

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N

PAUL LAWRENCE, ANNE EAGLES and CHARLES SIMON, EVELYN SIMON and
ERICA PRUSSKY, in their capacity as Trustees of the Charles Trust

Plaintiffs

and

ATLAS COLD STORAGE HOLDINGS INC.,
PATRICK GOUVEIA, SUSAN ELIZABETH PETERS, as Executrix of the Estate of
ANDREW W. PETERS, deceased, RONALD PERRYMAN,
JOSEPH WILEY, ROBERT W. MARTIN, ALBRECHT W.A. BELLSTEDT,
J. NICHOLAS ROSS, MICHAEL H. WILSON, ERNST & YOUNG LLP and BMO
NESBITT BURNS INC.

Defendants

Proceeding under the *Class Proceedings Act, 1992*

**AFFIDAVIT OF ALNOOR NAZARALI
(sworn June 24, 2009)**

I, ALNOOR NAZARALI, of the City of Toronto, in the Province of
Ontario, MAKE OATH AND SAY:

1. I am a Senior Manager with Deloitte & Touche LLP, which was appointed
by the order of the Justice Lax dated the 9th day of July, 2008 to act as the Administrator
on the terms and conditions and with the powers, duties and responsibilities set out in the
Settlement Agreement and the Plan. As such, I have personal knowledge of the matters
to which I hereinafter depose, except where the facts are based on information and belief,

in which case I have stated the source of the information. I believe all such facts to be true.

2. On March 2, 2009 at 5:00 p.m., the deadline for Class Members to file a Claim Form with the Administrator expired.

3. Pursuant to the Distribution Plan, each claimant's Net Loss is calculated as the lesser of their actual loss on the sale of each Eligible Trust unit or \$4.50 per Eligible Trust Unit.

4. To date, the Administrator has received 3,995 claims. Of those claims:

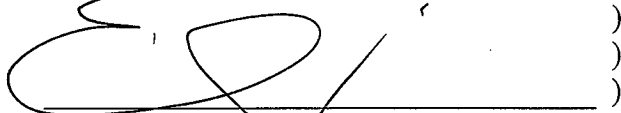
- (a) 3,272 claims with an aggregate Net Loss of \$42,799,577.70 have been verified;
- (b) 221 claims with an aggregate Net Loss of \$1,012,780 have incomplete information;
- (c) 210 claims with an aggregate Net Loss of \$424,459.79 are duplicate claims or are ineligible; and
- (d) 292 claims have an aggregate Net Loss of \$0.

5. While I do not expect a significant variance from the information set out above, the filed claims continue to be reviewed by claimants and the Administrator and therefore the information set out above is subject to change.

6. Each claimant has until June 30, 2009 to file an objection to the Administrator's calculation of their Net Loss. To date, no objections have been filed.

7. This is an interim report prepared for the court in accordance with paragraph 24 of the order of Justice Lax dated the 9th day of July, 2008.

SWORN BEFORE ME at the City of)
Toronto, in the Province of Ontario, this)
24th day of June, 2009.)
)
)
)



Commissioner for taking affidavits

ELAINE MARGARET McKAY
A Commissioner, etc., City of Toronto,
for Deloitte & Touche Inc., Trustee in
Bankruptcy and Deloitte & Touche LLP.
Chartered Accountants.
Expires March 19, 2012.



ALNOOR NAZARALI