

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 ONE OF THE HONOURABLE JUDGES OF THE SUPERIOR COURT, THE  
MOTION OF YOUR PLAINTIFF STATES:

1. As appears from the present Court record, Plaintiff has instituted a class action against Defendant in damages;
2. As appears from the present file, the parties filed an Agreement as to Conduct of Proceedings under date of July 16, 2010 which provided for the examination on discovery of Plaintiff on or before October 29, 2010, copy of same is annexed hereto;
3. Due to unforeseen circumstances in respect of other Court proceedings, Defendant's counsel was not able to examine Plaintiff on discovery until December 17, 2010 and which examination terminated on January 7, 2011;
4. On February 8, 2011, Plaintiff served certain undertakings requested in the aforesaid examination, and certain others remain subject to objection formulated by counsel for Plaintiff;
5. The parties have not been able to meet the terms of the proceedings schedule notwithstanding their best efforts;

6. It is in the interest of all parties that the Agreement as to Conduct of Proceedings be modified such that the delay to inscribe the present file be extended to July 15, 2011 in order to provide the parties with an additional delay to effect the matters referred to in Sections 4 to 8 of the Agreement as to Conduct of the Proceedings above stated;
7. The parties have agreed to the aforesaid date and consent to the granting of the present Motion.

WHEREFORE PLAINTIFF PRAYS THAT BY JUDGMENT TO BE RENDERED HEREIN, THE AGREEMENT AS TO THE CONDUCT OF THE PROCEEDINGS BE MODIFIED SUCH THAT THE DELAY TO INSCRIBE THE PRESENT CASE BE EXTENDED TO JULY 15, 2011.

THE WHOLE without costs.

Montreal, February 10, 2011

(SGD) STEIN & STEIN INC.

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STEIN & STEIN INC.

(SGD) KUGLER KANDESTIN, LLP

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KUGLER KANDESTIN, LLP

Attorneys for Plaintiff

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*Stein & Stein Inc.*  
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STEIN & STEIN INC.

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TRUE COPY

*Kugler Kandestin LLP*  
.....  
Procureurs de la  
Co-Attorneys for Plaintiff

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 PROCEEDINGS**  
(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.	Notification by the Defendant of any preliminary Motion(s) in respect of the Motion Introductive of Proceedings, including Motions for permission to examine people other than the Plaintiff on discovery; Defendant will also send a written request for documents it wishes to have communicated prior to discovery;	Within 10 days following presentation of Motion Introductive of Proceedings
2.	Presentation of preliminary Motion(s), and other Motion(s) set forth in Item #1, above, if any;	Within 20 days following presentation of Motion Introductive of Proceedings
2.1	If agreed by Plaintiff, or ordered by the Court, communication of documentation requested for purposes of discovery	October 10, 2010

3.	Examination on Discovery of Plaintiff and, if agreed or ordered by the Court, any other individual;	October 29, 2010
4.	Service and filing of the Defendant's Defence and exhibits in support thereof;	December 23, 2010
5.	Notification and presentation by Plaintiff of any preliminary Motion(s) in respect of the Defence; written request for documentation prior to discoveries	January 15, 2011
6.	Communication of documentation requested for purposes of discovery, if agreed or ordered by the Court	January 29, 2011
7.	Examinations on Discovery of representatives of the Defendant;	February 4, 2011
8.	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;	Within 180 days of service of Motion Introductive of Proceedings
9.	Service and filing of Defendant's Article 274.2 C.C.P. Declaration, Rule 15, expert reports, exhibits and Notices, if any;	Within 30 days of Plaintiff's filing of Article 274.1 C.C.P. Declaration

MONTREAL, July 16, 2010.

*Blas Blas Inc.*

STEIN & STEIN INC.

*Kugler Kandestin LLP*

KUGLER KANDESTIN, L.L.P.

Attorneys for Plaintiff

MONTREAL, July 16, 2010.

*Borden Ladner Gervais LLP*

BORDEN LADNER GERVAIS LLP

Attorneys for Defendant