

SENT BY:

3- 7- 3 : 5:50PM ; STEWART McKELVEY →

: # 8/15

<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>Directions concerning PWC's interest in 29 pieces of Equipment which had been rented to it by United Rentals (Canada) Limited</b>
<b>Court Sub-File Number:</b>	<b>7:54</b>

**2002 01T 0352****IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR**

**IN THE MATTER OF** the *Companies' Creditors Arrangement Act*,  
Chapter C-36 of the Revised Statutes of Canada, 1985, as amended

**AND IN THE MATTER OF** the plan of compromise or arrangement  
of Hickman Equipment (1985) Limited

**AND IN THE MATTER OF** Rule 25 of the *Rules of the Supreme Court*,  
1986 under the *Judicature Act*, R.S.N. 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

**AND**

**District of Newfoundland  
Court No. 9733  
Estate No. 100813**

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

**IN THE MATTER OF THE BANKRUPTCY OF HICKMAN  
EQUIPMENT (1985) LIMITED**, carrying on business at 1269 Topsail Road,  
in the City of St. John's, in the Province of Newfoundland and Labrador

**RESPONSE**

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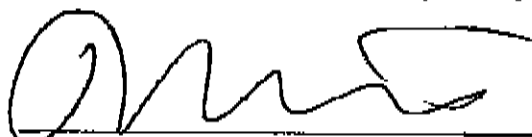
3- 7- 3 ; 5:51PM ; STEWART McKELVEY →

:# 9/15

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1. John Deere Limited ("JDL") and John Deere Credit Inc. ("JDCI") file this response to the Application of PricewaterhouseCoopers Inc., in its capacities as Receiver and Trustee of Hickman Equipment (1985) Limited ("PWC"), seeking directions as to PWC's interest in 29 pieces of equipment which had been rented to Hickman Equipment (1985) Limited ("HEL") by United Rentals (Canada) Limited ("United"), stating as follows:
- (a) That they have received sufficient information from the report of PWC setting out information assembled to date in the within Application; JDL and JDCI would request this Honourable Court to direct PWC to "...take no further steps and leave it to interested parties to pursue the matter if and as they see fit";
  - (b) That JDL and JDCI are concerned with the additional costs of further investigation to assemble information as same will be a duplication as the matter may ultimately come on before this Honourable Court for a determination as a dispute amongst creditors; and,
  - (c) That JDL and JDCI are concerned that costs of further investigation become "costs of the Receivership to be paid in accordance with the Cost Allocation Plan". The position of JDL and JDCI is that these costs should be born solely by any Interested Parties who may benefit from such further investigation, upon such basis as this Honourable Court may determine upon a final resolution of the matter.

DATED AT St. John's, in the Province of Newfoundland and Labrador, this <sup>7th</sup> day of March 2003.



Bruce C. Grant  
Stewart McKelvey Stirling Scales  
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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3- 7- 3 ; 5:51PM ; STEWART McKELVEY →

: #10/15

MAR-07-2003 14:32

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<b>SUMMARY OF CURRENT DOCUMENT</b>	
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2002 01T 0352

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**IN THE MATTER OF** the *Companies' Creditors Arrangement Act*,  
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**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR  
IN BANKRUPTCY AND INSOLVENCY**

**IN THE MATTER OF THE BANKRUPTCY OF HICKMAN  
EQUIPMENT (1985) LIMITED**, carrying on business at 1269 Topsail Road,  
in the City of St. John's, in the Province of Newfoundland and Labrador

**AFFIDAVIT**

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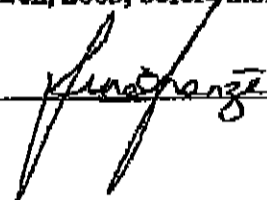
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I, David Bugaresti, of the City of Toronto, in the Province of Ontario, make oath and say as follows:

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 John Deere Credit Inc. ("JDCI") is concerned with the costs of further investigation of matters which it believes will ultimately come on for hearing before this Honourable Court.
3. That JDCI is satisfied that Interested Parties can take their own steps and proceedings to obtain information and to now take conduct of the matter and that costs associated with litigating their own individual interests should not be part of the Cost Allocation Plan.
4. That I make this Affidavit in support of the position that PricewaterhouseCoopers Inc. ("PWC") "take no further steps and leave it to Interested Parties to pursue the matter if and as they see fit".

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

  
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\_\_\_\_\_  
DAVID BUGARESTI

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