

“Canadian Allocation Motion”) as well as a request for a joint hearing on the Canadian Allocation Motion. Copies of those pleadings are attached hereto as Exhibit A.

5. To the extent this court's deems it procedurally necessary and not duplicative (in light of the fact that the Province has already asked the Canadian court for that relief) the Province requests that is prior response to the Order to Show Cause be deemed to be a request for a joint hearing.
6. To the extent that this court deems the entry of a “full appearance” necessary for the Province to be heard on this limited relief, the Province enters a “full appearance.”¹
7. In the event that the Court determines that there will be no joint hearing on the FRA Allocation Motion, the Province requests that the Court provide it with a reasonable time within which to file a detailed response and deem the Province’s response to the Order to Show Cause a timely response.

Dated: August 15, 2014

Respectfully submitted,

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¹ Paragraph 11(d)(4) of the Cross Border Insolvency Protocol adopted by this Court clarifies appearances in joint hearings: “If a party has not previously appeared in or attorned or does not wish to attorn to the jurisdiction of a Court, it shall be entitled to file Pleadings or Evidentiary Materials in connection with the joint hearing without, by the mere act of such filings, being deemed to have attorned to the jurisdiction of the Court in which such material is filed, so long as it does not request in its materials or submissions any affirmative relief from such Court.” Paragraph 19 contemplates limited appearance: “Upon any appearance or filing, as may be permitted or provided for by the rules of the applicable Court, the Debtors, their creditors and other interested parties in the Insolvency Proceedings, including the Estate Representatives and the U.S. Trustee, shall be subject to the personal jurisdiction of the Canadian Court or the U.S. Court, as applicable, with respect to the *particular matters* as to which they appear before that Court (emphasis added).”