\SPG Agreements\Wynext Mortgage Company - Warehouse Credit Facility\	e:\dfs user shares\Creditinfo\Mutual Funds (United States)\FUND (EVERGREENINST)\FUND (EVERGREENINST_MORTGAGE)\	145
120	e:\dfs user shares\LF Export\Policies, Procedures and related documents\Material Agreements\Agreements\MBTor\SPG Agreements\Wynext Mortgage Premier Trust\	e:\dfs user shares\Creditinfo\Counterparty Information (Collective Trust)\Morgan Stanley Mortgage Securities Trust\	146
121	e:\dfs user shares\LF Export\Policies, Procedures and related documents\Material Agreements\Agreements\MBTor\SPG Agreements\Xceed Mortgage Corporation Whole Loan Mortgage	e:\dfs user shares\MBTor P and P\MBTor Material Agreements\Loan Agreements\Xceed Mortgage Corp\	147
122	e:\dfs user shares\LF Export\Policies, Procedures and related documents\Material Agreements\Agreements\MBTor\SPG Agreements\Bridgewater Bank Whole Loan Mortgage Purchase\	e:\dfs user shares\Structured\SA-Dutch mortgage-backed investments\	148
123	e:\dfs user shares\LF Export\T\Department Notes\Mortgage\	e:\dfs user shares\EY\German\Loan Agreements (Contracts)\Xceed Mortgage Corp\	149
124	e:\dfs user shares\LF Export\External Audit\E and Y\2013 - Pre Year End Audit\3_ Financing of Mortgage Companies\	e:\dfs user shares\EY\German\Security Registrations\Xceed Mortgage Corp\	150
125	e:\dfs user shares\LF Export\External Audit\E and Y\2013 - Pre Year End Audit\4_ Canada Mortgage Program\	e:\dfs user shares\EY\German\Xceed Mortgage Corp\	151
126	e:\dfs user shares\LF Export\External Audit\E and Y\2012\German\MBTor Credit and Security Agreements\Wynext Mortgage Premier Trust\		
127	e:\dfs user shares\LF Export\External Audit\E and Y\2012\German\MBTor Credit and Security Agreements\Wynext Mortgage Funding Trust\		
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- 4 \\cadmium\COPY1\DFS User Shares\LF Export\Human Resources
- 5 \\cadmium\COPY1\DFS User Shares\Account\common\product control\Immigrant Funding
- 6 \\cadmium\COPY1\DFS User Shares\Cash\LishmanP\MBTO Branch\Client Secured Lending\Immigrant Investor Program
- 7 \\cadmium\COPY1\DFS User Shares\Cash\SukhiaC\Immigrant investor
- 8 \\cadmium\COPY1\DFS User Shares\Account\Maple PPF
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**This is Schedule "B" to the
Data Transfer Order**

The following is a list of the databases that have been removed related to the Maple Bank Den Haag Branch in the Netherlands:

- 1) TBSM_NL

IN THE MATTER OF THE MAPLE BANK GMBH
AND IN THE MATTER OF THE *WINDING-UP AND RESTRUCTURING ACT*, R.S.C. 1985, C.W-11, AS AMENDED
AND IN THE MATTER OF THE *BANK ACT*, S.C. 1991, C.46, AS AMENDED

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

PROCEEDINGS COMMENCED AT TORONTO

DATA TRANSFER ORDER

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of the business in Canada of Maple Bank GmbH