

CANADA

SUPERIOR COURT
(Commercial Division - Bankruptcy)

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

NO. 500-11-036947-097

EARL JONES CONSULTANT &
ADMINISTRATION CORPORATION

Debtor

*Vue les requêtes
Par les motifs énoncés,
requête accordée, ordonne-and-
ser en aus dans le fait
nd. "The Gazette" et le
Journal La Presse" soit publiée aussitôt
de la présentation de la requête en ordonnance de se présenter*

MARY SUE GIBSON

Petitioner

le 29-07-09.
Mention
la déci-
sion de
10 juillet 2009
MTC ce 15-07-09

**MOTION FOR ORDER OF SUBSTITUTED SERVICE
RULES 6 AND 71 OF THE BANKRUPTCY & INSOLVENCY ACT AND FOR
ORDER OF CONTINUATION OF INTERIM RECEIVERSHIP UNTIL
FINAL JUDGMENT ON HEARING OF PETITION IN BANKRUPTCY**

TO ONE OF THE JUDGES OF THE COMMERCIAL DIVISION OF THE SUPERIOR COURT OF QUEBEC, SITTING IN MATTERS OF BANKRUPTCY OR THE REGISTRAR THEREOF, THE PETITION OF YOUR PETITIONER RESPECTFULLY REPRESENTS:

1. THAT on July 10, 2009 a Petition for Receiving Order was issued in the present Court record as appears therefrom (the "Petition in Bankruptcy");
2. THAT on July 10, 2009 a Petition for Interim Receivership was as well presented in the present Court record, together with a motion for special and substituted service due to the fact that your Debtor had closed and appeared to have abandoned its place of business (the "Petition for Interim Receivership & Special Service");
3. THAT as appears from the present Court record, the Petition for Interim Receivership & Special Service was granted by Registrar, Chantal Flamand on July 10, 2009, the said Petition for Interim Receivership to remain in force until July 15, 2009;

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3. THAT as appears from the present Court record, the Petition for Interim Receivership & Special Service was granted by Registrar, Chantal Flamand on July 10, 2009, the said Petition for Interim Receivership to remain in force until July 15, 2009;

4. **THAT** your Petitioner has attempted to serve the Petition in Bankruptcy and the Petition for Interim Receivership and judgment thereon in accordance with the judgment of this Court dated July 10, 2009, i.e. at the personal home of Mr. Earl Jones;
5. **THAT** as appears from the Bailiff's return of service produced as **Exhibit P-1** your Debtor's sole representative and Director, Mr. Earl Jones has not been found at his personal home situated at 870, Pr. Lakeshore, Apartment 3X, Dorval, Quebec, H9S 5T9 and accordingly your Petitioner has not been able to serve either the Petition in Bankruptcy or Petition for Interim Receivership and the judgment in respect of same;
6. **THAT** it appears that Mr. Earl Jones presently has left the jurisdiction of the Court;
7. **THAT** since the granting of the Petition for Interim Receivership, RSM Richter Inc. have taken possession of the offices and books and records of your Debtor and have, together with counsel, attempted to contact Mr. Earl Jones by leaving messages on his cell phone and with known relatives of Mr. Earl Jones, but to date to no avail, and moreover to date, he has not appeared at the Debtor's office, same appearing to be closed and/or abandoned;
8. **THAT** moreover from a preliminary review of the books and records of the Debtor to date RSM Richter Inc. has not been able to find the general ledger for the Debtor's accounting records;
9. **THAT** concurrent with the granting of the Petition for Interim Receivership, the Autorité des marchés financiers (the "AMF") has obtained a freeze order in respect of the bank accounts of the Debtor and Mr. Jones personally;
10. **THAT** on Sunday, July 12, 2009, a meeting of approximately 100 families whose funds were being administered by the Debtor, or who benefitted from estates being administered by the Debtor was held at the Holiday Inn in Pointe Claire at which representatives of the undersigned counsel, RSM Richter Inc., the Surêté du Québec and the AMF attended;
11. **THAT** the said meeting revealed similar stories of families having all or large parts of their funds under the administration of the Debtor and their inability to access any funds and the possible fraudulent actions of the Debtor, and same have been widely reported on by all major newspapers, radio stations and television stations in Canada on a constant basis;

12. **THAT** due to the inability to access funds and the appearance of various circumspect transactions, it is urgent that the Petition for Receiving Order and Petition for Interim Receivership be served by way of substituted service and that the Petition for Interim Receivership filed herein be granted to remain in force until final judgment is rendered on the Petition in Bankruptcy;
13. **THAT** due to the fact that there appears upon preliminary review by the Interim Receiver to be accounting books and records missing from the Debtor's office, there appears to be little money remaining in the operating accounts of the Debtor and due to the fact that it appears that the Debtor had successions and individual funds under administration in the millions of dollars, it is urgent that your Petitioner be permitted to serve proceedings as quickly and as expeditiously as possible;
14. **THAT** due to the wide news coverage of this matter, it is certain that the method of substituted service will be reported upon in all major newspapers and accordingly the Petitioner requests that this Honorable Court permit and grant substituted service of the Petition in Bankruptcy, Petition for Interim Receivership and judgment thereon by way of leaving a copy of said proceedings and judgment for the Debtor in the present Court file at the Palais de Justice, Montreal, Quebec;
15. **THAT** notwithstanding all of the newspaper, radio and television coverage of the present matter and proceedings, Mr. Earl Jones has not appeared and/or made his whereabouts known to the Interim Receiver or your undersigned counsel and/or the victims herein, and appears to be hiding his whereabouts;
16. **THAT** for the above reasons, it is urgent that permission for substituted service be granted and that the judgment granting the Interim Receivership be extended until the final judgment is to be rendered on the Petition for Receiving Order and that provisional execution be ordered herein;

WHEREFORE YOUR PETITIONER PRAYS THAT BY JUDGMENT TO BE RENDERED HEREIN:

1. **THAT** substituted service in respect of the Petition for Receiving Order issued herein, together with the Petition for Interim Receivership and judgment rendered thereon under date of July 10, 2009 be permitted by way of leaving a copy of the said proceedings, notices and affidavit and judgment in the present Court record

for the Debtor;

2. **THAT** it be ordered that the deposit of a copy of the Petition for Receiving Order, affidavit annexed thereto and notice given therein, and copy of the Petition for Interim Receivership and judgment dated July 10, 2009 in respect of same into the Court record shall be deemed to be good and sufficient service of the said proceedings and affidavit and notice of hearing on July 29, 2009 and judgment;
3. **THAT** the Interim Receivership granted pursuant to the Petition for Interim Receivership by judgment of the Court on July 10, 2009 be once again granted for a further period and extended to remain in force until final judgment on the merits of the Petition for Receiving Order, under reserve of all rights and remedies available to the Debtor;
4. **THAT** provisional execution be granted notwithstanding any appeal herein, due to the urgency herein;

THE WHOLE WITH COSTS, INCLUDING EXTRAJUDICIAL CLIENT-SOLICITOR COSTS AGAINST THE DEBTOR.

MONTREAL, July 14, 2009

(SGD) STEIN & STEIN INC.

STEIN & STEIN INC.
Attorneys for Petitioner

COPIE CONFORME
TRUE COPY

Stein & Stein Inc.
Procureurs de la
Attorneys for *Petitioner*