

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF CALGARY

BETWEEN:

THE PEREGRINE TRUST

Plaintiff

-and-

**JOSEPH KINGSLEY ANNAN, AMIR HIRANI, SHIVJIT KENNEY SINGH
BRAICH, ZAIN EBRAHIM, FRANCIS ACQUAH, KINGSGATE RESOURCES INC.,
AVO MINING COMPANY LIMITED, ANNAN RESOURCES LIMITED, GOLD
COAST RESOURCES INC., KINGSGATE ENERGY COORPORATION, ROBERT
S. MANNOH, BRYANT E. BEHRMANN, PATRICK HANNON, MINTECH
INTERNATIONAL LIMITED, TERRY KNIGHT, KEN PHILLIPS, GOWLING
LAFLEUR HENDERSON LLP and BALLEM MACINNES LLP**

Defendants

BEFORE MASTER	}	At the Court House, in the City of
R.B. WALLER	}	Calgary, in the Province of Alberta, on
IN CHAMBERS	}	Monday, the 6 th day of February , 2006,
		And July 5, 2006

ORDER

UPON THE APPLICATION of the Defendant's Terry Knight, Ken Phillips, Gowling Lafleur Henderson LLP, Ballem Macinnes LLP, Patrick Hannon and Mintech International Limited (hereinafter referred to as the "**Applicants**"), to Strike Out Pleadings pursuant to Rule 129 of the *Alberta Rules of Court*; **AND UPON THE APPLICATION** of the Plaintiff to amend its Statement of Claim pursuant to Rules 129, 132 and 133; **AND UPON HEARING** from all counsel for the parties to these Applications in Masters' Special Chambers February 6, 2006; **AND UPON** the Applicants applying to Master Waller to open up this Order before it was signed to consider an action filed by the Defendant Kingsgate Resources and whether the action herein should be struck as an abuse of process under Rule 129; **AND UPON** a Masters' Special being set for July

5, 2006, to hear such argument; AND UPON the Applicants withdrawing their application to open this Order less than 24 hours prior to the hearing;

IT IS HEREBY ORDERED THAT:

1. The Applications by the Applicants, (Terry Knight, Ken Phillips, Gowling Lafleur Henderson LLP, Ballen Macinnes LLP, Patrick Hannon and Minetech International Limited), to strike out pleadings pursuant to Rule 129 are hereby dismissed;
2. Determination of whether the plaintiff has legal capacity to bring this action is adjourned;
3. The Plaintiff's Application to amend its Statement of Claim as set out in its Notice of Motion filed May 4, 2006, is hereby granted. The Defendants are at liberty to set up whatever defences to these amendments that they see fit, and without limiting the foregoing, any defence relating to limitations of actions;
4. The Plaintiff is awarded two sets of taxable party and party costs against the Applicants of the Rule 129 Applications, being one set against Terry Knight, Ken Phillips, Gowling Lafleur Henderson LLP, and Ballen Macinnes LLP, and one set against Patrick Hannon and Minetech International Limited. These costs are awarded to the Plaintiff in any event of the cause payable forthwith however payment is stayed pending a determination whether the Plaintiff has standing to bring this action;
5. No costs are awarded to any party in respect to the Plaintiff's Application to amend its Statement of Claim except that the Defendants Terry Knight, Ken Phillips, Gowling Lafleur Henderson LLP, and Ballen Macinnes LLP are entitled to their taxable party and party thrown away costs in respect of steps taken to file an Amended Statement of Defence. Any further thrown away costs to the Defendants Terry Knight, Ken Phillips, Gowling Lafleur Henderson LLP, and Ballen Macinnes LLP in respect of their Rule 159 Motion may be spoken to at a later date;

~~6. The Plaintiff is entitled to its Solicitor-Client costs payable forthwith by the Applicants in any event of the cause for steps taken to respond to the Applicants' application to open up this Order, in the amount of \$4,966.65 inclusive of fees, disbursements and GST.~~

✓ 7. Kingsgate Resources is entitled to its Solicitor-Client costs payable forthwith by the Applicants in any event of the cause for steps taken to respond to the Applicants' application to open up this Order, in the amount of \$ _____.

Handwritten initials

Handwritten signature
M.C.Q.B.A.

AGREED AS TO ORDER GRANTED:

G.F. Scott Q.C.
Fraser Milner Casgrain LLP
Solicitors for the Defendants,
Terry Knight and Ken Phillips
Gowling Lafleur Henderson LLP,
and Ballen Macinnes LLP

AGREED AS TO ORDER GRANTED:

J. Gary Greenan
Moore Wittman Phillips
Solicitor for Defendants, Patrick Hannon
And Minetech International Limited

ENTERED THIS 8 DAY OF ^{November} ~~MAY~~, 2006.

V.A. BRANDT 

Clerk of the Court

Action No.: 0401 - 06677

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RESOURCES INC., AVO MINING
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COAST RESOURCES INC.,
KINGSGATE ENERGY
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MANNOH, BRYANT E.
BEHRMANN, PATRICK HANNON,
MINTECH INTERNATIONAL
LIMITED, TERRY KNIGHT, KEN
PHILLIPS, GOWLING LAFLEUR
HENDERSON LLP and BALLEM
MACINNES LLP**

Defendants

ORDER

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