

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 <sup>th</sup> 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

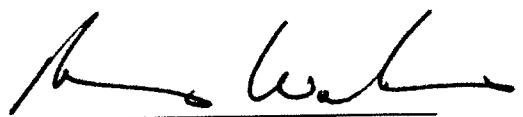
5, 2006, to hear such argument; AND UPON the Applicants withdrawing their application to open this Order less than 24 hours prior to the hearing;

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 \$ ✓  
R

  
M.C.Q.B.A.

AGREED AS TO ORDER GRANTED:

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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:

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

ENTERED THIS 8 DAY OF <sup>November</sup> MAY, 2006.

V.A. BRANDT 

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Clerk of the Court

Action No.: **0401 - 06677**

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FRANCIS ACQUAH, KINGSGATE  
RESOURCES INC., AVO MINING  
COMPANY LIMITED, ANNAN  
RESOURCES LIMITED, GOLD  
COAST RESOURCES INC.,  
KINGSGATE ENERGY  
CORPORATION, ROBERT S.  
MANNOH, BRYANT E.  
BEHRMANN, PATRICK HANNON,  
MINTECH INTERNATIONAL  
LIMITED, TERRY KNIGHT, KEN  
PHILLIPS, GOWLING LAFLEUR  
HENDERSON LLP and BALLEM  
MACINNES LLP**

Defendants

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**ORDER**

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**DOCKEN & COMPANY**  
Barristers & Solicitors  
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