

CANADA

SUPERIOR COURT
(Class Action)

PROVINCE OF QUEBEC
DISTRICT OF MONTRÉAL

NO.: 500-06-000500-104

VIRGINIA NELLES

PLAINTIFF

-vs-

ROYAL BANK OF CANADA

DEFENDANT

**MOTION TO EXTEND DELAY TO INSCRIBE CASE
WITHIN PEREMPTORY TIME LIMIT
(Article 110.1 C.p.c.)**

**TO THE HONOURABLE MR. JUSTICE ROBERT MONGEON, THE PLAINTIFF
RESPECTFULLY SUBMITS:**

1. As appears from the present Court record, Plaintiff's Motion Introductive of a Class Action against Defendant was instituted on August 17, 2010;
2. As appears from the present Court record, the peremptory delay to inscribe the present case for hearing was extended several times and has now been extended to August 25, 2011, copy of the Honourable Mr. Justice Robert Mongeon's order to said effect is produced as **Exhibit P-1**;
3. As appears from **Exhibit P-1**, it was ordered that in the event the present case was not inscribed by August 25, 2011, that the present Motion accompanied with a new timetable be submitted between August 22-25 in Room 16.12;
4. On May 12, 2011, the Honourable Justice Mongeon adjudicated objections raised during the examination on discovery before Plea of the Plaintiff (the "Objections Judgment");
5. On May 25, 2011, the Honourable Justice Mongeon dismissed Defendant's Motion to Examine Class Members on Discovery Before Plea (the "Motion to Examine Judgment");

6. On May 25, 2011, the Defendant agreed to provide its Plea by no later than June 30, 2011;
7. Defendant decided to seek leave to appeal both the Objections Judgment and the Motion to Examine Judgment;
8. Defendant further decided to make two separate Motions for Leave to Appeal, making one presentable on June 29, 2011 and the other presentable on July 13, 2011;
9. On June 29, 2011, the Defendant's Motion for Leave to Appeal the Objections Judgment was dismissed;
10. The Defendant did not serve or file its Plea by June 30, 2011;
11. On July 12, 2011, the Defendant informed the Court of Appeal that it would be discontinuing its Motion for Leave to Appeal from the Motion to Examine Judgment;
12. The Defendant has served its Plea on August 19, 2011;
13. As a result, the Plaintiff will not be able to inscribe the present case for proof and Hearing within the peremptory deadline, and respectfully requests an extension;
14. Plaintiff provides herewith as **Exhibit P-2** a proposed new proceedings timetable which she requests this Honourable Court to approve.

WHEREFORE PLAINTIFF PRAYS THAT BY JUDGMENT TO BE RENDERED HEREIN, THE ENCLOSED PROCEEDINGS SCHEDULE BE APPROVED AND THAT THE DATE FOR INSCRIPTION OF THE PRESENT CASE BE EXTENDED TO NOVEMBER 15, 2011.

Montreal, August 19, 2011

(SGD) STEIN & STEIN INC.


STEIN & STEIN INC.

(SGD) KUGLER KANDESTIN, LLP

KUGLER KANDESTIN, LLP

Attorneys for Plaintiff

COPIE CONFORME/TRUE COPY


STEIN & STEIN INC.

NOTICE OF PRESENTATION

TO: Me Alexander L. De Zordo
BORDEN LADNER GERVAIS, LLP
1000, de la Gauchetière Ouest
Suite 900
Montreal, Quebec
H3B 5H4

Attorney for Defendant

TAKE NOTICE of the foregoing *Motion to Extend Delay to Inscribe Case within Peremptory Time Limit* attached hereto and that same will be presentable before the Honourable Mr. Justice Robert Mongeon of the Superior Court, in and for the District of Montreal, sitting in Class Action Division, in **Room 16.12** at **9:00** on **August 24, 2011**, at the Montreal Court House, located at 1, Notre-Dame Street West, Montreal, Quebec, or as soon as counsel may be heard.

Montreal, August 19, 2011

(SGD) STEIN & STEIN INC.

STEIN & STEIN INC.

(SGD) KUGLER KANDESTIN, LLP

KUGLER KANDESTIN, LLP

Attorneys for Plaintiff

COPIE CONFORME/TRUE COPY


.....
STEIN & STEIN INC.

CANADA

SUPERIOR COURT
(Class Action)

PROVINCE OF QUEBEC
DISTRICT OF MONTRÉAL

NO.: 500-06-000500-104

VIRGINIA NELLES

PLAINTIFF

-vs-

ROYAL BANK OF CANADA

DEFENDANT

LIST OF EXHIBITS

Exhibit P-1: Copy of the Order of Mr. Justice Robert Mongeon dated July 8, 2011.

Exhibit P-2: Copy of proposed new proceedings schedule.

Montreal, August 19, 2011

(SGD) STEIN & STEIN INC.

STEIN & STEIN INC.

(SGD) KUGLER KANDESTIN, LLP

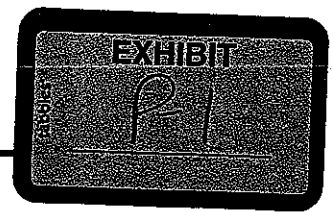
KUGLER KANDESTIN, LLP

Attorneys for Plaintiff

COPIE CONFORME/TRUE COPY

Stein & Stein Inc.

STEIN & STEIN INC.



Neil Stein

From: DRM Assistant
Sent: July 8, 2011 1:44 PM
To: Neil Stein
Subject: FW: 500-06-000500-104_Virginia Nelles v. Royal Bank of Canada

Assistant for Donald Michelin
Stein & Stein Inc. Lawyers, Avocats
Professional Corporation
4101 Sherbrooke St. West
Montreal, Quebec
H3Z 1A7
Tel: (514) 866-9806 ext. 204
Fax: (514) 875-8218
E-mail: DRM-Assistant@steinandstein.com

Avis: Ce message est confidentiel et protégé par le secret professionnel. Si vous n'est pas le destinataire, veuillez informer l'expéditeur par courriel immédiatement et effacer ce message et en détruire toute copie.
Notice: This message is confidential and privileged. If you are not the addressee, please inform the sender by return e-mail immediately and delete this message and destroy all copies.

---Original Message---

From: Robert Mongeon (bureau-CS) [<mailto:rmongeon@judex.qc.ca>]
Sent: July 8, 2011 12:36 PM
To: DRM Assistant
Cc: adezordo@blgcanada.com; rkugler@kugler-kandestin.com
Subject: Re: 500-06-000500-104_Virginia Nelles v. Royal Bank of Canada

Gentlemen

Please note that the delay to file the inscription is postponed until August 25, 2011 without the necessity of filing a formal Motion, given the current incidental appeals.

If the matter is not to be inscribed by that date, a Motion accompanied with a proper timetable should be submitted between August 22 and August 25 in Room 16-12.

Regards.

>>> DRM Assistant <DRM-ASSISTANT@steinandstein.com> 07/08/11 9:09 AM >>>

Your Lordship,

Please find enclosed, our letter addressed to you, of today's date with respect to the above noted file.

Sincerely,

.cole Stevenson @
Stein & Stein Inc. Lawyers, Avocats
Professional Corporation
4101 Sherbrooke St. West

NO. 500-06-000500-104

SUPERIOR COURT
(CLASS ACTION)
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

VIRGINIA NELLES

Plaintiff

-vs-

ROYAL BANK OF CANADA

Defendant

P-1

CODE NOS. BS0327 & BG0132 FILE NO. 11776-2

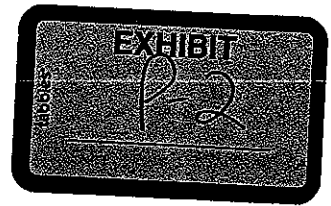
**ME NEIL H. STEIN
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Avocats/Barristers & Solicitors
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-And-

**ME ROBERT KUGLER
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Suite 2101
MONTREAL, QUEBEC H3B 2C6
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CANADA

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

NO.: 500-06-000500-104

SUPERIOR COURT
(Class Action)

VIRGINIA NELLES

Plaintiff

-vs-

ROYAL BANK OF CANADA

Defendant

**AGREEMENT AS TO THE CONDUCT OF THE PROCEEDINGS
AS OF AUGUST 19, 2011
(Article 151.1 C.C.P.)**

Deadline to serve Motion Introductive of Proceedings:	August 20, 2010
Date of presentation of the Motion Introductive of Proceedings:	Within 10 days of service of Motion Introductive of Proceedings:
Deadline for Plaintiff to file an Inscription for Proof and Hearing on the Merits and Article 274.1 C.C.P. Declaration:	Within 180 days of service of Motion Introductive of Proceedings

	PROCEDURE	DEADLINE
1.	Examinations on Discovery of representatives of the Defendant;	October 15, 2011
1(a)	<i>Motion of Defendant to examine class members of the plea</i>	<i>Sept. 14, 2011</i>
2.	Service and filing of Plaintiff's Answer to Plea, Article 274.1 C.C.P. Declaration, Rule 15, Inscription, Expert Reports, Exhibits and Notices, if any;	December November 15, 2011

5+6 M
OCT. 2011
EXAMINER
4 PARTIES

2(a) Information on delay to filing Defendant's Expense September 15 2011

3.	Service and filing of Defendant's Article 274.2 C.C.P. Declaration, Rule 15, Expert Reports, Exhibits and Notices, if any; <i>Subject to adjustment upon availability of Defendant's Expertise</i>	Within 30 days of Plaintiff's filing of Article 274.1 C.C.P. Declaration
4.	<i>Filing of a JOINT declaration of Readiness</i>	<i>30 days after completion of Item 3.</i>

Montreal, August 19, 2011

Stein & Stein Inc.
STEIN & STEIN INC.

Kugler Kandestin LLP
KUGLER KANDESTIN, L.L.P.

Attorneys for Plaintiff

Montreal, August , 2011

BORDEN LADNER GERVAIS, LLP
Attorneys for Defendant

NO. 500-06-000500-104

SUPERIOR COURT
(CLASS ACTION)
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

VIRGINIA NELLES

Plaintiff

-vs-

ROYAL BANK OF CANADA

Defendant

P-2

CODE NOS. BS0327 & BG0132 FILE NO. 11776-2

**ME NEIL H. STEIN
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