

<b>SUMMARY OF CURRENT DOCUMENT</b>	
<b>Name of Issuing Party or Person:</b>	<b>John Deere Limited ("JDL") and John Deere Credit Inc. ("JDCI")</b>
<b>Date of Document:</b>	<b>7 March 2003</b>
<b>Summary of Order/Relief Sought or Statement of Purpose in filing:</b>	<b>Application of the Receiver for:</b>  <ol style="list-style-type: none"><li><b>1. Direction from the Court with respect to Phase 2 of the investigation process.</b></li><li><b>2. An order requiring production of Bank records from the Canadian Imperial Bank of Commerce.</b></li><li><b>3. Direction from the Court with respect to the sale of certain units of the Hickman Equipment inventory</b></li></ol>
<b>Court Sub-File Number:</b>	<b>7:52</b>

2002 01T 0352

**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR**

**IN THE MATTER OF** a Court ordered Receivership of Hickman Equipment (1985) Limited ("Hickman Equipment") pursuant to Rule 25 of the *Rules of the Supreme Court*, 1986 under the *Judicature Act*, R.S.N.L. 1990, c. J-4, as amended

**AND IN THE MATTER OF** the *Bankruptcy and Insolvency Act*, Chapter B-3 of the Revised Statutes of Canada, 1985, as amended (the "BIA")

**RESPONSE**

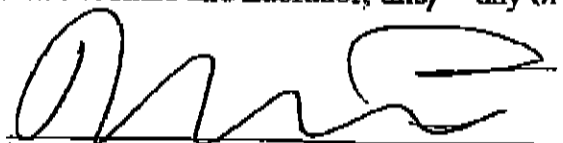
1. John Deere Limited ("JDL") and John Deere Credit Inc. ("JDCI") file this response to the Application of PricewaterhouseCoopers Inc. ("PWC"), and in particular with respect to PWC's request for "Direction from the Court with respect to Phase 2 of the investigation process".
2. JDL and JDCI state that they were assured by PWC in meetings in Toronto on or about 4 October 2002, that PWC would adhere to the advice and instruction of the creditors at that meeting and that PWC would prior to instituting Phase 2 of the investigation process:

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- (a) Provide the Creditors Committee with a proposal as to the scope and nature of any further investigation; and,
- (b) Provide cost estimates for my further investigation.
3. JDL and JDCI state that PWC has failed to meet with the Creditors Committee to provide cost estimates and in failing to do so is premature in its application before this Honourable Court in seeking directions on this matter.
4. JDL and JDCI further state that there was a concern by the creditors as to the costs and effectiveness of the Phase 1 investigation which was communicated to PWC at the Toronto meeting and it was for this reason that the instruction was given to PWC as noted in paragraph 2.
5. JDL and JDCI therefore take the position that it is appropriate that PWC should be required to provide the information set out in paragraph 2 to the Creditors Committee and seek their approval prior to seeking directions from this Honourable Court on further investigation with respect to Phase 2.

DATED AT St. John's, in the Province of Newfoundland and Labrador, this <sup>27</sup> day of March 2003.



**Bruce C. Grant**  
**Stewart McKelvey Stirling Seales**  
**Solicitors for John Deere Limited and**  
**John Deere Credit Inc.**  
Whose address for service is:  
P.O. Box 5038  
Suite 1100, Cabot Place  
100 New Gower Street  
St. John's, NL A1C 5V3

**TO:** See Attached Distribution List

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**AND IN THE MATTER OF** the *Bankruptcy and Insolvency Act*, Chapter B-3 of the *Revised Statutes of Canada, 1985*, as amended (the "BIA")

**AFFIDAVIT**

I, David Bugaresti, of the City of Toronto, in the Province of Ontario, make oath and say as follows:

1. That I am Chief Counsel and Secretary of John Deere Credit Inc., and as such have personal knowledge of the matters herein deposed.
2. That I attended the meeting in Toronto on 4 October 2002 wherein the creditors voiced their concerns about the Phase 1 investigation. As a result of these concerns, the creditors at that

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meeting instructed, and I understood that PricewaterhouseCoopers, Inc. ("PWC") agreed that they would:

- (a) Provide the Creditors' Committee with a proposal as to the scope and nature of any further investigation; and,
  - (b) Provide cost estimates for further investigation.
3. That to date PWC has not met with the Creditors' Committee or provided cost estimates for review and analysis of the creditors.
4. That I believe the application of PWC is premature and does not have the support of at least certain of the creditors at this time.

SWORN TO at Burlington  
In the Province of Ontario, this 7th  
Day of March, 2003, before me:

[Signature]

[Signature]  
DAVID BUGARESTI

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