

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

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:

ATTORNEY GENERAL OF CANADA

Applicant

and

MAPLE BANK GmbH

Respondent

SECOND SUPPLEMENT TO THE THIRTEENTH REPORT OF KPMG INC.,
IN ITS CAPACITY AS COURT APPOINTED LIQUIDATOR OF THE
BUSINESS IN CANADA OF MAPLE BANK GMBH AND ITS ASSETS AS
DEFINED IN SECTION 618 OF THE *BANK ACT*

January 25, 2017

Table of Contents

- 1. INTRODUCTION AND PURPOSE OF THE SECOND SUPPLEMENT TO THE THIRTEENTH REPORT 2
- 2. ACTIVITIES OF THE LIQUIDATOR 4

Listing of Appendices

Appendix A	Recall Facility Box Listing
Appendix B	Letter re: Physical and Digital Documents dated December 18, 2018
Appendix C1	List of databases to be removed from the GIA Data Copy containing personal information related to mortgages
Appendix C2	List of Shared Files Database folders to be removed from the GIA Data Copy as a result of the manual search process
Appendix C3	List of Shared Files Database folders to be removed from the GIA Data Copy as a result of the keyword search process
Appendix D	Personal data removal sample testing
Appendix E	MSCL list of Shared Files Database folders to be removed from the GIA Data Copy
Appendix F	Letter to V. Graham dated January 11, 2018
Appendix G	Letter to J. Bellissimo dated January 11, 2018
Appendix H	Letter to K. Peters dated January 12, 2018
Appendix I	Letter to V. Graham dated January 15, 2018
Appendix J	Letter to K. Peters dated January 16, 2018
Appendix K	Blakes' letter re: proposed process to identify certain MFGI data dated January 16, 2018
Appendix L	The Liquidator's proposed process to identify certain MFGI data dated January 16, 2018

1. INTRODUCTION AND PURPOSE OF THE SECOND SUPPLEMENT TO THE THIRTEENTH REPORT

BACKGROUND

1. Maple Bank is a Canadian-owned German bank, and an authorized foreign bank in Canada under section 2 and Part XII.1 of the *Bank Act* (an “**Authorized Foreign Bank**”). In Germany, Maple Bank is subject to regulation by the Federal Financial Supervisory Authority (“**BaFin**”). As an Authorized Foreign Bank, Maple Bank was regulated with respect to its business in Canada (the “**Toronto Branch**”) by the Office of the Superintendent of Financial Institutions.
2. In February 2016 BaFin imposed a moratorium on Maple Bank’s business activities, which caused Maple Bank to cease business and institute insolvency proceeding in Germany. This resulted in the appointment of a German insolvency administrator (the “**GIA**”) over Maple Bank.
3. On February 16, 2016, KPMG was appointed as the Liquidator of the business and assets of Maple Bank as defined in section 618 of the Bank Act (the “**Liquidator**”).
4. On December 8, 2017, the Liquidator filed its Thirteenth Report which includes a summary of the First through Twelfth Reports previously filed by the Liquidator. The Thirteenth Report also provided information in support of the Liquidator’s motion for approval of, inter alia, the production, transfer and release by the Liquidator to the GIA of certain Toronto Branch documents, records and data (the “**Data**”) which are in the power, possession or control of the Liquidator (the “**Data Sharing Motion**”), consisting of physical documents stored at three Canadian storage facilities, and digital data stored at an offsite disaster recovery center in Mississauga (the “**Sungard Facility**”) and two data tapes in the possession of KPMG or Ernst & Young. The Toronto Branch’s Data is comingled with those of Maple Bank and many of its affiliates. As a result, the Liquidator was proposing that both the Toronto Branch’s Data, along with the comingled Data of Maple Bank and many of its affiliates, would be provided to the GIA. The Liquidator also

noted in its Thirteenth Report that the Toronto Branch's Data that it was proposing to transfer to the GIA included certain personal data associated with former employees of the Toronto Branch and mortgagors and immigrant investors whose mortgages/loans were purchased by the Toronto Branch.

5. During the December 13, 2017 Court hearing regarding the Data Sharing Motion, counsels for the Ontario Teachers' Pension Plan ("**OTPP**") and National Bank ("**National**") raised concerns about the transfer of Maple Financial Group Inc.'s ("**MFGI**") Data that was comingled with the Toronto Branch's Data. OTPP and National were both shareholders of MFGI and each also had a representative on MFGI's Board of Directors. MFGI is now a bankrupt and Deloitte & Touche Inc. has been appointed as the Trustee-in-Bankruptcy (the "**MFGI Trustee**"). The Court hearing as it related to the Data Sharing Motion was subsequently adjourned to January 22, 2018.
6. Capitalized terms not defined in this Second Supplemental Report are as defined in the Thirteenth Report.

PURPOSE OF THIS SUPPLEMENT

7. The purpose of the Second Supplemental Report is as follows:
 - i. To provide the Court with an update regarding the Liquidator's activities since the adjournment of the Data Sharing Motion including (a) the deletion of personal information that is contained in the Toronto Branch's digital Data; and, (b) assisting the GIA, the MFGI Trustee, OTPP and National in better understanding the structure, quantum, and ability to search the data, which is proposed to be transferred to the GIA; and
 - ii. To request that in the interim period while the Court is considering the Data Sharing Motion, that the Court grant an order authorizing and directing the Liquidator to transfer (a) the Recall Records (as subsequently defined herein) (b) the Toronto Branch's Global One Data (as subsequently defined

herein), and, (c) the Laserfiche System Requested Data (as subsequently defined herein).

2. ACTIVITIES OF THE LIQUIDATOR

UPDATE ON THE PHYSICAL AND DIGITAL RECORDS

Physical Records

8. In the Thirteenth Report, the Liquidator made reference to three facilities where the physical records (the “**Physical Records**”) of the Toronto Branch were being stored, being the RecordXpress Facility, the Recall Facility, and the Iron Mountain Facility.
9. Following additional discussions with Maple Securities Canada Limited (“**MSCL**”), the Liquidator now has further details about the location and contents of the Physical Records.
10. Prior to the Liquidator being appointed, various Maple entities stored Physical Records at the Iron Mountain Facility. This storage contract was between Iron Mountain and MSCL.
11. During the period of our appointment as Liquidator, MSCL, with the approval of the Liquidator as it related to Toronto Branch records, retrieved all Physical Records stored at the Iron Mountain Facility in order to re-box the records and create a more detailed record listing.
12. Following the retrieval of the Physical Records described above, the use of the Iron Mountain Facility ceased. The re-boxed Physical Records were stored at either the Recall Facility or the RecordXpress Facility. Details of the records stored at each facility and the contracting party with the storage facility was as follows:

Recall Facility

- Documents relate exclusively to the Toronto Branch;
- The storage contract is between Recall and the Liquidator;

- The documents are stored in sixty one boxes; and
- The Liquidator is in possession of a detailed listing of the stored boxes, a copy being attached as **Appendix A** hereto.

RecordXpress Facility

- Documents other than those related exclusively to the Toronto Branch are stored at this facility;
 - The storage contract is between RecordXpress and MSCL;
 - The documents are stored in two hundred and thirty six boxes;
 - Both the Liquidator and MSCL are in possession of a detailed listing of the stored boxes; and
 - Certain boxes are specifically described in the document listing as relating to both the Toronto Branch and a second Maple entity (i.e. these are records of both the Toronto Branch and those of another Maple Bank related entity). There are also boxes described as “Multi-Maple”, which may include records of the Toronto Branch.
13. Upon further investigation of the Physical Records, the Liquidator issued a letter to MSCL, the GIA, and the MFGI Trustee, with copies to OTPP’s and National’s legal counsel, on December 18, 2017 outlining the above points, a copy of which is attached hereto as **Appendix B**.
14. The Liquidator is in the progress of reviewing the physical records at the Recall Facility and removing any personal information that is contained therein (“the records at the Recall Facility after removal of the personal information being defined as the “**Recall Records**”).

Digital Records

15. In the Thirteenth Report, the Liquidator made reference to three facilities at which copies of digital records were held, being the SunGard Facility, the EY Facility, and the KPMG Facility.

16. Following additional discussions with MSCL, the Liquidator now understands that two additional copies of the data stored at the SunGard Facility were made. One of these copies is stored on the SunGard servers, while the other is stored at a secure offsite location to ensure that the data would not be lost in the event that the SunGard Facility, or the servers located therein were damaged/destroyed by a fire etc..
17. The Liquidator has also become aware that the MFGI Trustee has made an additional backup copy of the data stored on the servers that were located at the Toronto Branch offices (which were also the offices of MFGI). The backup copy of this data is currently being stored at the offices of the MFGI Trustee.
18. MSCL has also advised the Liquidator that while the data tapes stored at the EY Facility and the KPMG Facility were taken at different points in time, the tapes are subsets of the data stored on the server located at the SunGard Facility, effectively making the SunGard data the master data set.

UNIVERSE OF DIGITAL RECORDS

19. The digital records stored at the SunGard Facility include the following:
 - The TBSM system SQL database (“**TBSM**”), which was created to manage the mortgage portfolio, along with two additional versions of TBSM, being the TBSM Hedge Effectiveness system database (“**TBSM_HE**”) and the TBSM Netherlands system database (“**TBSM_NL**”);
 - The Broadridge system SQL database (the “**Broadridge Database**”), which is a copy of a data download from the Broadridge service bureau, that acted as the primary financial record keeping system;
 - The Global One database (the “**Global One Database**”), which was used to track stock loan and collateral movement under derivative transactions (the server holding this data is in located in Germany and is in the possession of the GIA);

- The Apex system Oracle database (the “**Apex Database**”), which systems replaced the Global One Database several years ago;
 - The Epicor accounting Oracle database (the “**Epicor Database**”);
 - A shared file server that includes a variety of miscellaneous files stored by individual users, including files related to mortgages, immigrant investor notes, and employee files (the “**Shared Files Database**”);
 - Exchange email system (the “**Email Database**”) which contains a copy of all user emails that were not deleted by the user;
 - The Seccas Files (the “**Seccas Database**”), which contains a subset of user emails that were maintained for regulatory compliance reasons; and
 - Other miscellaneous SQL databases and file shares.
20. The above enumerated data can be further divided into two subsets: email files (vii. and viii. above) (collectively the “**Email Files**”) and financial files (all of the above, other than vii. and viii.) (collectively the “**Financial Files**”).

Email Files

21. The Liquidator has had numerous conversations with MSCL, and further discussions with the GIA and its counsel, the MFGI Trustee and its counsel, and counsel to OTTP and National to discuss the structure, size and searchability of the Email Files.
22. The Email Files are all in the form of PST files. In the case of the Seccas Database, there are eighty four files containing approximately 264 gigabytes of data representing, based on a sample file and extrapolating based on the contents of that file, 2.7 million documents. The Seccas Database is organized by period of time. In the case of both the Email Database and the Seccas Database, it is estimated that they hold approximately half of a terabyte of data. However, once the mortgage files containing personal data are deleted, the total amount of data is estimated to fall by half. The Email Database files are organized by user. Users

were added to the Seccas Database over time. It is not currently known which individual users' email files are currently stored within the Seccas Database.

23. There is expected to be considerable overlap between the information contained in the Email Database and the Seccas Database. The Email Database would include the emails of all users of the email system with the exception of those emails that users have deleted from their computer. The Seccas Database includes only certain specified users, all of whom could also be included in the Email Database, as it was maintained for regulatory compliance associated with securities trading. However, emails deleted by a user would still be saved in the Seccas Database.
24. While the Email Files are searchable by use of the basic Microsoft Outlook searchability function, this functionality has certain limitations regarding the nature and extent of the files that can be reviewed.

Financial Files

25. Once again, the Liquidator has had further discussions with MSCL, and with the GIA and its counsel, the MFGI Trustee and its counsel, and with counsel to OTPP and National, regarding the Financial Files. However, these discussions have not been as extensive as those involving the Email Files.
26. The Financial Files are searchable by use of the basic Microsoft Windows searchability function. The issue of searching attachments is not an issue with the Financial Files (as there are no attachments in these databases).
27. Many of the data bases involving the Financial Files are organized as SQL databases, which organizes data sequentially. There is a concern that if sufficient data is deleted, the integrity and hence functionality of the remaining data will be effected.

DIGITAL RECORDS CONTAINING PERSONAL INFORMATION

Toronto Branch Digital Records

28. As noted in the Thirteenth Report, the Liquidator had identified personal information that was included within the Toronto Branch Data that was proposed to be transferred to the GIA. Subsequent to the issuance of the report, the Canada Mortgage and Housing Corporation (“**CMHC**”), who administers the National Housing Act Mortgage Backed Securities program (the “**NHA MBS Program**”) and Equitable Bank, who became the Successor Issuer to Maple Bank under the NHA MBS Program, expressed concerns to the Liquidator regarding the transfer to the GIA of the personal information of mortgagors whose mortgages were securitized through the NHA MBS Program.
29. The Liquidator has worked with MSCL to identify those specific digital files containing personal information so that these files could be deleted from a copy of the data on the server located at the SunGard Facility (the “**GIA Data Copy**”) prior to it being transferred to the GIA (a copy of the data is being taken to ensure that the integrity of the underlying data is not affected through the deletion process).
30. The broad categories of personal information that were identified during this process are as follows:
- Mortgage data, which includes:
 - Mortgage underwriting files;
 - Recurring payment reporting provided to the Toronto Branch by various mortgage servicers;
 - Initial mortgage securitization files provided to CMHC; and
 - Mortgage enforcement files as a result of a mortgage going into default.
 - Immigrant investor program data, which includes:
 - Immigrant investor information associated with their application to become a landed immigrant of Canada; and

- Loan application files, including financial information on the applicant.
 - Employee data, which includes:
 - Payroll information;
 - General employee information (e.g. names, addresses, social insurance numbers, etc.); and
 - Personnel files.
31. The Liquidator, in conjunction with MSCL, developed a process to remove the aforementioned personal information from the GIA Data Copy so that it could eventually be transferred to the GIA (the “**Data Scrubbing Process**”). The data Scrubbing Process included three phases.
32. The first phase of the Data Scrubbing Process involved MSCL identifying certain databases that are known to contain personal information. MSCL identified the TBSM and TBSM_HE databases as ones that contain personal mortgage data. As such, these databases will be removed from the GIA Data Copy. A full list of all databases that will be removed from the GIA Data Copy is attached hereto as **Appendix C1**.
33. MSCL has advised the Liquidator that other large databases (e.g. Broadridge, Apex) either contain corporate financial records only, or contain mortgage data or immigrant investor program data at an aggregate level, and therefore do not include personal information. As such, these databases will not be removed from the GIA Data Copy.
34. The second phase of the Data Scrubbing Process involved MSCL identifying certain folders within the Shared Files Database that could potentially contain personal information. The Liquidator was advised by MSCL that the Shared Files Drive contains approximately 1.6 terabytes of information spread across approximately 2.3 million files. The mortgage data alone that is stored within the Shared Files Database includes approximately 500 gigabytes of data spread across approximately one million files. As it was not feasible to review each file

individually, a search was performed at the “file folder level”. The search was performed as follows:

- A manual search of the Shared Files Database was performed by MSCL based on their knowledge of the contents of the file folders, in order to identify file folders that could contain personal information. A list of the file folders that were identified as a result of this process is attached hereto as **Appendix C2**, all of which will be removed from the GIA Data Copy. During this phase, the Liquidator became aware that certain Toronto Branch employee data was comingled with MSCL employee data. As such, the Liquidator removed employee data related to both entities, which resulted in certain overlap between Appendix C2, and the MSCL List (defined herein) in this regard.
 - An additional keyword search, using the keywords “mortgage” and “immigrant investor”, was performed, in order to identify additional file folders that were not identified in (i) above, and that could contain personal information. A list of the file folders that were identified through this process is attached hereto as **Appendix C3**, all of which will be removed from the GIA Data Copy.
35. The third phase of the Data Scrubbing Process involved the Liquidator, in conjunction with the former CFO of the Toronto Branch, preparing a list of reports/documents (the “**Sample List**”) that Toronto Branch employees used as part of their job performance and which included personal information. The Liquidator proceeded to trace each report/document to the data file contained on the server located at the SunGard Facility in order to confirm that the folders identified pursuant to the second stage above were complete. No additional folders were identified for deletion pursuant to this third stage. A copy of the Sample List and related data folders is attached hereto as **Appendix D**.
36. As of the date of this report, MSCL remains in possession of the GIA Data Copy. The Liquidator has communicated to CMHC, Equitable, and the GIA, the list of folders / files that are to be removed from the GIA Data Copy pursuant to the Data

Scrubbing Process. The actual removal of the folders / files by MSCL has not been completed as at the date of this report.

MSCL and Third Party Digital Records

37. MSCL has also undertaken a process in order to identify digital records that may contain personal information. MSCL has provided the Liquidator with a list of file folders that contain personal information related to MSCL, as well as certain third parties (i.e. entities with no affiliation to Maple Bank) that stored data on the Maple Bank file servers (the **MSCL List**”). A copy of the MSCL List is attached hereto as **Appendix E**. The Liquidator, with the concurrence of the GIA, has arranged for MSCL to remove these databases from the GIA Data Copy.

Den Haag Branch Netherlands Digital Records

38. In the course of deleting personal information contained within the Toronto Branch Data, the Liquidator became aware of personal information stored on the server at the SunGard Facility and associated with mortgages that the Den Haag Branch, (Netherlands) of Maple Bank had financed/purchased. The Liquidator, with the concurrence of the GIA, has arranged for MSCL to remove these databases from the GIA Data Copy. A full list of all databases that will be removed from the GIA Data Copy is attached hereto as **Appendix C1**.

MFGI RECORDS

39. At the Court hearing on December 13, 2017, counsel for OTPP and National raised concerns with respect to the Data Sharing Motion, including their lack of knowledge regarding the specific MFGI records to be transferred to the GIA, as well as the fact that privileged documents could be included in the MFGI records. These concerns pertained to both the Physical Records and the digital records that were subject to the Data Sharing Motion.
40. As previously discussed in paragraph 13, the Liquidator subsequently provided the MFGI Trustee, the GIA, MSCL and counsels to both OTPP and National with

further details about the contents of the Physical Records and certain clarifications regarding the digital records (see Appendix B attached hereto for a copy of the letter issued by the Liquidator).

41. The Liquidator has coordinated numerous discussions, on a without prejudice basis, with some or all of counsel to OTPP and National, the MFGI Trustee, the GIA and its counsel, and MSCL and its counsel. The purpose of these discussions have been to provide all interested parties with additional information relating to the structure and quantum of digital data stored on the server at the SunGard Facility and the corresponding ability to search this data with the goal of developing a process to identify and segregate certain of the MFGI data from the data which is to be transferred to the GIA.
42. On January 11, 2018, the Liquidator was copied on two separate letters sent by Blake, Cassels & Graydon LLP (“**Blakes**”), in their capacity as counsel to OTPP, one addressed to Osler, Hoskin & Harcourt LLP (“**Osler**”) who are counsel to MSCL and the former counsel to MFGI, and the other addressed to Cassels Brock & Blackwell LLP (“**Cassels**”), who are counsel to the MFGI Trustee, with copies to McCarthy Tetrault (“**McCarthy**”), in its capacity as counsel to National, Borden Ladner Gervais (“**BLG**”), in its capacity as counsel to the Liquidator, Stikeman Elliot (“**Stikeman**”), in its capacity as counsel to the GIA, and the MFGI Trustee. The contents of the two letters were similar, highlighting OTPP’s concerns that certain of MFGI documents contained in the Physical Records and digital records may be subject to solicitor-client privilege, and seeking the assistance of Osler and Cassels to identify such documents. Copies of the two letters are attached hereto as **Appendix F** and **Appendix G**, respectively.
43. On January 12, 2018, the Liquidator was copied on a letter sent by Cassels to Blakes in response to the Blakes’ letter dated January 11, 2018, with copies to the MFGI Trustee, McCarthy, BLG and Stikeman. The MFGI Trustee confirmed that it had not waived solicitor-client privilege on behalf of MFGI and that the MFGI records in the possession of the MFGI Trustee are not subject to the Data Sharing Motion. A copy of this letter is attached hereto as **Appendix H**.

44. On January 15, 2018, the Liquidator was copied on a letter sent by McCarthy to Osler, with copies to the MFGI Trustee, Cassels, BLG, Stikeman, and Blakes . The letter explained that McCarthy echoed the comments made by Blakes in their two letters dated January 11, 2018, referenced above. A copy of this letter is attached hereto as **Appendix I**.
45. On January 16, 2018, the Liquidator was copied on a letter sent by Osler to Blakes, with copies to the MFGI Trustee, Cassels, BLG, McCarthy, and Stikeman, which was written in response to the letter sent from Blakes to Osler on January 11, 2018. This letter explained that Osler would require authorization from the MFGI Trustee in order to release certain information regarding privileged information to OTTP and National. A copy of this letter is attached hereto as **Appendix J**.
46. On January 16, 2018, the Liquidator received a letter from Blakes, that was also addressed to Cassels and Stikeman, with copies to the MFGI Trustee, McCarthy, and Osler, outlining a proposed process to search the digital data and identify certain MFGI documents to be excluded from the Data Sharing Motion (the “**Blakes Search Process**”). The process appears to be designed to address both the confidentiality of, and legal privilege associated with MFGI’s digital data. A copy of this letter is attached hereto as **Appendix K**.
47. On January 16, 2018, the Liquidator sent a letter to Blakes and McCarthy, with copies to Cassels, Stikeman and Osler, which also outlined a proposed process to search the digital data and identify potentially legal privileged documents of MFGI [NTD: to discuss inclusion of ‘shareholders’] to be excluded from the Data Sharing Motion (the “**Data Search Process**”). A copy of this letter is attached hereto as **Appendix K**. The letter was developed by the Liquidator, and in fact, had been finalized by the Liquidator by the time the Blakes Search Process letter was received, in the belief that National’s and OTTP’s concerns regarding the transfer of the MFGI data only related to legally privileged documents.
48. Following the exchange of the two aforementioned proposed MFGI data segregation processes, the Liquidator has held a series of without prejudice meetings and conference calls with all interested parties with the goal of reaching

an agreement on a data segregation process that would be acceptable to all parties while addressing the concerns OTPP and NB, but enabling the transfer of data to the GIA on a cost effective and timely basis.

49. These discussion remain ongoing as the GIA and OTPP/NB have not yet reached an agreement as to the terms of a data segregation process. The Liquidator intends to continue to work with the parties in order to reach an agreed to data segregation process. However, either the GIA, or OTPP/NB may decide that the issue should be decided by the Court.

GLOBAL ONE RECORDS

50. On January 3, 2018, the Liquidator received a request from the GIA seeking the transfer to the GIA of certain Toronto Branch data stored in the Global One database (the Toronto Branch's "**Global One Records**")

51. The Liquidator has held multiple calls with MSCL to develop an understanding of the contents of the Global One Records being requested by the GIA, and can advise as follows:

- The nature of the Toronto Branch's Global One Records consists of the following:
 - Securities borrowing and lending transactions: transactions involving the Toronto Branch borrowing and lending securities from and to various financial institutions;
 - Repo and reverse repo transactions: the Toronto branch enters into repo or reverse repo bond transactions with various financial institutions;
 - Swap collateral deliveries and receipts: the Toronto Branch delivers or receives collateral for swap related transactions; and

- Capital equivalency deposit transactions: the Toronto Branch purchases bonds and deliver's them to BMO in the form of capital equivalency deposits.
- The Toronto Branch's Global One Records are not comingled with those of Maple Bank or its affiliates (i.e. they are the exclusive records of the Toronto Branch), and do not contain personal information.
- The server that contains the Global One Records, including the Toronto Branch's, is located in Frankfurt, Germany, being under the control of the GIA.

LASERFICHE SYSTEM RECORDS

52. On January 18, 2018, MSCL received a request from the GIA seeking the transfer to the GIA of the data contained in the Laserfiche system (the "**Laserfiche System**").
53. The Liquidator held discussions with MSCL to develop an understanding of the contents of the Laserfiche System and can advise as follows:
 - The Laserfiche System is a central document management system that was used by multiple Maple entities for document storage;
 - The Laserfiche System is stored on the Shared Files Database, which is included in the digital data stored at the SunGard Facility;
 - When files are uploaded to the Laserfiche System they are indexed in order to simplify future document retrievals;
 - While the data within the Laserfiche System is comingled (i.e. contains data relating to multiple affiliates of Maple bank);
 - Because documents are indexed, they can be individually searched for and extracted; and
 - The Laserfiche System is not expected to contain any personal information.

54. The Liquidator therefore intends to arrange to have MSCL extract the specific Toronto Branch documents requested by the GIA (the “**Laserfiche System Requested Data**”) and, upon obtaining same, confirms that the Toronto Branch documents do not relate to any other Maple Bank entities and do not contain any personal information.

SOFTWARE REQUIRED TO ACCESS DATA

55. The Liquidator understands, based on input from MSCL, that the GIA Data Copy would be accessible using Microsoft SQL software, which we understand is commercially available worldwide.

LIQUIDATOR’S RECOMMENDATIONS

56. At this time, the Liquidator recommends that the Court grant an order authorizing and directing the Liquidator to transfer (a) the Recall Records (b) the Toronto Branch’s Global One Records, and, (c) the Laserfiche System Requested Data, to the GIA.

57. If the Court grants the above, and assuming no one opposes this aspect of the Liquidator’s motion at the Court hearing on January 26, 2018, the Liquidator intends to immediately transfer the Toronto Branch’s Global One Records to the GIA.

All of which is respectfully submitted at Toronto, Ontario this 25th day of January, 2018.

**KPMG Inc., in its capacity as Court Appointed Liquidator of the Business in
Canada of Maple Bank GmbH and its Assets as defined in Section 618 of the *Bank
Act***

Per:



Nicholas Brearton
President

**This is Appendix “A” to the Second Supplement to the
Thirteenth Report of the Liquidator**

Box Number	Entity	Department	Content List
R037129201	MBTOR	North American Trading	<p>BFA Securities Inc. (IFS Securities Inc.) (list below)</p> <p>Goodmans Record Book - R119/06 - FMP Global Corp as seller, BFA Securities Inc. as Purchaser</p> <p>Goodmans Record Book - R172/06 March 30, 2006 - - Novation of June 30, 2005 - Kalkalit Hungary Ltd. as Assignor, Bonne Sonne Advisory Limited Liability, as Assignee & BFA Securities Inc. as Purchaser</p> <p>Goodmans Record Book - R171/06 March 30 2006 - Novation of June 30, 2005. Liminion Ltd. as Assignor, Dioro Ltd. as Assignee & BFA Securities Inc. as Purchaser</p> <p>Goodmans Record Book - R174/06 March 30, 2006. Midbarn Investments Limited as seller and BFA Securities Inc. as Purchaser</p> <p>Goodmans Record Book - R118/06 December 30, 2005 - Delek-Belron Holdings Hungary Limited as Seller and BFA Securities Inc. as Purchaser</p> <p>Osler closing binder - BFA Securities inc. (fka IFS Securities Inc.) - Credit Documents - executed</p> <p>Deposit and Pledge Agreement dated January 10, 2006 between MBTOR and 0743177 BC Ltd.</p>
R037129202	MBTOR	North American Trading	<p>BFA Securities Inc. (IFS Securities Inc.) list below</p> <p>Goodmans Record Book - R385/05. Coupon Purchase - Montreal Residential Holdings US Trust as Seller, by its sole trustee LBREP Montreal Residential Inc., as Seller's Trustee and IFS Securities Inc. as Purchaser</p> <p>Osler Closing Binder (1 of 2)- BFA Securities Inc. (fka IFS Securities Inc.). Record book of Supplemental Closing Documents</p> <p>Osler Closing Binder (2 of 2)- BFA Securities Inc. (fka IFS Securities Inc.). Record book of Supplemental Closing Documents</p>
R037129203	MBTOR	North American Trading	<p>North American Trading - Cyrus Sukhia - (list below)</p> <p>CMB - March 15, 2015</p> <p>CHT CMB FRN March 15, 2015 (Feb 2010)</p> <p>CMB March 15, 2020 (Feb 2010)</p> <p>Can Hous 2.75% 12/14 (December 2009)</p> <p>Can Hous 15 Mar 20 (November 2009)</p> <p>CHT Feb 2009</p> <p>CMB 2.75% 09/14 (September 2009)</p> <p>CMB 4.1% 12/18 (August 2009)</p> <p>CHT June 09</p> <p>CHT March 09</p> <p>CMB 2.7% 01 Dec 13 (Dec 2008)</p> <p>CMB November 2008</p> <p>CMB New September 08</p> <p>CMB New Issue June 08</p> <p>CMB New Issue Mar 08</p> <p>September 20 CHT</p> <p>December 20 CHT</p> <p>ML Bond Swap #1 - #32 (inclusive)</p>
R037129204	MBTOR	North American Trading	<p>North American Trading - My Next Mortgage MBS Closing Books and Loan Monitoring Box 2 of 2</p>
R037129205	MBTOR	North American Trading	<p>North American Trading - My Next Mortgage MBS Closing Books and POA Box 1 of 2</p>

Box Number	Entity	Department	Content List
R037129206	MBTOR	Product Control	Xceed Mortgage Loans - Ongoing loan maintenance and processing
R037129207	MBTOR	North American Trading	CAD Book - Various and P&L docs
R037129208	MBTOR	General Management	<p>MBTOR Financial Statements and Committee Minutes (contents Listed)</p> <p>MBTOR Mortgage Portfolio Management Minutes</p> <p>CED Reports</p> <p>F/S 2006</p> <p>MBTOR Tax 09-30-05</p> <p>F/S 2005</p> <p>F/S 2004</p> <p>Schuldschein Contracts</p> <p>Tax 09-30-04</p> <p>AS Horner Loan Commitment</p>
R037129209	MBTOR	Product Control	Xceed Mortgage Loans - Ongoing loan maintenance and processing
R037129221	MBTOR	Compliance	<p>Stock Loan/Repo/ISDA files</p> <p>Barclays global Investors NA - SLA</p> <p>Fiducie Desjardins Inc. - SLA</p> <p>Healthcare of Ontario Pension Plan Trust Fund - SLA</p> <p>Maple Holdings Canada Limited - SLA</p> <p>Maple Securities USA Inc. - SLA</p> <p>National Bank Financial Inc. - SLA</p> <p>The Northern Trust Company Canada Branch - SLA</p> <p>State Street Bank and Trust Co - SLA</p> <p>Abria Alpha Fund SPC Limited - Repo</p> <p>BNP Paribas - Repo</p> <p>E D & F Man Capital Markets Inc. - Repo</p> <p>Healthcare of Ontario Pension Plan Trust Fund - Repo</p> <p>State Street Bank & Trust Co. - Web</p> <p>JP Morgan Chase Bank NA - Custody</p>
R037129222	MBTOR	Compliance	<p>Legal and Credit Agreements</p> <p>ESCO - Retail Energy Holdings Closing Binder</p> <p>ESCO - Genie Retail Energy Closing Binder</p> <p>Korea Exchange Bank of Canada Quebec Immigrant Investor Program Closing Binder</p> <p>Mortgage Securitization set up - Materials Agreements</p> <p>Application for MBTOR for approval as Issuer of Mortgage Backed Securities and as a Seller into the CMB program- working copy binder</p> <p>Renewal of MBTOR NHA-MBS Issuer and CMB Approvals Binder - October 2010</p> <p>Canadian Payments Association Membership Registration binder</p> <p>FCAC Correspondence - MBTOR</p>
R037129223	MBTOR	Compliance	<p>Compliance documents</p> <p>OSFI filings</p> <p>Extra-Provincial Registrations</p> <p>LCMS reports</p> <p>OSFI 513 filings</p> <p>Client KYC and account opening files:</p> <p>Global One Funding VII, LLC</p> <p>DCM Integrated Solutions Inc.</p> <p>0743177 BC Ltd.</p> <p>1214176 Alberta Ltd.</p>

Box Number	Entity	Department	Content List
			1664151 Ontario Limited 2045259 Ontario Limited 2028056 Ontario Limited CTI Capital Securities Inc. Kalkalit Canada 1 Limited Montreal Residential Surety Trust Arton Investments (fka PWM Capital) Rosmarin Management and Investment Corp. Skalar Canada Limited Westwind Capital Corporation Abria Alternative Investments Inc. IBC Holdings North America Inc. Dalemont Properties Inc. MyNext Premier Trust Citigroup Global Markets Inc. Xceed Mortgage Corp. Lakeview Mortgage Funding Inc. Genie Retail Energy Inc. JP Morgan Chase Bank Escrow Agrment w CIBC MBTOR P&P Internal Audit review and revision 2011 MBTOR P&P Internal Audit review and revision 2008 MBTOR P&P Internal Audit review and revision 2009 MBTOR P&P Internal Audit review and revision 2010 BFA Transactions 2006 and 2007
R037129224	MBTOR	Fixed Income Trading	Immigrant Investor trading files - July 2010 - July 2011
R037129225	MBTOR	Fixed Income Trading	Immigrant Investor trading files - July 2010 - July 2011
R037129226	MBTOR	Dividends	Dividend Worksheets - MBTOR Foreign Dividends - MBTOR 2012 Bonds - MBTOR 2012 NHA-MBS - MBTOR 2012
R037129227	MBTOR	Dividends	Dividend Worksheets - MBTOR MBTOR Foreign Dividends 2013 MBTOR Bonds 2013 MBTOR NHA 2013
R037129228	MBTOR	Accounting	MBTOR Financial Statement backup - March 2011 to March 2012
R037129229	MBTOR	Accounting	MBTOR Financial Statement backup - March 2010 - February 2011
R037129230	MBTOR	Accounting	MBTOR Financial Statement Backup - April 2012 - March 2013
R037129231	MBTOR	Accounting	MBTOR Financial Statement Backup - April 2013 - August 2013 MBTOR Financial Statement Backup - Mar, May, August 2014 MBTOR Financial Statement Backup - October, December 2014
R037129232	MBTOR	SPG	Xceed and CMB Binders Xceed W/H Funding Notice (2010-2013) Xceed W/H Month End (2010-2011) CMB Closing Binder (June 2005)
R037129233	MBTOR	SPG	Radius W/H Funding Notice (February 2012-April 2013)
R037129234	MBTOR	SPG	Radius Warehouse Funding
R037129235	MBTOR	SPG	Various SPG Legal Agreements: Quebec Deeds of Assignment Matured MBS Pools Radius Sale Docs October 2013 - April 2014 PMGI Loan Facility Agreement September 24, 2013
R037129236	MBTOR	Product Control	Citigroup Global Markets Inc and Interactive Brokers. - statements and confirmations, rec and cash movement Citigroup - Daily January 2014-November 2014 Citigroup - Daily November 2014-May 28, 2015

Box Number	Entity	Department	Content List
R037129237	MBTOR	Product Control	Citigroup - Daily May 29, 2015 - December 11, 2015 Citigroup - Daily December 12, 2015 - March 2016 Interactive Brokers - Daily - February 2016 - March 2016 MBTOR Interest Rate Swap Administration - 2015 and 2016 IRS Admin - October 1, 2015 - November 15, 2015 IRS Admin - November 15, 2015 - December 15, 2015 IRS Admin - December 15, 2015 - January 27, 2016 IRS Admin - January 27, 2016 - March 15, 2016
R037129238	MBTOR	SPG	SPG Sale Documents - Bridgewater, Paradigm, Xceed, Radius Bridgewater Sale docs - March 2012- February 2014 Paradigm Sale Docs - FY 2013 Radius Sale Docs - 2011- Sept 2013 Xceed Sale Docs - 2011-Sep 2013
R037129239	MBTOR	Accounting	Financial Statements - May 2009 - February 2010 F/S backup - May 2009 F/S backup - June 2009 F/S backup - July 2009 F/S backup - August 2009 F/S backup - October 2009 F/S backup - November 2009 F/S backup - December 2009 F/S backup - January 2010 F/S backup - February 2010
R037129240	MBTOR	Product Control	Mortgage Exceed Loans administration - September -November 2010
R037129241	MBTOR	Product Control	IRS Payments, Bond Swaps, CAD Book P&L Cad Book P&L - September 2009 - January 2010 CAD Book P&L - January 2010 - May 2010 IRS Payments 2009- 2010 IRS Swap Payments - July 2010 - January 2012 Bond Swaps 2011
R037129242	MBTOR	Product Control	IRS Payments and Administration - Feb 2012- November 2012 February - May 2012 May to August 2012 August to November 2012
R037129243	MBTOR	Product Control	IRS Payments and Administration - Nov 2012 - April 2013 November 2012 - January 2013 January 2013 - February 2013 February 2013 - April 2013
R037129244	MBTOR	Compliance	Legal Closing Binders - Westwind and Full Service Branch setup Westwind Capital Corp - Senior Secured Credit Facilities closing binder May 2007 Maple Bank GmbH full service Branch application Materials - November 1999
R037129245	MBTOR	Accounting/Product Control	Immigrant Investor Program Notes - Remaining IQ (box 1) PWM C0005216141 Mat 07Sept2016 CTI C0005243291 MAT 14Sept2016 CTI C0005279684 Mat 14Sept2016 PWM C0005242175 Mat 21Sept2016 PWM C0005246630 Mat 21Sept2016 PWM C0005271884 Mat 21Sept2016 CTI C0005268448 Mat 21Sept2016 PWM C0005265668 Mat 28Sept2016 PWM C0005264875 Mat 05Oct2016 CTI C0005300109 Mat 05Oct2016

Box Number	Entity	Department	Content List
			PWM C0005304135 Mat 12Oct2016
			CTI C0005294725 Mat 19Oct2016
			CTI C0005307518 Mat 19Oct2016
			CTI C0005326307 Mat 19Oct2016
			PWM C0005305566 Mat 26Oct2016
			PWM C0005307531 Mat 26Oct2016
			PWM C0005302226 Mat 09Nov2016
			PWM C0005304986 Mat 09Nov2016
			PWM C0005326549 Mat 09Nov2016
			PWM C0005340637 Mat 09Nov2016
			PWM C0005341550 Mat 09Nov2016
			CTI C0005342531 Mat 09Nov2016
			PWM C0005301026 Mat 16Nov2016
			CTI C0005340892 Mat 16Nov2016
			PWM C0005361691 Mat 23Nov2016
			CTI C0005364653 Mat 23Nov2016
			PWM C000536682 Mat 30Nov2016
			CTI C0005364619 Mat 30Nov2016
			PWM C0005356923 Mat 07Dec2016
			PWM C0005361943 Mat 07Dec2016
			PWM C0005369567 Mat 07Dec2016
			PWM C0005370846 Mat 07Dec2016
			PWM C0005372375 Mat 07Dec2016
			CTI C0005356084 Mat 07Dec2016
			PWM C0005305007 Mat 14Dec2016
			PWM C0005375857 Mat 14Dec2016
			CTI C0005365874 Mat 14Dec2016
			PWM C0005389306 Mat 21Dec2016
			CTI C0005330702 Mat 21Dec2016
			CTI C0005368538 Mat 21Dec2016
			CTI C0005392334 Mat 21Dec2016
			CTI C0005392442 Mat 21Dec2016
			PWM C0005273670 Mat 11Jan2017
			PWM C0005375852 Mat 11Jan2017
			PWM C0005377568 Mat 11Jan2017
			PWM C0005378387 Mat 11Jan2017
			PWM C0005388531 Mat 11Jan2017
			CTI C0005392440 Mat 11Jan2017
			PWM C0005344649 Mat 18Jan2017
			PWM C0005392443 Mat 18Jan2017
			PWM C0005441672 Mat 15Feb2017
			CTI C0005389675 Mat 15Feb2017
			CTI C0005454029 Mat 14Mar2017
			CTI C00054744967 Mat 21Mar2017
			CTI C0005476485 Mat 28Mar2017
			CTI C0005476166 Mat 11Apr2017
			CTI C0005483698 Mat 18Apr2017
			CTI C0005491307 Mat 25Apr2017
			CTI C0005506321 Mat 02May2017
			CTI C0005511029 Mat 02May2017
			CTI C0005458876 Mat 09May2017
			PWM C0005439590 Mat 30May2017
			PWM C0005504234 Mat30May2017
			CTI C0005470105 Mat 06Jun2017
			CTI C0005507117 Mat 06Jun2017

Box Number	Entity	Department	Content List
			CTI C0005507177 Mat 06Jun2017
			CTI C0005525589 Mat 06June2017
			CTI C0005530489 Mat 06June 2017
			CTI C0005544442 Mat 06Jun2017
			CTI C0005512782 Mat 06Jun2017
			PWM C0005529792 Mat 13June2017
R037129246	MBTOR	Accounting/Product Contro	Immigrant Investor Program Notes - Remaining IQ (box 2)
			PWM C0005535708 Mat 13Jun2017
			PWM C0005536567 Mat 13Jun2017
			CTI C0005483663 Mat 13Jun2017
			CTI C0005507079 Mat 13Jun2017
			CTI C0005544394 Mat 13Jun2017
			PWM C0005540449 Mat 27Jun2017
			PWM C0005511109 Mat 04July2017
			CTI C0005541331 Mat 04July2017
			CTI C0005548997 Mat 11Jul2017
			CTI C0005577359 Mat 11July2017
			PWM C0005540444 Mat 15Aug2017
			PWM C0005596103 Mat 15Aug2017
			CTI C0005575875 Mat 15Aug2017
			PWM C0005595028 Mat 22Aug2017
			PWM C0005476461 Mat 12Sept2017
			PWM C0005627145 Mat 12Sept2017
			CTI C0005629697 Mat 12Sept2017
			PWM C0005594519 Mat 19Sept2017
			PWM C0005607706 Mat 19Sept2017
			PWM C0005596111 Mat 26Sept2017
			CTI C0005636148 Mat 26Sept2017
			PWM C0005638406 Mat 03Oct2017
			PWM C0005633734 Mat03Oct2017
			CTI C0005643226 Mat 03Oct2017
			CTI C0005632061 Mat 03Oct2017
			CTI C0005641430 Mat 03Oct2017
			CTI C0005632024 Mat 03Oct2017
			PWM C0005635325 Mat 17Oct2017
			CTI C0005636562 Mat 17Oct2017
			CTI C0005639932 Mat 17Oct2017
			PWM C0005640934 Mat 24Oct2017
			PWM C0005664852 Mat 07Nov2017
			PWM C0005661558 Mat 07Nov2017
			PWM C0005613496 Mat 07Nov2017
			PWM C0005532599 Mat 07Nov2017
			PWM C0005527419 Mat 07Nov2017
			PWM C0005487862 Mat 07Nov2017
			PWM C0005614625 Mat 07Nov2017
			CTI C0005670090 Mat 07Nov2017
			CTI C0005671592 Mat 07Nov2017
			CTI C0005665720 Mat 14Nov2017
			PWM C0005615468 Mat 21Nov2017
			PWM C0005596885 Mat 21Nov2017
			PWM C0005616766 Mat28Nov2017
			PWM C0005661571 Mat 28Nov2017
			PWM C0005551306 Mat 28Nov2017
			PWM C0005669932 Mat 28Nov2017
			PWM C0005501403 Mat 28Nov2017

Box Number	Entity	Department	Content List
			PWM C0005552399 Mat 28Nov2017
			CTI C0005706184 Mat 05Dec2017
			CTI C0005691867 Mat 05Dec2017
			CTI C0005684844 Mat 12Dec2017
			CTI C0005721696 Mat 16Jan2018
			CTI C0005713680 Mat 16Jan2018
			CTI C0005710146 Mat 16Jan2018
			CTI C0005709336 Mat 16Jan2018
			PWM C0005689189 Mat 30Jan2018
			PWM C0005706019 Mat 13Feb2018
			PWM C0005690112 Mat 13Feb2018
			CTI C0005715409 Mat 13Feb2018
			PWM C0005683639 Mat 05Mar2018
			PWM C00056884009 Mat 06Mar2018
			CTI C0005712482 Mat 06Mar2018
			CTI C0005753001 Mat 06Mar2018
			CTI C0005748352 Mat 13Mar2018
			CTI C0005709966 Mat 13Mar2018
			CTI C0005755481 Mat 27Mar2018
			CTI C0005780835 Mat 03Apr2018
			CTI C0005787104 Mat 10Apr2018
			CTI C0005795654 Mat 17Apr2018
			PWM C0005661553 Mat 24Apr2018
			PWM C0005682708 Mat 24Apr2018
			PWM C0005791390 Mat 01May2018
			PWM C0005803315 Mat 01May2018
			CTI C0005794015 Mat 01May2018
			CTI C0005813083 Mat 01May2018
R037129247	MBTOR	Accounting/Product Contro	Immigrant Investor Program Notes - Remaining IQ (box 3)
			CTI C0005787829 Mat 15May2018
			CTI C0005772145 Mat 15May2018
			CTI C0005828925 Mat 12Jun2018
			CTI C0005826326 Mat 12Jun2018
			CTI C0005877246 Mat 11Sep2018
			CTI C0005863833 Mat 11Sep2018
			CTI C0005905131 Mat 25Sep2018
			CTI C000592805 Mat 25Sep2018
			CTI C0005880933 Mat 25Sep2018
			KEB C0005897082 Mat 30Oct2018
			CTI C0005929792 Mat 06Nov2018
			CTI C0005929800 Mat 06Nov2018
			CTI C0005923088 Mat 06Nov2018
			CTI C0005901031 Mat 06Nov2018
			CTI C0005905302 Mat 06Nov2018
			CTI C0005905754 Mat 06Nov2018
			CTI C0005919841 Mat 06Nov2018
			CTI C0005908273 Mat 06Nov2018
			CTI C0005962990 Mat 06Nov2018
			CTI C0005959502 Mat 06Nov2018
			CTI C0005951565 Mat 06Nov2018
			CTI C0005907906 Mat 06Nov2018
			CTI C0005979548 Mat 20Nov2018
			CTI C0005988570 Mat 20Nov2018
			KEB C0005901023 Mat 20Nov2018
			KEB C0005927287 Mat 27Nov2018

Box Number	Entity	Department	Content List
			CTI C0006000213 Mat 11Dec2018
			CTI C0005988437 Mat 11Dec2018
			CTI C0005976602 Mat 11Dec2018
			CTI C0005926294 Mat 11Dec2018
			KEB C0005926155 Mat 11Dec2018
			CTI C0005996353 Mat 18Dec2018
			CTI C0005976701 Mat 18Dec2018
			CTI C0006003749 Mat 08Jan2019
			CTI C0005988458 Mat 08Jan2019
			CTI C0006004076 Mat 15Jan2019
			CTI C0006008320 Mat 15Jan2019
			CTI C0006012846 Mat 22Jan2019
			CTI C0006030708 Mat 22Jan2019
			KEB C0005988579 Mat 22Jan2019
			KEB C0005996436 Mat 22Jan2019
			CTI C0006012004 Mat 29Jan2019
			KEB C0005929331 Mat 29Jan2019
			CTI C0006012791 Mat 05Feb2019
			KEB C005929334 Mat 19Feb2019
			CTI C0006045568 Mat 05Mar2019
			CTI C0006063710 Mat 19Mar2019
			CTI C0006045681 Mat 19Mar2019
			CTI C0006066226 Mat 19Mar2019
			KEB C0005976566 Mat 23Apr2019
			KEB C0005983483 Mat 30Apr2019
			CTI C0006053224 Mat 28May2019
			CTI C0006063539 Mat 11Jun2019
			CTI C0006063431 Mat 11Jun2019
			CTI C0006066163 Mat 11Jun2019
R037129248	MBTOR	Accounting/Product Contro	Immigrant Investor Program Notes - Remaining IQ (box 4)
			KEB CB053673012 Mat 31Jul2017
			KEB CB054313910 Mat 31Jul2017
			KEB CB054685282 Mat 31Jul2017
			KEB B054309581 Mat 31Aug2017
			KEB E000023045 Mat 31Aug2017
			KEB B052050515 Mat 31Aug2017
			KEB B052055975 Mat 31Aug2017
			KEB B054541771 Mat 31Aug2017
			KEB B054306383 Mat 31Aug2017
			KEB B054307853 Mat 31Aug2017
			KEB B054310723 Mat 31Aug2017
			KEB B054311574 Mat 31Aug2017
			KEB B059651841 Mat 31Aug2017
			KEB B053796396 Mat 31Aug2017
			KEB B052057515 Mat 31Aug2017
			KEB E000021212 Mat 31Aug2017
			KEB B053795092 Mat 31Aug2017
			KEB B052049266 Mat 29Sept2017
			KEB B053804811 Mat 29Sept2017
			KEB B055500664 Mat 29Sept2017
			KEB B055500675 Mat 29Sept2017
			KEB B055500653 Mat 29Sept2017
			KEB B054307794 Mat 31Oct2017
			KEB B053673465 Mat 31Oct2017
			KEB E000021644 Mat 30Nov2017

Box Number	Entity	Department	Content List
			KEB B053669243 Mat 30Nov2017 KEB B054307573 Mat 30Nov2017 KEB B055500690 Mat 30Nov2017 KEB B053790192 Mat 30Nov2017 KEB B056906183 Mat 31Dec2017 KEB B051948805 Mat 31 Dec2017 KEB B052044495 Mat 31Dec2017 KEBB054329100 Mat 31Dec2017 KEB B054335982 Mat 31Dec2017 KEB B055523462 Mat 31Oct2018
			Federal Immigrant Investor Program KEB Operational Procedures PWM Immigrant Investor Financing Procedures
R037129249	MBTOR	Treasury	CDSX, Payroll L/C, BMO Rate Changes/Payment request backup
R037129269	MBTOR	Accounting	OSFI Reports
R037129250	MBTOR	Accounting	OSFI Reports
R037129251	MBTOR	SPG	Pools - June 2011 - May 2013
R037129252	MBTOR	SPG	Pools - June 2013 - December 2014
R037129253	MBTOR	SPG	Pools/Custodials/Confirms and Certs Pools - January 2015 - February 2016 Apex Trade Tickets Delta 360 Change Request Forms Exceed Warehouse W/H Month End Paradigm Custodials CFF Custodials Bridgewater Bank Custodials PA s and MBS Certs CDS Requests Computershare Transfer Advice BMO Swap confirms and statements
R037129254	MBTOR	SPG	Sale Documents - 2014 - 2015 Paradigm Sale Documents - 2014 - April 2015 Xceed Sale Documents - 2014 CFF Sale Documents - December 2014 - September 2015
R037129255	MBTOR	SPG	Sale Documents - 2015 - 2016 Funding Notices - November 2015 - February 2016 Radius Sale Documents - January 2015 - March 2015 Radius Sale Documents - March 2015-January 2016 Xceed Sale Documents - 2015 - 2016
R037129256	MBTOR	SPG	Radius Sale Documents and W/H Funding Documents Radius Sale Documents - October 2014 - February 2015 Radius W/H Funding Notices - April 2015 - May 2015
R037129257	MBTOR	SPG	W/H Funding Documents/CMB Binder Radius W/H Funding Notices - June 2015 - July 2015 Xceed W/H Funding Notices - October 2013 - February 2015 Xceed W/H Funding Notices - February 2015 - August 2015 CMB - Approved Seller Allocation Requests
R037129258	MBTOR	Compliance	Internal Audit/P&P reviews and various agreements Original Employee P&P signing Policy and JD updates 2009 Policy and JD updates 2010 Policy and JD updates 2012 Policy and JD updates 2013 Policy and JD updates 2014 Policy and JD updates 2015

Box Number	Entity	Department	Content List
			<p>AML and Compliance reports to the Board - 2009-2015</p> <p>MBTOR AML Training Certs - 2009 - 2015</p> <p>Delta 360 Service Agreement</p> <p>MBTOR Service Level Agreements (internal)</p> <p>MBTOR Extra Provincial Registration renewals</p> <p>MBTOR OSFI and Department of Finance Commence Business docs - Originals</p> <p>CRA Request documentation - re: BFA</p> <p>CIBC ISDA with MB</p> <p>Citibank NA Cleared Derivatives Execution Agreement</p> <p>Interactive Brokers Account Application</p> <p>Immigrant Investor Program docs</p> <p>IFS docs</p> <p>Essex Securities LP</p> <p>BMO - My Next</p> <p>BFA Transactions 2005</p> <p>Closing Binder Disks for:</p> <p>Korea Exchange Bank of Canada as issuer - Receivable Backed Notes Issuance Agreement</p> <p>Purchase of Mortgages from CFF Bank</p> <p>Loan by MBTOR to Pacific Mortgage Group Inc. guaranteed by Mynext Mortgage Company Limited by its administrator, Radius Financial Inc. Xceed Capital Corporation \$25,000,000 Credit Facility</p> <p>Mortgage Backed Note Issuance - My Next Mortgage Premier Trust Westwind Capital Corporation secured Credit Facility</p> <p>PWM Financial Trust - Quebec Immigrant Investor Program</p> <p>Xceed Mortgage Corp - credit agreement</p> <p>CTI Capital - Quebec Immigrant Investor Program</p> <p>Genie Retail Energy Inc. - Revolving Line of Credit</p> <p>Purchase of Mortgages - MyNext Mortgage Premier Trust</p> <p>MyNext Mortgage Company - Warehouse Credit Facility</p> <p>Purchase of Mortgages from Xceed Mortgage Corporation</p> <p>Various Compliance documents</p> <p>RCM Report to the Principal Officer - 2015</p> <p>Essex Loan transaction Cash Flows</p> <p>Retail Energy Holdings KYC Information</p> <p>IFS Securities Inc. MBTOR account opening docs and KYC</p> <p>Escrow Agreement with TBSM</p> <p>Paradigm Quest Inc. KYC/AML Identification</p> <p>Entaire Global KYC/AML</p> <p>Genie Retail Energy Inc. - KYC/AML</p> <p>PWM Capital Signature Pages</p> <p>MBTOR PPSAs</p> <p>MBTOR Extra Provincial Registration renewals</p> <p>Regulator Correspondence</p> <p>Intercompany agreements</p> <p>Internal signatory resolutions</p> <p>Closing Binder - Sale of Non-Voting Common Shares of 3190072 Nova Scotia Limited by Essex Securities LP to Dalemont Properties Inc. and Private Placement of Subordinated Notes of 2133853 Ontario Inc.</p> <p>Loan to Essex Securities LP - Original Record Book</p>
R037129259	MBTOR	Compliance	

Box Number	Entity	Department	Content List
R037129260	MBTOR	Trading	Federal Immigrant Investor Program Investment Opportunity Presentation
R037129261	MBTOR	Executive	Credit, Security and Purchase Option Agreement with Xceed Mortgage Corporation Closing Book
R037129262	MBTOR	Executive	Immigrant Investor Notes Trade backup - Maturity 2012-2019
			Various OSFI Records - 2009 -
			OSFI Supervisory Letters
			OSFI Securities Finance Review - 2009
			OSFI Fair Value
			MBTOR Other Filings
			Liquidity Management 2009
			OSFI 2007 Review and Correspondence to 2010
			OSFI Application for Toronto Branch
			SAR - Provincial Bond Carry Trades
			MBTOR Credit Policies
			WHT Coupon Financing - IFS
			Essex Transactions
			Xceed Capital Corporation \$25,000,000 Credit Facility
			Xceed NIG Tranche Trade
			Executive files - Paul Lishman
			CMB Facilitation file
			OSFI B-20 Annual Compliance Declaration - 2014
			MyNext Insured Mortgages - Warehouse Funding CMB Sale
			QSPE-XCD Trust Wind Down
			Wellspring Warehouse Loan Approval Documentation
			Energy Receivables Financing - US
			FY 2014 Audit file
			GDPF Audit File
			Xceed Mortgage Corp - transaction file
			Internal Audit Report - 2014 - MBTOR FX, Cash and Coll Mgmt
			Internal Audit Report - 2014 - RCM and Regulatory Returns`
			Internal Audit Report 2014 - MARISK
			Internal Audit Report 2014 - SPG
			MBTOR MTFI Loan - 2010
			Street Capital Due Dilligence
			Xceed Mortgage Corp - Annual Due Diligence Review
			MBTOR Purchase of myNext mortgages
			CMHC Insurance
			Delta 360 Agreement file
			TBSM file
R037129263	MBTOR	SPG	SPG staffing docs
			SPG Closing Book Binders
			Purchase of Mortgages from MyNext Mortgage Premier Trust
			Credit, Security and Purchase Option Agreement among MyNext Mortgage Premier Trust, MyNext Mortgage Company Ltd., Pacific NA Financial Group Inc., and MBTOR
			Purchase of Mortgages from Xceed Mortgage Corporation (with 2014 amendments)
			Loan by MBTOR to Pacific Mortgage Group Inc. guaranteed by Mynext Mortgage Company Limited by its administrator, Radius Financial Inc.
			Purchase of Mortgages from Paradigm Quest Inc.
R037129264	MBTOR	SPG	Purchase of Mortgages from MyNext Mortgage Premier Trust
			SPG Due Diligence reviews
			MBTOR Mortgage Pools Transfer Agreement (original)

Box Number	Entity	Department	Content List
R037129210	MBTOR	Accounting	Original MBTOR Issuer of Mortgage Backed Securities and as a Seller into CMB Program MBTOR Financial Statement Backup - January - August 2015 MBTOR Financial Statement Backup - October - November 2015 MBTOR Financial Statement Backup - January - April 2016
R037129211	MBTOR	Accounting	MBTOR Financial Statement Backup - Year ending Sep 30 (2009 - 2014) MBTOR interest rate risk testing (FY2014 to December 2015)
R037129212	MBTOR	Accounting	MBTOR Financial Statement Backup - October 2013 - February 2014 MBTOR Financial Statement Backup - Apr, Jun, Jul, Nov 2014 MBTOR Financial Statement Backup - December 2015
R037129213	MBTOR	Accounting	MBTOR Bank of Montreal bank statements (treasury copy 2008-2014) MBTOR Hedge Effectiveness Testing Sep 2010 -Sep 2013 MBTOR OSFI Monthly Filing - October 2012 - November 2015 MBTOR OSFI Review support 2009
R037129214	MBTOR	Accounting/Operations	Immigrant Investor Program Notes - maturity documents
R037129215	MBTOR	Accounting/Operations	Immigrant Investor program - documents of KEB notes sold to ICICI
R037129216	MBTOR	Compliance	Immigrant Investor Program - CTI Capital loan closing documents Immigrant Investor Program - PWM Financial Trust loan closing document Immigrant Investor Program - Korean Exchange Bank loan closing document

**This is Appendix “B” to the Second Supplement to the
Thirteenth Report of the Liquidator**



KPMG Inc.
333 Bay Street
Toronto, ON, M5H 2S5

Telephone: (416) 777 8500
Fax: (416) 777 8462
www.kpmg.ca

December 18, 2017

Maple Securities Canada Limited

C/o 79 Wellington Street West, 35th Floor
Toronto, ON M5K 1K7
Via Email: dschnarr@maplefinancial.com

Deloitte & Touché Inc.

Deloitte Restructuring Inc.

Bay Adelaide Centre, East Tower
22 Adelaide Street West, Suite 200
Toronto, ON M5H 0A9
In its capacity as Trustee of Maple Financial Group Inc.,
VIA Email: grapage@deloitte.ca

CMS Hasche Sigle

Neue Mainzer Straße 2–4
60311 Frankfurt, Germany
Insolvency Administrator of Maple Bank GmbH,
including its Den Haag Branch
Via Email: Charlotte.Schildt@cms-hs.com

**Re: Physical and Digital Documents and Records of Maple Bank GmbH Canada Branch
("MBTOR")**

Dear Sirs,

Further to the motion brought by the Liquidator returnable before RSJ Morawetz on December 13, 2017, wherein the Liquidator sought approval from the Court to transfer certain MBTOR documents and records to the German Insolvency Administrator of Maple Bank GmbH ("the **GIA**"), which motion was adjourned to January 22, 2018, we are writing as a result of various queries received at the end of the court hearing to provide further details in respect of MBTOR's physical and digital documents and records.



Physical Documents and Records

- Prior to our appointment as Liquidator, various Maple entities stored physical documents and records with Iron Mountain.
- The storage contract was between Iron Mountain and Maple Securities Canada Limited (“MSCL”).
- During the period of our appointment as Liquidator, MSCL, with the approval of the Liquidator as it related to MBTOR documents, pulled all physical records stored at Iron Mountain in order to rebox the records and create a more detailed document listing.
- Following the reboxing exercise described above, the Iron Mountain facility was closed with the reboxed physical records being stored at one of the facilities described below. (Please note that this is an update from our Court Report as we were not aware until after the Court hearing that the Iron Mountain facility had been closed by MSCL).
- The physical records of MBTOR located at MBTOR’s premises as at the date of its closure were also stored at each of the facilities described below.

i) Recall Facility

- Documents relating exclusively to MBTOR were stored at the Recall facility.
- The storage contract is between Recall and the Liquidator.
- Approximately 61 boxes are stored at this facility.
- The Liquidator is in possession of a detailed listing of the boxes stored at the Recall facility.

ii) RecordXpress Facility

- Maple entity documents other than those related exclusively to MBTOR are stored at the RecordXpress facility.
- The storage contract is between RecordXpress and MSCL.
- Approximately 236 boxes are stored at this facility.



- The Liquidator is in possession of a detailed listing of the boxes stored at the RecordXpress Facility. We would note the following as it related to MBTOR documents:
 - There are 5 boxes that are specifically described as relating to both MBTOR and a second Maple entity; either MSCL or Maple Securities UK (i.e. to our knowledge, none of these boxes relate to Maple Financial Group Inc. (“MFGI”); and
 - There are 191 boxes that are described as Multi-Maple either in part or in total (i.e. they do not list the specific entity that they relate to). As such, it is the Liquidator’s position that these records are potentially MBTOR records.

Digital Documents and Records

i) SunGard Facility

- In the case of digital records, the Liquidator made arrangement with MSCL to have access to the MBTOR records that had been backed up on a server located at an offsite disaster recovery center located in Mississauga, Ontario and operated by SunGard (the “**SunGard Facility**”). The MBTOR records are comingled with those of other Maple entities. The Liquidator does not know the amount of data associated with the MBTOR records.
- The arrangement to have a daily back up performed by MSCL of MBTOR’s records was in place prior to the Winding Up Date, which arrangement the Liquidator continued after its appointment.
- The contractual arrangement involving the SunGard facility is between MSCL and SunGard.
- The Liquidator has retained the former MBTOR Chief Financial Officer to assist it in the performance of its duties (e.g. preparation of tax returns). This individual is able to access MBTOR’s records stored at the SunGard facility by remote access. The Liquidator, with the assistance of MSCL, can also access the MBTOR records stored at the SunGard Facility via the involvement of a former Information Technology Director of MSCL; Kevin Campbell.



ii) **EY/KPMG Facilities**

- The Liquidator also arranged, in conjunction with MSCL, to have a copy made of the data stored on the servers located at MBTOR's office as at the time of the office's closure, which computer tape is stored at Ernst & Young's downtown Toronto office (the "**EY Facility**"). This data, the quantum of which is unknown by the Liquidator, includes MBTOR records that are comingled with those of other Maple entities. There is no software associated with the computer tape stored at the EY Facility.
- Finally, the Liquidator also arranged, with the approval of MSCL, to have a copy made of the data stored on the servers located at MBTOR's office as at the date of the Liquidator's appointment, which computer tape is stored at KPMG's downtown Toronto office (the "**KPMG Facility**"). This data, the quantum of which is unknown by the Liquidator, includes MBTOR records that are comingled with those of other Maple entities. There is no software associated with the computer tape stored at the KPMG Facility.
- MBTOR leased its office premises from MSCL (i.e. MBTOR received a monthly charge from MSCL for the office space it leased). MBTOR shared office space with MSCL and MFGI.
- The computer facility, including hardware, software and personnel, located at MBTOR's office was managed by MSCL. MBTOR received a monthly charge from MSCL associated with the facility's operations.
- The Liquidator is not aware of the hardware and software that would be required to access the computer tapes stored at the EY Facility and the KPMG Facility.

The Liquidator expects to be consulted prior to any party examining the physical or digital documents that are comingled with MBTOR's physical or digital documents.

Legal counsel to National Bank ("National"); McCarthy LLP ("McCarthy"), and Ontario Teachers' Pension Plan ("OTPP"); Blake, Cassels & Graydon LLP ("Blakes"), both attended the December 13, 2017 Court hearing, and asked the Liquidator a number of questions at the end of the hearing regarding MBTOR and affiliated companies' records that the Liquidator proposed to transfer to the GIA. Blakes has subsequently made written inquiries of the Liquidator regarding the physical and digital records that are proposed to be transferred to the GIA.

Counsel for the GIA made submissions in Court and have now committed those submissions to writing and have circulated the same in an email (18/12/17). The GIA's position remains that National



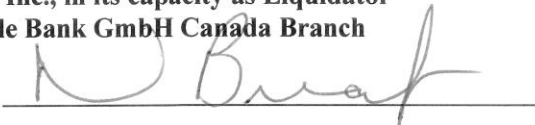
and OTTP, as shareholders of MFGI and with possibly each of them having had a representative on the board of directors of MFGI, only have standing to access and review those documents which are those of National and OTTP. The GIA remains committed to its position that neither National nor OTTP is entitled to have access to the general body of documents and that they can only assert privilege over their own documents. Counsel for National and OTTP disagree with the position asserted by the GIA and take the position that they should be permitted to review the general body of documents, to the extent the documents belonging to MFGI are commingled with data, or documents belonging to other Maple entities, including MBTOR.

In these circumstances, the Liquidator is willing to work with all parties in order to ensure that the respective parties have access to their documents and data in order to determine issues of privilege and other concerns. However, the Liquidator is of the opinion that until the GIA and National/OTTP are able to agree on a process by which National and OTTP are able to review the documents and data with which they have concerns, the Liquidator will work with MSCL, the GIA and Deloitte, in its capacity as trustee in bankruptcy of MFGI, with regard to providing access to commingled data and documentation.

Should you have further questions, please contact the undersigned at 416-777-3768 or nbrearton@kpmg.ca.

Yours very truly,

**KPMG Inc., in its capacity as Liquidator
of Maple Bank GmbH Canada Branch**

Per: 

Name: Nick Brearton
Title: President, KPMG Inc.

Cc:
Kelly Peters – Blake, Cassels & Graydon LLP
Milly Chow – Blake, Cassels & Graydon LLP
Michael Barrack – Blake Cassels & Graydon LLP
Eric Block – McCarthy LLP
Jessica Laham – McCarthy LLP

**This is Appendix “C1” to the Second Supplement to the
Thirteenth Report of the Liquidator**

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

**This is Appendix “C2” to the Second Supplement to the
Thirteenth Report of the Liquidator**

- 1 \\cadmium\COPY1\DFS User Shares\Account\Legal\compliance>Email_Archive_(BAE_Systems)
- 2 \\cadmium\COPY1\F_MS_Exchange\PST
- 3 \\cadmium\COPY1\DFS User Shares\LF Export\Compliance
- 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
- 9 \\cadmium\COPY1\DFS User Shares\Account\Maplekey
- 10 \\cadmium\COPY1\DFS User Shares\Account\MapleKey+
- 11 \\cadmium\COPY1\DFS User Shares\Wealth
- 12 \\cadmium\COPY1\DFS User Shares\Wealth\Common\CLIENTS
- 13 \\cadmium\COPY1\DFS User Shares\Mortgages
- 14 \\cadmium\COPY1\F_SQL\TorSQLWH01_BU\ServerBackup
- 15 \\cadmium\COPY1\T_Apps
- 16 \\cadmium\COPY1\DFS User Shares\LifeSett
- 17 \\cadmium\COPY1\F_Other_Server\VoiceRecordingCache
- 18 \\cadmium\COPY1\DFS User Shares\Account\llai\MB TOR payroll
- 19 \\cadmium\COPY1\DFS User Shares\Structured
- 20 \\cadmium\COPY1\DFS User Shares\Executive
- 21 \\cadmium\COPY1\DFS User Shares\GibbingB
- 22 \\cadmium\COPY1\DFS User Shares\UdaleP
- 23 \\cadmium\COPY1\DFS User Shares\Wealth\broadhud

**This is Appendix “C3” to the Second Supplement to the
Thirteenth Report of the Liquidator**

1	e:\dfs user shares\Account\common\MBBRaccount\KPMG\Claims\Executive employee info\Milburn 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\FinProd\HROse\Tom\Maple\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\F\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\F\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\F\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\F\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\F\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\
- 54 e:\dfs user shares\Account\common\MBBRaccount\FY 2013\Sep 13\Mortgage Book\
- 55 e:\dfs user shares\Account\common\MBBRaccount\FY 2013\June 13\Mortgage Book\
- 56 e:\dfs user shares\Account\common\MBBRaccount\FY 2013\July 13\Mortgage book\
- 57 e:\dfs user shares\Account\common\MBBRaccount\FY 2013\Aug 13\Mortgage Book\
- 58 e:\dfs user shares\Account\common\MBBRaccount\FY 2013\Apr 13\Mortgage Book\
- 59 e:\dfs user shares\Account\common\MBBRaccount\FY 2013\Mar 13\Mortgage Book\
- 60 e:\dfs user shares\Account\common\MBBRaccount\FY 2013\May 13\Mortgage Book\
- 61 e:\dfs user shares\Account\common\MBBRaccount\FY 2013\Dec 12\Mortgage book\
- 62 e:\dfs user shares\Account\common\MBBRaccount\FY 2013\Feb 13\Mortgage book\
- 63 e:\dfs user shares\Account\common\MBBRaccount\FY 2013\Nov 12\Mortgage book\
- 64 e:\dfs user shares\Account\common\MBBRaccount\FY 2013\Jan 13\Mortgage book\
- 65 e:\dfs user shares\Account\common\MBBRaccount\FY 2013\Oct 12\Mortgage book\
- 66 e:\dfs user shares\Account\common\MBBRaccount\KPMG\GIA audit\Audit of derivatives\2. Hedge documentation\EY files for mortgage hedge effectiveness\
- 67 e:\dfs user shares\Account\common\MBBRaccount\KPMG\GIA audit\Document request rec'd Jun 9, 17\Mortgage servicing fee\
- 68 e:\dfs user shares\Account\common\MBBRaccount\KPMG\GIA audit\Document request rec'd Jun 9, 17\Mortgage documents\
- 69 e:\dfs user shares\Account\common\MBBRaccount\FY 2012\Sep 12\Mortgage book\
- 70 e:\dfs user shares\Account\common\MBBRaccount\FY 2012\Mar 12\Mortgage book\
- 71 e:\dfs user shares\Account\common\MBBRaccount\FY 2012\Aug 12\Mortgage book\
- 72 e:\dfs user shares\Account\common\MBBRaccount\FY 2012\Jul 12\Mortgage book\
- 73 e:\dfs user shares\Account\common\MBBRaccount\FY 2012\Jun 12\Mortgage book\
- 74 e:\dfs user shares\Account\common\MBBRaccount\FY 2012\Feb 12\Mortgage book\
- 75 e:\dfs user shares\Account\common\MBBRaccount\FY 2012\May 12\Mortgage book\
- 76 e:\dfs user shares\Account\common\MBBRaccount\FY 2012\Apr 12\Mortgage Book\
- 103 e:\dfs user shares\Cash\LishmanP\MBTO Branch\CBA\Mortgage Prepayment Disclosure\
- 104 e:\dfs user shares\Cash\LishmanP\Process (Job) Descriptions\Maple Trust\Securitization\Smart Trust Portfolio Reports\MBTor Sept 30_03\CIBC Mortgage Pool 200 FINAL\
- 105 e:\dfs user shares\Cash\LishmanP\Process (Job) Descriptions\Maple Trust\Mortgage Banking P&L\
- 79 e:\dfs user shares\Account\common\MBBRaccount\FY 2012\Jan 12\Mortgage book\
- 80 e:\dfs user shares\Account\common\MBBRaccount\FY 2012\Oct 11\Mortgage book\
- 81 e:\dfs user shares\Account\common\MBBRaccount\SPG Mortgage info\
- 82 e:\dfs user shares\Account\common\MBBRaccount\FY 2011\Sep 11\Mortgage book\
- 83 e:\dfs user shares\Account\common\MBBRaccount\Mortgage Pool info\
- 84 e:\dfs user shares\Account\common\ADP Entries\L Lai\Excel Templates\MB TOR\Mortgage book\
- 85 e:\dfs user shares\Account\schnarrd\XLDATA\Payout and Bonus\QUARTER-END FILES\2004\Qtr 4 04\Mortgage Banking\
- 86 e:\dfs user shares\Account\VesnaM\OLD FILES\MAPLE TRUST AUDIT\Mortgage File Review Sample-New Format\
- 87 e:\dfs user shares\Account\VesnaM\MyNext Mortgage\
- 88 e:\dfs user shares\Account\Audit Confirms\Audit MBTOR scanned Nov 3 & 9\Audit - Mortgage Nov 9\
- 89 e:\dfs user shares\Account\Audit Confirms\Mortgages\
- 90 e:\dfs user shares\Cash\Shared\Pre 2011\Mortgage Banking\
- 91 e:\dfs user shares\Cash\Shared\Pre 2011\Mortgage Hedging\
- 92 e:\dfs user shares\Cash\LishmanP\Trading\US Trading\Other US Trading\Mortgages\
- 93 e:\dfs user shares\Cash\LishmanP\Trading\European Trading\Dutch Mortgages\
- 94 e:\dfs user shares\Cash\LishmanP\Trading\New Ideas and Traders\Vectors Research US Mortgages\
- 95 e:\dfs user shares\Cash\LishmanP\MBTO Branch\Mortgage Pools\
- 96 e:\dfs user shares\Cash\LishmanP\MBTO Branch\CMB Facilitation\Originators\Xceed Mortgage Corp\
- 97 e:\dfs user shares\Cash\LishmanP\MBTO Branch\CMB Facilitation\Maple NHA Mortgage Trust\
- 98 e:\dfs user shares\Cash\LishmanP\MBTO Branch\CMB Facilitation\Mortgage Purchase Agreements\
- 99 e:\dfs user shares\Cash\LishmanP\MBTO Branch\CMB Facilitation\Mortgage Systems\
- 100 e:\dfs user shares\Cash\LishmanP\MBTO Branch\CMB Facilitation\Mortgage Purchases Deal Pricing\
- 101 e:\dfs user shares\Cash\LishmanP\MBTO Branch\Audit\YE Audit FY2013\Queries #3\Mortgage Insurance Certificates\
- 102 e:\dfs user shares\Cash\LishmanP\MBTO Branch\OSFI Info\OSFI Mortgage Industry Monitoring\
- 129 e:\dfs user shares\LF Export\External Audit\E and Y\2013\4. Canada Mortgage Bond Program\
- 130 e:\dfs user shares\LF Export\External Audit\E and Y\2013\3. Financing of Mortgage Companies\
- 131 e:\dfs user shares\LF Export\External Audit\E and Y\2013\Additional Queries 2\Mortgage Insurance Certificates\

106	e:\dfs user shares\Cash\LishmanP\Economic Info\US Subprime Mortgage\	132	e:\dfs user shares\LF Export\Mortgages\
107	e:\dfs user shares\Cash\SukhiaC\Mynextmortgage\	133	e:\dfs user shares\IT_Users\Laserfiche\20160909\IT\Department Notes\Mortgage\
108	e:\dfs user shares\LF Export\Compliance\OSFI Review - May 2015\Section D_ Mortgage Securitization\	134	e:\dfs user shares\IT_Users\Laserfiche\20160601\IT\Department Notes\Mortgage\
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\	135	e:\dfs user shares\IT_Users\campbelk\Scripts\Powershell\Mortgage\
110	e:\dfs user shares\LF Export\Compliance\OSFI Review - March 2013\Section C - Asset Securitization activity\C2 Sold and Securitized Insured Mortgage Portfolios\	136	e:\dfs user shares\IT_Users\Stumkur\AdhocSQL\MortgageFiles\
111	e:\dfs user shares\LF Export\Compliance\OSFI Review - March 2013\Section C - Asset Securitization activity\C1 Warehouse of Insured Mortgages\	137	e:\dfs user shares\IT_Users\ptobin\My Documents\Mortgages\
112	e:\dfs user shares\LF Export\Accounts Payable\2011\M\MBSIA (Mortgage-Backed Securities Issuers Association)\	138	e:\dfs user shares\IT_Users\lFung\Projects\Kondor\AppSolutions\MortgageCashFlows\
113	e:\dfs user shares\LF Export\Accounts Payable\2013\M\MBSIA (Mortgage-Backed Securities Issuers Association)\	139	e:\dfs user shares\FinProd\HigginsT\Archive\Reverse Mortgages\
114	e:\dfs user shares\LF Export\Policies, Procedures and related documents\Material Agreements\Agreements\MBTor\CFR\Xceed Mortgage Corp\	140	e:\dfs user shares\StockIns\SPECIAL1\2006\2006\q12006\Dec\financial statements\MTC\Consolidated Mortgage Banking 12_31_05\
115	e:\dfs user shares\LF Export\Policies, Procedures and related documents\Material Agreements\Agreements\MBTor\CFR\Pacific Mortgage Group\	141	e:\dfs user shares\StockIns\WilkinsonS\âSteve's Data\Data Files\Projects\Mortgage Banking\
116	e:\dfs user shares\LF Export\Policies, Procedures and related documents\Material Agreements\Agreements\MBTor\CFR\Lakeview Mortgage Funding Inc\	142	e:\dfs user shares\StockIns\WilkinsonS\âSteve's Data\Data Files\HEDGE ACCOUNT\QUARTER-END FILES\2004\Qtr 4 04\Mortgage Banking\
117	e:\dfs user shares\LF Export\Policies, Procedures and related documents\Material Agreements\Agreements\MBTor\CFR\MCAN Mortgage Corporation\	143	e:\dfs user shares\StockIns\DykeG\Main\GRAHAM'S DATA\Internal Audit\Maple Trust\Mortgage File Review\
118	e:\dfs user shares\LF Export\Policies, Procedures and related documents\Material Agreements\Agreements\MBTor\Loan Agreements\Xceed Mortgage Corp\	144	e:\dfs user shares\CreditInfo\Mutual Funds (United States)\FUND (GOLDMAN)\FUND (GOLDMAN_U.S MORTGAGE FUND)\
119	e:\dfs user shares\LF Export\Policies, Procedures and related documents\Material Agreements\Agreements\MBTor\SPG Agreements\MyNext Mortgage Company - Warehouse Credit Facility\	145	e:\dfs user shares\CreditInfo\Mutual Funds (United States)\FUND (EVERGREENINST)\FUND (EVERGREENINST_MORTGAGE)\
120	e:\dfs user shares\LF Export\Policies, Procedures and related documents\Material Agreements\Agreements\MBTor\SPG Agreements\MyNext Mortgage Premier Trust\	146	e:\dfs user shares\CreditInfo\Counterparty Information (Collective Trust)\Morgan Stanley Mortgage Securities Trust\
121	e:\dfs user shares\LF Export\Policies, Procedures and related documents\Material Agreements\Agreements\MBTor\SPG Agreements\Xceed Mortgage Corporation Whole Loan Mortgage	147	e:\dfs user shares\MBTor P and P\MBTor Material Agreements\Loan Agreements\Xceed Mortgage Corp\
122	e:\dfs user shares\LF Export\Policies, Procedures and related documents\Material Agreements\Agreements\MBTor\SPG Agreements\Bridgewater Bank Whole Loan Mortgage Purchase\	148	e:\dfs user shares\Structured\SA-Dutch mortgage-backed investments\
123	e:\dfs user shares\LF Export\IT\Department Notes\Mortgage\	149	e:\dfs user shares\EY German\Loan Agreements (Contracts)\Xceed Mortgage Corp\
124	e:\dfs user shares\LF Export\External Audit\E and Y\2013 - Pre Year End Audit\3. Financing of Mortgage Companies\	150	e:\dfs user shares\EY German\Security Registrations\Xceed Mortgage Corp\
125	e:\dfs user shares\LF Export\External Audit\E and Y\2013 - Pre Year End Audit\4. Canada Mortgage Program\	151	e:\dfs user shares\EY German\Xceed Mortgage Corp\
126	e:\dfs user shares\LF Export\External Audit\E and Y\2012\German\MBTor Credit and Security Agreements\MyNext Mortgage Premier Trust\		
127	e:\dfs user shares\LF Export\External Audit\E and Y\2012\German\MBTor Credit and Security Agreements\MyNext Mortgage Funding Trust\		
128	e:\dfs user shares\LF Export\External Audit\E and Y\2012\German\MBTor Credit and Security Agreements\Xceed Mortgage Corp\		

**This is Appendix “D” to the Second Supplement to the
Thirteenth Report of the Liquidator**

The results of KPMG's document testing with respect to folders to be removed is as follows:

No.	Document type	Document	Document description	Parent Folder	Folder to be removed from G IA Data Copy?
1	Mortgage Files	I. Mortgage underwriting file	CF Bank mortgage risk assessment	Z:\Mortgages	Yes
2	Mortgage Files	I. Mortgage underwriting file	CMHC mortgage assessment	Z:\Mortgages	Yes
3	Mortgage Files	II. Daily/weekly/Monthly feeds provided to MBTOR	Paradigm trial balance September 10, 2016	Z:\Mortgages	Yes
4	Mortgage Files	V. Business sale by KPMG	Loan security document	Z:\Mortgages	Yes
5	Mortgage Files	VI. Collateral for structured loans	Lakeview lender report July 2016	Z:\Mortgages	Yes
6	Mortgage Files	IV. Mortgages owned by MBTOR	Default review August 2015	Z:\Mortgages	Yes
7	Mortgage Files	III. MBTOR monthly internal reports	MBTOR monthly internal reports	TBSM	Yes
8	Immigrant Investor Program Files	I. Immigrant Loan file	Personal loan document	Z:\account\common\product control\immigrant funding	Yes
9	Immigrant Investor Program Files	III. Passport information and financial information	Personal passport scan	Z:\account\common\product control\immigrant funding	Yes
10	Immigrant Investor Program Files	II. Loan application file	Personal loan application	Z:\account\common\product control\immigrant funding	Yes
11	Immigrant Investor Program Files	I. Immigrant Loan file	Personal loan document	Z:\account\common\product control\immigrant funding	Yes
12	Immigrant Investor Program Files	II. Loan application file	Personal loan application	Z:\account\common\product control\immigrant funding	Yes
13	Immigrant Investor Program Files	III. Passport information and financial information	Personal passport scan	Z:\account\common\product control\immigrant funding	Yes
14	Employee Files	III. Personnel files scanned into pdf	Divorce document	Z:\Mortgages	Yes
15	Employee Files	II. General employee information	Scanned drivers license	Z:\Mortgages	Yes
16	Employee Files	I. Payroll information	Employee benefit details worksheet	Z:\account\l1a1\MB TOR payroll	Yes
17	Employee Files	II. General employee information	Individual T4 statement worksheet	Z:\account\l1a1\MB TOR payroll	Yes
18	Employee Files	III. Personnel files scanned into pdf	Scanned drivers license	LF Export - Human Resources	Yes
19	Immigrant Investor Program Files	II. Loan application file	Personal loan application	Z:\account\common\product control\immigrant funding	Yes
20	Immigrant Investor Program Files	I. Immigrant Loan file	Personal loan document	Z:\account\common\product control\immigrant funding	Yes
21	Immigrant Investor Program Files	III. Passport information and financial information	Personal passport scan	Z:\account\common\product control\immigrant funding	Yes
22	Mortgage Files	II. Daily/weekly/Monthly feeds provided to MBTOR	MCAP daily paid-out report October 14, 2016	Z:\Mortgages	Yes
23	Mortgage Files	II. Daily/weekly/Monthly feeds provided to MBTOR	Lakeview payment report October 11, 2016	Z:\Mortgages	Yes
24	Mortgage Files	II. Daily/weekly/Monthly feeds provided to MBTOR	Bridgewater trial balance September 30, 2016	Z:\Mortgages	Yes
25	Mortgage Files	II. Daily/weekly/Monthly feeds provided to MBTOR	CF Bank trial balance September 27, 2016	Z:\Mortgages	Yes

**This is Appendix “E” to the Second Supplement to the
Thirteenth Report of the Liquidator**

**SCHEDULE "A" to
MSCL LETTER dated January 19, 2018**

**PERSONAL AND NON-PROPRIETARY DATA
TO BE REMOVED FROM GIA DATA COPY**

1. Personal Information of former employees of MSCL¹

\\cadmium\COPY1\DFS User Shares\LF Export\Human Resources

\\cadmium\COPY1\DFS User Shares\Executive\AugustoA

2. Personal Information of former customers of MSCL

\\COPY1\DFS User Shares\LF Export\Compliance\Monthly Client Statements

\\CADMIUM\Account\Legal\compliance\Private Client Services\AIG Files [Contains retail client KYC information]

\\Account\Legal\compliance\Private Client Services\Subscription Log\ [Contains client names and invested amounts]

\\Account\Legal\compliance\Private Client Services\T5\

\\Account\Legal\compliance\Private Client Services\Transfers\

\\CADMIUM\Account\MapleKey\YYYY [Note that YYYY represents years 2001-2008] [Contains client financial/tax information]

\\Cadmium\account\Maplekey+\FY YYYY [Note that YYYY represents year 2003-2008] [Contains client financial/tax information]

\\CADMIUM\Account\common\Maple Key Tax 12 04 [Contains client financial/tax information]

\\CADMIUM\Account\common\Maple Key Tax 1203 [Contains client financial/tax information]

\\CADMIUM\Account\common\Maplekey Tax 1201 [Contains client financial/tax information]

\\CADMIUM\Account\common\Maplekey Tax 1202 [Contains client financial/tax information]

¹ Commingled data with other Maple entities and subject to MB Tor Data Scrubbing Process

\\CADMIUM\Account\Client Accounting\margin interest [Contains client financial/tax information]

KYC information for MSCL retail clients is also stored in physical records at RecordXpress (Box 00116722)

3. Non-Maple Group Proprietary Information

\\cadmium\COPY1\DFS User Shares\GibbingB [Langmaids]

\\cadmium\COPY1\DFS User Shares\Wealth\broadhud [Broadhurst]

**This is Appendix “F” to the Second Supplement to the
Thirteenth Report of the Liquidator**



Blake, Cassels & Graydon LLP
Barristers & Solicitors
Patent & Trade-mark Agents
199 Bay Street
Suite 4000, Commerce Court West
Toronto ON M5L 1A9 Canada
Tel: 416-863-2400 Fax: 416-863-2653

January 11, 2018

Kelly Peters
Associate, Restructuring & Insolvency
Dir: 416-863-4271
Kelly.Peters@blakes.com
Ref: 37113/153

VIA E-MAIL

Victoria Graham
Oslers, Hoskin & Harcourt LLP
100 King Street West
Toronto, Ontario
M5X 1B8

RE: Court File No. CV-16-11290-00CL - The Attorney General of Canada v. Maple Bank GmbH
Re: Motion by KPMG Inc. (in its capacity as the Court-appointed Liquidator of the business in Canada of Maple Bank GmbH)

Dear Ms. Graham:

As you know, we are counsel to Ontario Teachers' Pension Plan Board ("**OTPP**"), a shareholder of Maple Financial Group Inc. ("**MFGI**").

As you also know, KPMG Inc., in its capacity as the Court-appointed liquidator (the "**Liquidator**") in respect of the winding up of the business in Canada of Maple Bank GmbH ("**Maple Bank**"), has brought a motion in the above proceeding seeking an order approving the production, transfer and release by the Liquidator to the German Insolvency Administrator of Maple Bank (the "**GIA**") of data, documents, information and records (the "**Records**") in the power and possession of the Liquidator and located in Canada pertaining to Maple Bank GmbH and its affiliates, and approving the removal and transfer of the Records from Canada to Germany (the "**Data Sharing Motion**").

Based on the materials filed in this proceeding, including those filed in support of the Data Sharing Motion, the Records are commingled with records of related companies, including records of MFGI (the indirect parent corporation of Maple Bank).

OTPP has raised concerns that, among other things, certain of the MFGI documents contained in the Records may be subject to solicitor-client privilege. MFGI entered into bankruptcy on or about August 3, 2016 and Deloitte Restructuring Inc. was appointed as trustee in bankruptcy of MFGI (the "**Trustee**"). It is OTPP's position, which is supported by case law, that solicitor-client privilege resides with MFGI at all times, even in a bankruptcy, and it is not transferred to a trustee in a bankruptcy.¹ Accordingly, the Trustee has no authority to deal with or waive solicitor-client privilege.

¹See for example, *Clarkson Co. v. Chilcott*, 1984 CarswellOnt 187 (ON CA). See also *Bre-X Minerals Ltd. Re*, 2001 ABCA 255.

To our knowledge, even if the Trustee had authority to waive solicitor-client privilege on behalf of MFGI (which we do not believe it does), the Trustee has not waived any such privilege.

It is critical that steps be undertaken to identify MFGI privileged records to ensure that no such record is produced pursuant to the Data Sharing Motion. Prior to MFGI entering into bankruptcy, your firm acted as external counsel to MFGI, which puts it in the best position to be able to identify any potentially privileged records that may be contained within the Records at issue on the Data Sharing Motion. To assist the parties in identifying MFGI privileged records, we request you provide us with a list of the names of lawyers – whether from your firm or otherwise – who, to your knowledge, acted for or advised MFGI, including the names of any MFGI in-house lawyers and the date that your firm was first retained by MFGI. If there are any additional parameters (for example, specific date ranges of counsel or specific search terms) which in your view, based on your prior role as MFGI counsel, would assist in identifying MFGI privileged records, please provide those as well, without disclosing any privileged information in the course of providing the parameters themselves.

As the Data Sharing Motion is returnable on January 22, 2018, we appreciate your prompt attention with respect to this matter.

With regards,



Kelly Peters
KDP/mb

cc: M. Barrack, I. Antonios, M. Chow – Blake, Cassels & Graydon LLP
E. Block, J. Laham – McCarthy Tetrault LLP
N. Brearton – KPMG Inc.
A. MacFarlane – Borden Ladner Gervais LLP
D. Byers - Stikeman Elliott LLP
J. Bellissimo – Cassels Brock & Blackwell LLP
G. Page, J. Nadon – Deloitte Restructuring Inc.

**This is Appendix “G” to the Second Supplement to the
Thirteenth Report of the Liquidator**



Blake, Cassels & Graydon LLP
Barristers & Solicitors
Patent & Trade-mark Agents
199 Bay Street
Suite 4000, Commerce Court West
Toronto ON M5L 1A9 Canada
Tel: 416-863-2400 Fax: 416-863-2653

January 11, 2018

Kelly Peters
Associate, Restructuring & Insolvency
Dir: 416-863-4271
Kelly.Peters@blakes.com
Ref: 37113/153

VIA E-MAIL

Joseph J. Bellissimo
Cassels Brock & Blackwell LLP
40 King Street West, Suite 2100
Toronto, Ontario
M5H 3C2

RE: Court File No. CV-16-11290-00CL - The Attorney General of Canada v. Maple Bank GmbH

Re: Motion by KPMG Inc. (in its capacity as the Court-appointed Liquidator of the business in Canada of Maple Bank GmbH)

Dear Mr. Bellissimo:

As you know, we are counsel to Ontario Teachers' Pension Plan Board ("**OTPP**"), a shareholder of Maple Financial Group Inc. ("**MFGI**"). We write to you in your capacity as counsel to Deloitte Restructuring Inc. ("**Deloitte**"), trustee in bankruptcy of MFGI (the "**Trustee**").

KPMG Inc., in its capacity as the Court-appointed liquidator (the "**Liquidator**") in respect of the winding up of the business in Canada of Maple Bank GmbH ("**Maple Bank**"), has brought a motion in the above proceeding seeking an order approving the production, transfer and release by the Liquidator to the German Insolvency Administrator of Maple Bank (the "**GIA**") of data, documents, information and records (the "**Records**") in the power and possession of the Liquidator and located in Canada pertaining to Maple Bank GmbH and its affiliates, and approving the removal and transfer of the Records from Canada to Germany (the "**Data Sharing Motion**").

Based on the materials filed in this proceeding, including those filed in support of the Data Sharing Motion, the Records are commingled with records of related companies, including records of MFGI (the indirect parent corporation of Maple Bank).

OTPP has raised concerns that, among other things, certain of the MFGI documents contained in the Records may be subject to solicitor-client privilege. To our knowledge, the Trustee has not waived any such privilege. In any event, it is OTPP's position, which is supported by case law, that solicitor-client privilege resides with MFGI at all times, even in a bankruptcy, and it is not transferred to a trustee in a bankruptcy.¹ Accordingly, the Trustee has no authority to deal with or waive solicitor-client privilege.

¹See for example, *Clarkson Co. v. Chilcott*, 1984 CarswellOnt 187 (ON CA). See also *Bre-X Minerals Ltd. Re*, 2001 ABCA 255.

Please advise us as soon as possible if the Trustee has a different view with respect to any of the above.

In OTPP's view, it is critical that steps be undertaken to identify privileged records to ensure that no privileged communication is inadvertently produced as part of the Data Sharing Motion. We ask the Trustee to confirm whether through the course of carrying out its duties as Trustee it has identified or obtained any records of MFGI that could be subject to solicitor-client privilege. In addition, we ask that the Trustee, to the extent it is aware, to provide us with any names of counsel who provided legal advice to MFGI prior to its assignment into bankruptcy. We are aware that Oslers, Hoskin & Harcourt LLP was engaged as counsel to MFGI prior to its bankruptcy, so we are requesting names of counsel other than Oslers.

As the Data Sharing Motion is returnable on January 22, 2018, we appreciate your prompt attention with respect to this matter.

With regards,



Kelly Peters
KDP/mb

cc: M. Barrack, I. Antonios, M. Chow – Blake, Cassels & Graydon LLP
E. Block, J. Laham – McCarthy Tetrault LLP
N. Brearton – KPMG Inc.
A. MacFarlane – Borden Ladner Gervais LLP
D. Byers - Stikeman Elliott LLP
G. Page, J. Nadon – Deloitte Restructuring Inc.

**This is Appendix “H” to the Second Supplement to the
Thirteenth Report of the Liquidator**



January 12, 2018

By E-mail

jbellissimo@casselsbrock.com

Blake, Cassels & Graydon LLP
199 Bay Street
Suite 4000, Commerce Court West
Toronto, ON
M5L 1A9

tel: 416 860 6572

fax: 416 642 7150

Attention: Kelly Peters

Dear Ms Peters:

Re: Court File No. CV-16-11290-00CL - The Attorney General of Canada v. Maple Bank GmbH

Re: Motion by KPMG Inc. (in its capacity as the Court-appointed Liquidator of the business in Canada of Maple Bank GmbH)

We are in receipt of your letter dated January 11, 2018 with respect to the above noted matter.

Without commenting on whether a trustee in bankruptcy generally has the authority to waive solicitor-client privilege of a bankrupt, we can confirm that no one has requested that Deloitte Restructuring Inc, in its capacity as trustee in bankruptcy (the "**Trustee**") of Maple Financial Group Inc. ("**MFGI**"), waive solicitor-client privilege on behalf of MFGI nor has the Trustee agreed to waive any solicitor-client privilege.

With respect to your question as to whether the Trustee has identified any records of MFGI that could be subject to solicitor-client privilege, it is necessary to distinguish between the records in question. The Trustee is in possession and control of certain physical records of MFGI along with a limited number of electronic documents of MFGI, which the Trustee obtained in connection with its appointment (collectively, the "**MFGI Records**"). For clarity, the MFGI Records are not the subject of the Data Sharing Motion (as defined in your letter) as the Data Sharing Motion does not seek production from the Trustee of the MFGI Records. While the Trustee has not undertaken a comprehensive privilege review of the MFGI Records, the Trustee has identified solicitor-client communications within the MFGI Records that could potentially be subject to solicitor-client privilege.

Separately from the MFGI Records, we understand that there are records and information that are in the possession, power or control of KPMG Inc, in its capacity as the Court-appointed liquidator (the "**Liquidator**") of Maple Bank GmbH, Toronto Branch, and/or Maple Canada Securities Limited, including, for example, the electronic data stored at the SunGard Facility (the "**Commingled Records**"). Based on the Trustee's understanding of the Maple Bank group's general document retention systems (including based on the materials filed in connection with the Data Sharing Motion), it would appear that some or all of the MFGI Records could also exist



in the Commingled Records. However, the Trustee does not have access to the Commingled Records and has not reviewed the Commingled Records and, therefore, the Trustee is unable to provide any guidance or input as to whether documents exist in the Commingled Records that could be subject to solicitor-client privilege.

Finally, while the Trustee has not conducted a search of the MFGI Records to determine if any counsel (other than Osler, Hoskin & Harcourt LLP) provided legal advice to MFGI, the Trustee is not aware of any other legal counsel.

We trust that the foregoing addresses your inquiries.

Yours truly,

A handwritten signature in blue ink, appearing to read "JJB", with a long horizontal flourish extending to the right.

Joseph J. Bellissimo

JJB/sw

cc: J.F. Nadon, G. Page - Deloitte Restructuring Inc.
M. Barrack, I. Antonios, M. Chow - Blake, Cassels & Graydon LLP
E. Block, J. Laham - McCarthy Tetrault LLP
N. Brearton - KPMG Inc.
A. MacFarlane - Borden Ladner Gervais LLP
D. Byers - Stikeman Elliott LLP

**This is Appendix “I” to the Second Supplement to the
Thirteenth Report of the Liquidator**



McCarthy Tétrault LLP
PO Box 48, Suite 5300
Toronto-Dominion Bank Tower
Toronto ON M5K 1E6
Canada
Tel: 416-362-1812
Fax: 416-868-0673

Jessica L. Laham

Direct Line: (416) 601-7629
Email: jlaham@mccarthy.ca

*Assistant: Amy Chan
Direct Line: 416-601-8200 (542207)
Email: ahmchan@mccarthy.ca*

January 15, 2018

Via Email

Ms. Victoria A. Graham
Partner
Osler, Hoskin & Harcourt LLP
100 King Street West
1 First Canadian Place
Suite 6200, P.O. Box 50
Toronto ON M5X 1B8

Dear Counsel:

Re: Court File No. CV-16-11290-00CL – The Attorney General of Canada v. Maple Bank GmbH

Motion by KPMG Inc. (in its capacity as the Court-appointed Liquidator of the business in Canada of Maple Bank GmbH)

As you are aware, we are counsel to National Bank of Canada (“**National Bank**”), a shareholder of Maple Financial Group Inc. (“**MFGI**”).

We echo the comments made by counsel for Ontario Teachers’ Pension Plan Board (“**OTPP**”) in Ms. Peters’ letter of January 11, 2018, and similarly, ask you in your capacity as former external counsel to MFGI, to provide a list of names of lawyers, at your firm or otherwise, who to your knowledge acted for or advised MFGI, including the names of any MFGI lawyers and the date that your firm was first retained by MFGI, as this information will help assist in identifying any potentially privileged records that may be contained in the records in issue on the motion returnable January 22, 2018.

Given that the motion date is quickly approaching, we would appreciate hearing from you as soon as possible.

Yours truly,

McCarthy Tétrault LLP

Per:



Jessica L. Laham

JLL/ac

c: Joseph J. Bellissimo – Cassels Brock & Blackwell LLP
Kelly Peters, Michael Barrack, Iris Antonios, Milly Chow - Blake, Cassels & Graydon LLP
Nicholas Brearton - KPMG LLP
Alexander L. MacFarlane - Borden Ladner Gervais LLP
David R. Byers - Stikeman Elliott LLP
Graham Page, Jean-François Nadon - Deloitte LLP
Eric S. Block

**This is Appendix “J” to the Second Supplement to the
Thirteenth Report of the Liquidator**

Osler, Hoskin & Harcourt LLP
Box 50, 1 First Canadian Place
Toronto, Ontario, Canada M5X 1B8
416.362.2111 MAIN
416.862.6666 FACSIMILE

OSLER

Toronto

January 16, 2018

Christopher Naudie
Direct Dial: 416.862.6811
E-Mail: cnaudie@osler.com

Montréal

Calgary

Ottawa

SENT BY ELECTRONIC MAIL

Vancouver

Ms. Kelly Peters
BLAKE, CASSELS & GRAYDON LLP
199 Bay Street
Suite 4000, Commerce Court West
Toronto, ON
M5L1A9

New York

**Re: *The Attorney General of Canada v. Maple Bank GmbH*
(Court File No. CV-16-11290-00CL) -
Motion by KPMG Inc. (in its capacity as the Court-appointed Liquidator of
the business in Canada of Maple Bank GmbH) regarding data and records
transfer to the German Insolvency Administrator of Maple Bank GmbH
(the “Data Sharing Motion”)**

Dear Ms. Peters:

I am writing in response to your letter addressed to Ms. Graham dated January 11, 2018. We have received a similar request from Ms. Laham dated January 15, 2018 that was copied to your attention, and in view of the related issues, we are forwarding this response to both counsel for Ontario Teachers’ Pension Plan Board (“OTPP”) as well National Bank of Canada (“National Bank”).

We are currently acting as counsel for Maple Securities Canada Limited (“MSCL”) in respect of the above motion. However, prior to August 2016, Osler had acted as Canadian counsel to MFGI and certain of its Canadian subsidiaries in respect of a number of matters. Osler ceased acting as counsel for MFGI on August 4, 2016 following MFGI’s entry into bankruptcy. Since your letter raises inquiries that are directed specifically at MFGI, we are responding to these inquiries solely in our capacity as former counsel to MFGI.

Osler, in its capacity as former counsel to MFGI, is willing to assist OTPP’s inquiries. However, as you are aware, a law firm has ongoing duties of confidentiality to a former client, as well as a duty to respect claims legal privilege. Osler is required to respect those duties absent client authorization and/or a court order. While we appreciate that OTPP and National Bank are seeking information and disclosures that might facilitate a privilege review (e.g., dates of engagements, names of Osler and MFGI lawyers, search terms relating to substantive matters), this information would ordinarily be considered as

confidential and/or privileged and could reveal the nature of the legal work and advice that was performed by Osler.

Under the circumstances, we would require an authorization from the Trustee in Bankruptcy of MFGI, namely Deloitte Restructuring Inc. ("Trustee"), to release this information to OTPP and National Bank, and by copy of this letter, we seek the Trustee's views in respect of OTPP's and National Bank's request. Moreover, given the authorities that you have cited from the proposition a Trustee has no authority to waive legal privilege, we would presumably require a court order directing Osler to release any privileged information from our files.

In our capacity as former counsel to MFGI, Osler is prepared to work with the Trustee, OTPP and National Bank to facilitate this authorization and an appropriate court order. Provided that the authorization or court order is sufficiently broad, Osler is also prepared to provide any resulting information to the other parties that have an interest in the Data Sharing Motion, including KMPG Inc., in its capacity as Court-appointed liquidator in respect of the winding up of the business in Canada of Maple Bank GmbH and the German Insolvency Administrator of Maple Bank GmbH.

On the assumption that an authorization and a court order will be forthcoming, it would also assist us to receive some additional parameters relating to OTPP's request. Our firm represented MFGI and its predecessors for more than 20 years on a range of different matters, and OTPP's current request for parameters would require a considerable search. In order to respond to OTPP's request in a timely way, it would expedite matters if OTPP is able to specify the date ranges and/or the specific matters or subject areas of the information request.

We look forward to your response.

Yours very truly,



Christopher P. Naudie
CPN:ac

cc: V. Graham, M. Deslauriers – *Osler, Hoskin & Harcourt LLP*
M. Barrack, I. Antonios, M. Chow – *Blake Cassels & Graydon LLP*

E. Block, J. Laham – *McCarthy Tetrault LLP*
N. Brearton – *KMPG Inc.*
A. MacFarlane – *Border Ladner Gervais LLP*
D. Byers, P. Hamilton – *Stikeman Elliott LLP*
J. Bellissimo – *Cassels Brock & Blackwell LLP*
G. Paige, J. Nadon – *Deloitte Restructuring Inc.*

**This is Appendix “K” to the Second Supplement to the
Thirteenth Report of the Liquidator**



Blake, Cassels & Graydon LLP
Barristers & Solicitors
Patent & Trade-mark Agents
199 Bay Street
Suite 4000, Commerce Court West
Toronto ON M5L 1A9 Canada
Tel: 416-863-2400 Fax: 416-863-2653

January 16, 2018

VIA E-MAIL

Joseph J. Bellissimo
Cassels Brock & Blackwell LLP
40 King Street West, Suite 2100
Toronto, Ontario
M5H 3C2

David R. Byers
Stikeman Elliot LLP
5300 Commerce Court West
199 Bay Street
Toronto, Ontario
M5L 1B9

Alex Macfarlane
Bay Adelaide Centre, East Tower
Borden Ladner Gervais LLP
22 Adelaide Street West, Suite 3400
Toronto, Ontario
M5H 4E3

Kelly Peters
Associate, Restructuring & Insolvency
Dir: 416-863-4271
Kelly.Peters@blakes.com
Ref: 37113/153

RE: Court File No. CV-16-11290-00CL - The Attorney General of Canada v. Maple Bank GmbH

Re: Motion by KPMG Inc. (in its capacity as the Court-appointed Liquidator of the business in Canada of Maple Bank GmbH) returnable January 22, 2018 (the "Data Transfer Motion")

Dear Counsel:

Please find enclosed for your consideration a proposal for the segregation and review of the Maple Financial Group Inc. ("**MFGI**") documents from the electronic records proposed to be transferred to the German Insolvency Administrator of Maple Bank GmbH.

The proposal is made on behalf of Ontario Teachers' Pension Plan Board and National Bank based on information we have received from KPMG Inc., in its capacity as the Court-appointed liquidator (the "**Liquidator**") in respect of the winding up of the business in Canada of Maple Bank GmbH and Maple Securities Canada Limited.

We believe it would be beneficial to have a call to discuss the proposed protocol. In this regard, we are available on Wednesday, January 17th at 4:00 pm for a conference call.



Please advise if you are available for a call at this time.

With regards,

Kelly Peters
KDP/mb

cc: M. Barrack, I. Antonios, M. Chow – Blake, Cassels & Graydon LLP
E. Block, J. Laham – McCarthy Tetrault LLP
N. Brearton – KPMG Inc.
G. Page, J. Nadon – Deloitte Restructuring Inc.
V. Graham – Osler, Hoskin & Harcourt LLP

Review Proposal for Electronic Data

FOR DISCUSSION – January 16, 2018

This proposal is presented based on the assumption that the Liquidator (the “Moving Party”) is only seeking to transfer to the German Insolvency Administrator (the “GIA”) electronic documents currently housed at the SunGard facility, and that all other documents or information referenced in the Liquidator’s motion materials are copies of materials that otherwise exist within the data set housed at the SunGard facility and which therefore the Liquidator is not seeking to transfer.

1. **STEP ONE – Copy the Data Set and Make the Documents Searchable.**

A copy of the electronic data residing at the SunGard facility set needs to be made, and it is this copy which would be subject to review, redaction, and, subject to redaction, any eventual removal or transfer (the “**Data Copy**”). The original data would remain undisturbed and would not be transferred to the GIA.

MSCL estimates that the cost to duplicate the electronic data residing at the SunGard Facility would be approximately \$2500 - \$3000 (exclusive of taxes) and would take approximately 10 – 12 hours.

Once copied, the data needs to be processed so that documents can be searched. This can be done with eDiscovery software. MSCL obtained a quote from Nuix for a one year software license. The Nuix program can process and search the documents in question. The cost for a one year licence according to the estimate that was given to MSCL is \$7,875.00. The estimate does not indicate whether there would be additional processing charges. We assume that the Data Copy could remain housed in the SunGard facility for processing and would not be transferred outside of Ontario. Based on our general understanding, the Nuix program can perform all required indexing and processing.

2. **STEP TWO – Run searches to locate MFGI Documents.**

The parties will agree to a reasonable list of key words, custodians, and date ranges (the “**First Search Parameters**”) to locate documents relating to MFGI within the Data Copy.

The MFGI Trustee in Bankruptcy (the “**Trustee**”) will engage a third party, with appropriate confidentiality protections in place, to apply the First Search Parameters to the Data Set, and the results shall be marked for review (the “**MFGI Document Set**”). The Trustee’s costs to complete this step will be paid by the Moving Party

and/or GIA in such manner as the Moving Party and GIA shall decide as between themselves.

3. **STEP THREE – Removal of Non-Maple Bank Documents**

The parties will agree to a reasonable set of key words, custodians and date ranges to locate documents within the MFGI Document Set that are not related to Maple Bank ("**Second Search Parameters**"). The Trustee will engage a third party, with appropriate confidentiality protections in place, to apply the Second Search Parameters to the MFGI Document Set and the results (the "**Non-Maple Bank Documents**") will be removed from any further review or production (i.e. these documents will not be transferred to the GIA and will not be subject to the Data Transfer Motion). The Trustee's costs to complete this step will be paid by the Moving Party and/or GIA in such manner as the Moving Party and GIA shall decide as between themselves.

4. **STEP FOUR – Review**

Substantive review of the documents remaining in the MFGI Document Set after removal of the Non-Maple Bank Documents (the "**Review Set**").

The Review Set will be loaded into a review software (e.g. Relativity) for review.

The Trustee will engage a third party, with appropriate confidentiality protections in place, to conduct a substantive review of the Review Set for relevance (relevance to Maple Bank Business as defined in the order appointing the Liquidator) and privilege (MFGI privileged documents). Documents that are not relevant to the Maple Bank Business will be removed from any further review or production (i.e. these documents will not be transferred to the GIA and will not be subject to the Data Transfer Motion).

Documents that may be related to the Maple Bank Business but which are subject to legal privilege belonging to MFGI will be removed or redacted from any further review or production (i.e. these documents will not be transferred to the GIA and will not be subject to the Data Transfer Motion).

The Trustee's fees to complete this step will be paid by the Moving Party and/or GIA in such manner as the Moving Party and GIA shall decide as between themselves.

5. STEP FIVE – Submissions Regarding Non-Privileged Dual-Entity Documents

The remaining documents after the completion of Step Four, being non-privileged documents potentially relating both to Maple Bank's business and to MFGI ("**Non-Privileged Dual-Entity Documents**") shall be the subject of the Data Transfer Motion, and will be made accessible to or provided to Canadian counsel for the shareholders of MFGI, counsel for the Trustee, counsel for the Liquidator, and to Canadian counsel for the GIA, for the purposes of making submissions on the motion. For greater certainty, the above-described access shall not be construed as a waiver of any confidentiality that may attach to the Non-Privileged Dual-Entity Documents.

- 6. LIVING DOCUMENT.** As the review takes place and the Trustee may learn of other terms and information that may change the First or Second Search Parameters to find the relevant documents (or remove not relevant ones), and search terms will be changed to ensure this information is incorporated to ensure the review is as efficient as possible.

**This is Appendix “L” to the Second Supplement to the
Thirteenth Report of the Liquidator**

Alex MacFarlane
T 416.367.6305
F 416.367.6749
amacfarlane@blg.com

Borden Ladner Gervais LLP
Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada M5H 4E3
T 416.367.6000
F 416.367.6749
blg.com



January 16, 2018

Via Email

McCarthy Tétrault LLP
Suite 5300, TD Bank Tower
Box 48, 66 Wellington Street West
Toronto, ON M5K 1E6

Blake, Cassels & Graydon LLP
Suite 4000, Commerce Court West
199 Bay Street
Toronto, ON M5L 1A9

Attention: Eric S. Block and Jessica Laham

Attention: Iris Antonios and Kelly Peters

Dear Sir and Mesdames:

Re: Maple Bank – Data Access and Transfer

Further to the motion brought by KPMG Inc. in its capacity as court-appointed liquidator (the “**Liquidator**”) of the business in Canada of Maple Bank GmbH (“**MBTOR**”) before Regional Senior Justice Morawetz on December 13, 2017, (the “**Motion**”), to transfer certain data, documents, records and other information of MBTOR (the “**Data Transfer**”) to the German Insolvency Administrator (“**GIA**”), the objections of National Bank (“**National**”) and the Ontario Teachers’ Pension Plan Board (“**OTPP**”) to the Data Transfer, our conference call on December 27, 2017 and the subsequent correspondence among the interested parties, we are writing to set out the Liquidator’s proposed process for addressing the concerns raised by National and OTPP to the Data Transfer. We understand that the GIA is supportive of this proposed process.

The Liquidator, with the support of Maple Securities Canada Limited (“**MSCL**”), has spent considerable time ascertaining the nature of the files associated with the data stored on the server at the SunGuard Facility (the “**Dataset**”), the extent to which the Dataset can be searched, and the timing and costs associated with searching the Dataset. Based on the Liquidator’s discussions with Kevin Campbell (“**Campbell**”) of MSCL, it would seem that certain of the files in the Dataset may not be fully searchable in their current format while others would be searchable.

The Liquidator is continuing its efforts to ascertain an approach that would enable the Dataset to be fully searched.

Based on the most recent correspondence (January 11 and 15, 2018) received from counsel to OTPP and counsel to National, respectively, the Liquidator understands that OTPP and National are asserting any claim of solicitor-client privilege over any data, documents, records and other information relating to Maple Financial Group Inc. (“**MFGI**”) that may be commingled with any

data, documents, records and information belonging to MBTOR that would be subject to the Data Transfer. The Liquidator requests that National and OTPP substantiate their respective claims for privilege at their earliest opportunity.

The Liquidator has proposed that as the first step in the process of resolving the objections raised by National and OTPP, and in order to facilitate any required redactions while maintaining the integrity of the primary data, Campbell would be instructed to make a copy of the Dataset. The Liquidator had proposed that the cost of copying the Dataset would be shared by all parties asserting an interest in the Dataset (i.e. among the Liquidator, the Trustee-in-Bankruptcy for MFGI (the “Trustee”), National Bank and OTPP). As you will recall, the cost of copying the Dataset has been estimated at approximately \$2,500 to \$3,000.

In email correspondence dated January 8, 2018, OTPP suggested that they would agree to the proposed cost sharing only if certain conditions are met. The GIA has advised that it is not agreeable to the conditions which OTPP has asserted with regard to what was intended to be a simple administrative task.

In the interests of moving this forward, the Liquidator, with the support of the GIA, has instructed Campbell to commence the creation of the duplicate Dataset with the issue of the division of the sharing of the costs of copying to be determined later.

With respect to National’s and OTPP’s objections to the Data Transfer on any grounds of privilege, the Liquidator is mindful of the position asserted by the GIA: that National and OTPP may only assert privilege claims in respect of documents for which they themselves have a claim to privilege – they may not assert privilege claims on behalf of MFGI, any other companies in the Maple Group or any third parties. Please advise if you continue to disagree with this position and, if so, the basis for your claim that National and/or OTPP have standing to assert claims of privilege on behalf of MFGI or any other party. The Liquidator intends to seek directions from the Court in order to resolve this issue on January 22, 2018, as a resolution of this issue will narrow the scope of documents to be searched or reviewed for potential privilege issues.

In the interim, the Liquidator proposes the following process for identifying and possibly removing any data or documents reasonably considered privileged by National or OTPP from the Dataset:

- 1) National and OTPP will each review the data or documents, which are already in their respective possession, power or control and identify to the Liquidator any documents over which they may be entitled to assert a privilege claim, including the rationale for any such claim, in respect of the data which is stored at the SunGuard Facility, or may otherwise be in the possession or control of the Liquidator (and, as such, be subject to the Data Transfer).
- 2) National and OTPP will each, if they consider any further data or documents to be subject to any privilege claim, prepare a list of search terms that shall be applied by the Liquidator to the Dataset to identify data, or documents that may be reasonably considered privileged by National or OTPP.

- 3) The Liquidator, in consultation with the GIA, will first review the search terms. The parties will work cooperatively to resolve any objections they may have as to such search terms. Any unresolved objections will be referred to Regional Senior Justice Morawetz, or to Kevin McElcheran as the currently appointed Claims Officer (the “Claims Officer”) pursuant to the Claims Procedure Order dated June 8, 2016.
- 4) The Liquidator will search the portions of the Dataset that are searchable for any specific data or documents identified by National and OTPP and will apply those search terms as they have been reasonably determined as proper search terms as per 3) above, to the portions of the Dataset that are searchable. Any data or documents identified through these searches will, in the current process step, not be released to the GIA pending substantiation and determination of any privilege claims of National or OTPP.

Any such files in any portion of the Dataset that does not contain the agreed upon search terms that is subject to a search in accordance with the foregoing method described in 4) will be released to the GIA, without further order of the Court.

- 5) The process for the determination of privilege claims by National and OTPP shall be determined in due course. As part of such process, National and OTPP will be required to specify and substantiate their potential privilege claims. As such, the Liquidator intends to request on the return of the Motion on January, 22 2018 that National and OTPP be required to specify and substantiate their potential claims within an appropriate time frame following the hearing of the Motion on January 22, 2018.
- 6) The parties will continue to work to determine a process to search the portions of the Dataset that may not be fully searchable in its current format.
- 7) All costs incurred by, or on behalf of, the Liquidator in connection with the foregoing will be separately tracked, and will form part of the Administration Charge granted to the Liquidator in the liquidation proceedings of MBTOR, but will be allocated among the parties in accordance with the agreement of the parties or, failing such an agreement, by order of the Court.

Please let us know if you are agreeable to the proposed process in order to facilitate the Data Transfer and if so, please provide the Liquidator with your proposed search terms at your earliest convenience.

Lastly, the Liquidator has been advised by Campbell that certain information related to the “Global One” data located at the SunGuard Facility, is exclusively data related to the financial affairs of MBTOR and is also completely segregated from any MFGI data and accordingly, raises no concerns with respect to any claim of privilege by either National or OTPP. On this basis, the Liquidator intends to seek an order from Regional Senior Justice Morawetz at the return of the Motion on January 22nd, authorizing and directing the Liquidator to release the Global One data to the GIA.

We look forward to hearing from you at your earliest convenience before the Motion to be heard on January 22, 2018 with the intention of working to resolve many of the outstanding issues prior to that date.

Best regards,

Borden Ladner Gervais, LLP.

Per:



Alex MacFarlane

- c. P. Hamilton/M. Konyukhova (Stikeman)
- J. Bellissimo (Cassels)
- V. Graham (Osler)
- N. Brearton (KPMG)