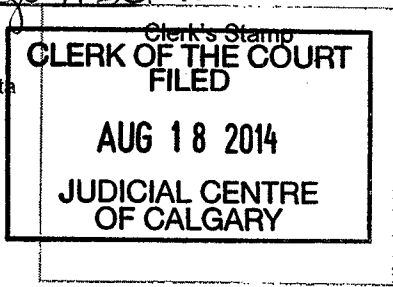


I hereby certify this to be a true copy of the original Order of which it purports to be a copy.

Form 31

Dated this 18 day of August 2014.

D Hickster
Registrar at Calgary
Bankruptcy Division of the
Court of Queen's Bench of Alberta



COURT FILE NUMBER BK01-094419
COURT QUEEN'S BENCH OF ALBERTA
IN BANKRUPTCY AND INSOLVENCY
JUDICIAL CENTRE CALGARY

IN THE MATTER OF THE BANKRUPTCY
OF ASSISTIVE FINANCIAL CORP. AND
THE *BANKRUPTCY AND INSOLVENCY*
ACT, RSC 1985, C B-3, AS AMENDED

APPLICANT/CROSS-RESPONDENT HARDIE & KELLY INC., IN ITS CAPACITY AS TRUSTEE IN BANKRUPTCY OF ASSISTIVE FINANCIAL CORP.
RESPONDENT BURNET, DUCKWORTH & PALMER LLP
DOCUMENT **ORDER**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT **PEACOCK LINDER & HALT LLP**
Suite 850, 400 – 3rd Avenue SW
Calgary, Alberta, T2P 4H2
J. Patrick Peacock, Q.C./Edward W. Halt, Q.C.
Telephone (403) 296-2280
Fax (403) 296-2299
FILE: 5819

DATE ON WHICH ORDER WAS PRONOUNCED: August 18, 2014
NAME OF JUDGE WHO MADE THIS ORDER: Justice K.M. Eidsvik


ORDER

ON THE APPLICATION of Hardie & Kelly Inc., in its capacity as Trustee in Bankruptcy of Assistive Financial Corp. (the "Trustee"); **AND ON HEARING READ** the Affidavits of Marc Kelly sworn July 17, 2014 and the Affidavit of Barry Crump sworn August 11, 2014; **AND ON NOTING** the consent of counsel for Randy Schiffner, Slade Schiffner, Brandon Schiffner, Elayne Schiffner and Cameron Schiffner; **AND ON** the Court's attention being drawn to the reasons of the Alberta Court of Appeal in *Re Bre-X Minerals* (2001) ABCA 225;

IT IS HEREBY ORDERED THAT:

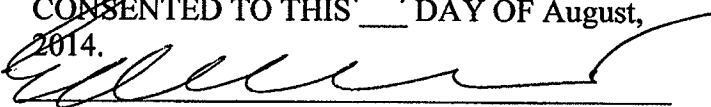
1. Subject to paragraphs 2 and 3 below, Burnet Duckworth & Palmer LLP ("BDP") shall within 30 days of this Order, or such additional time as the parties agree or the Court may order to deliver to the Trustee all original records of its client, Assistive Financial Corp. ("Assistive"), created by Assistive and/or BDP or maintained in the files of BDP in any format, including electronic, including the contents of BDP's file 62199, matters 1-26, without alterations, redactions or removals (except as contemplated by paragraphs 2 and 3 this Order), regardless of whether such records are subject to claims of privilege on behalf of Assistive.
2. BDP is not obliged to deliver to the Trustee and the Trustee has no entitlement to receive or compel delivery of the following records:
 - (a) Records pertaining to specific matters in which BDP provided legal services to any of Randy Schiffner, Slade Schiffner, Brandon Schiffner, Elayne Schiffner or Cameron Schiffner personally, distinct and apart from Assistive, regardless of whether the payor for such legal services was Assistive; and
 - (b) Records pertaining to legal services provided by BDP concerning the rights or obligations of Assistive or any of Randy Schiffner, Slade Schiffner, Brandon Schiffner, Elayne Schiffner or Cameron Schiffner in relation to the debentureholders of Assistive or the claims asserted by the Trustee in Action No. 1401-04781 (the "Action") to which solicitor-client or litigation privilege in favour of Assistive or any of Randy Schiffner, Slade Schiffner, Brandon Schiffner, Elayne Schiffner or Cameron Schiffner attach.
3. BDP's obligation to deliver records shall extend to those records stored on computers of Assistive in the possession of BDP. However, BDP's obligation only extends to the delivery of the records and not to physical delivery of the computers which shall continue to be preserved in accordance with the Court Order granted on February 13, 2014.
4. Peacock Linder & Halt LLP ("PLH"), in its capacity as counsel for Randy Schiffner, Slade Schiffner, Brandon Schiffner, Elayne Schiffner or Cameron Schiffner shall review all records contemplated in paragraphs 2 and 3 above, including all such records stored on the computers in BDP's possession, and PLH will satisfy itself that the claims to privilege of such records are properly made. Contemporaneous with the delivery of the records in paragraph 1 above, PLH will provide to counsel for the Trustee a list of all records not delivered to the Trustee pursuant to paragraph 2 above, which list will be suitable worded or redacted to avoid disclosure of privileged information, but which list will number records and will provide the dates or estimated dates of such records.
5. In satisfying the terms of this Order, BDP is hereby released from any legal or professional obligations it has to maintain the privilege attaching to the records of Assistive. Any action against BDP resulting from its delivery of the records contemplated herein based on breach of privilege is hereby barred.

6. The Trustee is hereby authorised to waive any privilege attaching to any records of Assistive for the purpose of using such records in the Action and for the administration of the bankrupt estate of Assistive. The Trustee will not waive privilege for any other purpose unless so authorised by the Court.
7. In the event of any dispute arising between the parties regarding the implementation or interpretation of this Order, the parties are given leave to submit such dispute/s to the Court on the same papers filed in this application, suitably supplemented if required.
8. There shall be no costs awarded to any party in respect of this application.



Justice of the Queen's Bench of Alberta

CONSENTED TO THIS ¹⁴ DAY OF August,
2014.



Edward W. Halt, Q.C.
Counsel for Randy Schiffner, Slade Schiffner,
Brandon Schiffner, Elayne Schiffner and
Cameron Schiffner
And counsel for Burnet Duckworth & Palmer
LLP