

SUPERIOR COURT

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MÉGANTIC

No.: 480-06-000001-132

DATE: 23 January 2014

PRESENT: HONOURABLE JUSTICE MARTIN BUREAU, J.S.C.

YANNICK GAGNÉ
and
GUY OUELLET
and
SERGE JACQUES
and
LOUIS-SERGES PARENT

Petitioners

v.

RAIL WORLD, INC.
and
RAIL WORLD HOLDINGS, LLC
and
MONTREAL MAINE & ATLANTIC RAILWAY LTD
and
EARLSTON ASSOCIATES L.P.
and
PEA VINE CORPORATION
and
MONTREAL, MAINE & ATLANTIC CORPORATION
and
MONTREAL, MAINE & ATLANTIC CANADA COMPANY
and
EDWARD BURKHARDT

and
ROBERT GRINDROD
and
GAINOR RYAN
and
DONALD GARDNER, JR.
and
JOE MCGONIGLE
and
CATHY ALDANA
and
THOMAS HARDING
and
IRVING OIL LIMITED
and
IRVING OIL COMPANY, LIMITED
and
IRVING OIL OPERATIONS GENERAL PARTNER LIMITED
and
IRVING OIL OPERATIONS LIMITED
and
IRVING OIL COMMERCIAL G.P.
and
WORLD FUEL SERVICES CORP.
and
WORLD FUEL SERVICES, INC.
and
WORLD FUEL SERVICES CANADA, INC.
and
DAKOTA PLAINS HOLDINGS, INC.
and
DAKOTA PLAINS MARKETING, LLC
and
DPTS MARKETING LLC
and
DAKOTA PLAINS TRANSLOADING, LLC
and
DAKOTA PETROLEUM TRANSPORT SOLUTIONS, LLC
and
WESTERN PETROLEUM COMPANY
and
PETROLEUM TRANSPORT SOLUTIONS, LLC

and
STROBEL STAROSTKA TRANSFER, LLC
and
MARATHON OIL CORPORATION
and
SLAWSON EXPLORATION COMPANY INC.
and
UNION TANK CAR COMPANY
and
TRINITY INDUSTRIES, INC.
and
TRINITY RAIL GROUP, LLC
and
TRINITY RAIL LEASING 2012 LLC
and
GENERAL ELECTRIC RAILCAR SERVICES CORPORATION
and
CANADIAN PACIFIC RAILWAY COMPANY

Respondents

and
XL INSURANCE COMPANY LIMITED
and
XL GROUP PLC

Third parties

CORRECTED JUDGMENT

- [1] **CONSIDERING** article 475 C.C.P.;
- [2] **CONSIDERING** the judgment pronounced by the undersigned on 10 January 2014;
- [3] **CONSIDERING** the clerical error in the name of the counsel for Western Petroleum Company, World Fuel Services Canada Inc., World Fuel Corp. and World Fuel Services, Inc., which should have read **Maître Caroline Plante**;

[4] **CONSIDERING** the omission at the end of the judgment of the names **Maître Neil H. Stein of Stein & Stein, Lawyers, Avocats and Maître Lisa Lahorey, McCague Borlack, counsel for Dakota Plains Holdings Inc. and Maître Dominique Ménard, Maître Bernard Amyot and Maître Martin Tétreault, Heenan Blaikie, counsel for respondent GE Railcar Services Corp;**

FOR THESE REASONS, THE COURT:

[5] **AMENDS** the judgment of 10 January 2014 such that the name of the counsel for Western Petroleum Company, World Fuel Services Canada Inc., World Fuel Corp. and World Fuel Services, Inc. reads **Maître Caroline Plante.**

[6] **ADDS**, at the end of the judgment of 10 January 2014, the names **Maître Neil H. Stein of Stein & Stein, Lawyers, Avocats and Maître Lisa Lahorey, McCague Borlack, counsel for Dakota Plains Holdings Inc. and Maître Dominique Ménard, Maître Bernard Amyot and Maître Martin Tétreault, Heenan Blaikie, counsel for respondent GE Railcar Services Corp.**

MARTIN BUREAU, J.S.C.

Dates of hearing: 11 and 18 December 2013

Maître Daniel Larochelle
Maître Jeff Orenstein
CLG
For petitioners
Yannick Gagné
Guy Ouellet
Serge Jacques
Louis-Serges Parent

Maître Laurent Nahmiash
Maître Mélanie Jacques
Dentons
Counsel for respondents
Rail World Inc., Rail World Holdings, LLC
Earlston Associates LP
Edward Burkhardt
Robert Grindrod, Gainor Ryan
Donald Gardner Jr., Joe McGonicle
Cathy Aldana, Pea Vine Corporation

Maître Yves Martineau
Maître Frédéric Paré
Maître Caroline Plante
Stikeman & Elliot
For respondents
Western Petroleum Company
World Fuel Services Canada, Inc.
World Fuel Services Corp.
World Fuel Services, Inc.

Maître Jean-Philippe Lincourt
Maître Martin Pichette
Lavery
For respondents
MMA Ltd., MMA Corp., MMA Canada Co.
Thomas Harding

Maître Sylvain Lussier
Maître Elizabeth Meloche
Osler
For respondents
Irving Oil Ltd.
Irving Oil Company, Limited
Irving Oil Operations GPL
Irving Oil Operations Ltd

Maître Neil H. Stein
Stein & Stein, Lawyers
Maître Lisa LaHorey
McCague Borlack
For respondent Dakota Plains Holdings Inc.

Maître André Durocher
Maître Enrico Forlini
Fasken Martineau
Counsel for respondent
CP Railway Company

Maître Philippe Cantin
Maître Michel Gagné
McCarthy
Counsel for respondents
Trinity Industries, Inc.
Trinity Rail Group, LLC

Maître Stéphane Pitre
Borden Ladner Gervais LLP
Counsel for respondent
Trinity Rail Leasing 2012 LLC

Maître André Migneault
Maître Marc Lemaire
Maître Pierre-Alexandre Fortin
Tremblay Bois Mignault Lemay
Counsel for respondent
Strobel Starostka Transfer, LLC

Maître Francis Rouleau
Maître Robert J. Torralbo
Blakes
Counsel for respondent
Union Tank Car Company

Maître André Ryan
Maître Caroline Beaudoin
BCF
Counsel for respondent
Marathon Oil Corporation

Me Jacques Rossignol
Lapointe, Rosenstein, Marchand, Mélançon
Procureurs pour l'intimée
Slawson Exploration Company, Inc.

Maître Geneviève Bertrand
Torys Law Firm LLP
Counsel for respondents
**DPTS Marketing LLC and
Dakota Petroleum Transport Solutions, LLC**

**Maître Dominique Ménard
Maître Bernard Amyot
Heenan Blaikie
Counsel for respondent
GE Railcar Services Corp.**

Maître Dominique Naud
Maître Prachi Shah
Clyde & Co.
Counsel for third parties
**XL Insurance
XL Group PLC**

Date of hearing: 11, 18 December 2013