

COURT FILE NUMBER 1401 - 01033

COURT COURT OF QUEEN'S BENCH
OF ALBERTA

JUDICIAL CENTRE CALGARY

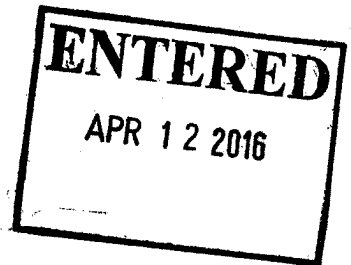
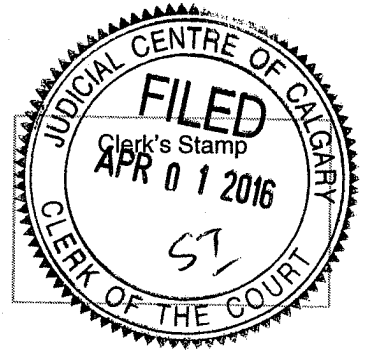
PLAINTIFFS RICHARD GODDERIS and
RICHARD GODDERIS AS
REPRESENTATIVE PLAINTIFF

DEFENDANTS CERTIFIED FINANCIAL
SAVINGS & MORTGAGE
CORP. and PHILIP FIESS

Brought under the *Class
Proceedings Act*

DOCUMENT **COMPLEX LITIGATION PLAN**

ADDRESS FOR SERVICE
AND
CONTACT INFORMATION
OF
PARTY FILING THIS
DOCUMENT MCGUIGAN NELSON LLP
Barristers and Solicitors
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Attention: Byron W. Nelson



Overview

1. This Action was certified as a class proceeding by Order dated February 10, 2016. Notice was given to the class pursuant to Section 20 of the *Class Proceedings Act*, SA 203, c. C-16.5 and the Certification Order.
2. The Defendants have not yet filed a Statement of Defence, nor has there been any document production.
3. This Litigation Plan is being filed in order to allow this action to proceed towards trial in the most efficient manner.

The Parties

4. The representative Plaintiff is Richard Godderis.

5. The Plaintiff class is defined as consisting of all those persons and entities in Canada who invested in the "Medallion McKnight" Project and had their interests registered as the fourth mortgage on title to the Property at 4808 Edmonton Trail N.E., Calgary, Alberta and legally described as Plan 9012577; Block 1; Lot 2; Excepting Thereout All Mines and Minerals.
6. The Defendants are Certified Financial Savings & Mortgage Corp. and Philip Fiess. Certified Financial Savings & Mortgage Corp. is not formally participating in this litigation. The Amended Amended Statement of Claim alleges, amongst other allegations, breach of contract against the Defendant, Certified Financial Savings & Mortgage Corp. and professional negligence against the Defendant, Philip Fiess.
7. The Defendant, Certified Financial Savings & Mortgage Corp., has not been asked to approve the deadlines contained in this Litigation Plan, as a result of its indication that it would not be participating in this litigation.

Pleadings

8. The Amended Amended Statement of Claim was filed on February 12, 2016.
9. The Defendants have not yet filed their respective Statements of Defence and shall do so by April 15, 2016.

Documentary Production

10. No documentary production has taken place.
11. The Representative Plaintiff shall serve his Affidavit of Records on or before May 16, 2016.
12. The Defendants shall serve their Affidavits of Records on or before August 15, 2016.

Questioning for Discovery

13. No Questioning for discovery has taken place.
14. The first round of Questioning for discovery shall be completed by November 18, 2016.
15. Any undertakings arising from the first round of Questioning for discovery shall be answered by February 17, 2017.
16. Any Questioning on undertaking responses shall be completed by April 28, 2017.

Experts

17. Rule 5.35(2) primary expert reports must be exchanged by June 30, 2017.
18. Rule 5.35(2) rebuttal expert reports must be exchanged by August 31, 2017.
19. Rule 5.35(2) surrebuttal expert reports must be exchanged by September 29, 2017.

Refinement of Common Issues

20. Following examinations for discovery and the exchange of expert reports and prior to the trial of the common issues, the Plaintiffs may ask the Court for an order to amend or further refine the common issues, if required. If that occurs, and if the common issues are amended, the Defendants may ask the Court to address any discovery or expert report issues arising and to set new deadlines accordingly.

Readiness for Trial

21. By October 31, 2017, the parties will prepare a Request to Schedule a Trial Date in Form 37 and hold a pre-trial conference with the Case Management Judge. The purpose of the pre-trial conference is to address any issues upon which the parties are unable to agree and for which the assistance of the Court may be beneficial to ensure the common issues trial proceeds on schedule and efficiently.

Common Issues Trial

22. The common issues trial will be held in Calgary. The trial date, when determined, will be posted on the web page dedicated to this action so that members of the Plaintiff Class may attend if they so desire.
23. The Plaintiffs propose that well in advance of the common issues trial, counsel for the parties should meet for the purpose of:
 - a) Determining the documents to go into a joint exhibit binder, if any;
 - b) Determining an agreed statement of facts, if possible;
 - c) Identifying any known evidentiary issues and determining whether any of those issues can be resolved prior to or at the outset of the commencement of the trial; and
 - d) Identifying any other issues that will assist in the efficient and orderly conduct of the trial.

Dispute Resolution

24. The parties will consider some form of alternative dispute resolution.

Determination of Common Issues at Trial

25. The class will be informed of the results of the common issues trial by publication of a notice pursuant to section 21 of the *Class Proceedings Act*.

26. If the Defendants are ultimately wholly or partially successful on the common issues, then further proceedings as described below will be needed to resolve any outstanding individual issues for class members.

Determination of Individual Issues

27. If any of the common issues are resolved in favour of the class, the Plaintiffs propose that a case management hearing be held as soon as possible following judgment. At that hearing, the parties will be at liberty to make submissions regarding the methodology for resolving the remaining issues.

28. The Court will be asked to specify procedures and deadlines by which individual class members shall identify themselves as wishing to make a claim for individual compensation.

29. Adjudications will be conducted by the Court or by such other person as the Court appoints pursuant to section 28 of the *Class Proceedings Act*.

Legal Counsel/ Communication with Class

30. McGuigan Nelson LLP will be the sole law firm of record for the Plaintiffs. The representative Plaintiff has entered into a retainer agreement with McGuigan Nelson LLP.

31. McGuigan Nelson LLP will have direct and regular communication with the representative Plaintiff so that he is kept informed as the action progresses and so that meaningful instructions can be obtained.

32. In addition, McGuigan Nelson LLP will maintain a page on its firm website dedicated to this action. The web page will provide links to the pleadings, Orders, decisions and any class notices. The web page will also provide particulars to contact the lawyers at McGuigan Nelson LLP who are responsible for the carriage of this action including a telephone number and email address.

33. McGuigan Nelson LLP will regularly update its web page as the action progresses so that class members will remain informed of the status of the action. Also, a "frequently asked questions" section will be maintained and updated on the web page.

Notice of Certification

34. As indicated above, notice of certification has been provided to the Plaintiff Class. The opt-out period has expired.

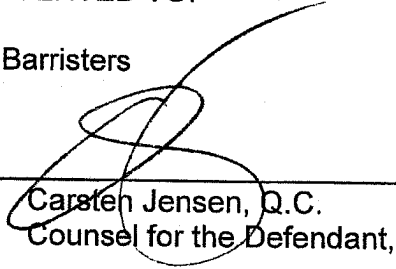
Case Management

35. It is expected that the action will continue to be case managed. Regular case management meetings and interlocutory applications will be scheduled as required.

CONSENTED TO:

JSS Barristers

Per: _____


Carsten Jensen, Q.C.
Counsel for the Defendant, Philip Fiess