

At IAS Part 56 of the Supreme Court of the State of New York, New York County, at the Courthouse, at 60 Centre Street, New York, New York, on the 24 day of October, 2008.

SUPREME COURT STATE OF NEW YORK

**APPROVED**

PRESENT

COMMERCIAL SUPREME COURT OF THE STATE OF NEW YORK SUPPORT COUNTY OF NEW YORK

MOT  X-MOT

*MS*

CLERK'S INITIALS

Hon. Richard B. Lowe

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NEW YORK

RITA MARIA SANCHEZ DE HERNANDEZ, ET AL.,

Plaintiff,

- against -

BANK OF NOVA SCOTIA a/k/a SCOTIABANK,

Defendants.

~~ELECTRONIC FILING~~

MOTION SEQUENCE # 016

Index No. 601518/06 024892

ORDER TO SHOW CAUSE

**E-Filed**

Upon the annexed declaration of Richard Frankel, sworn to on October 22, 2008, and upon the accompanying memorandum of law in support of permitting a Fifth Amended Complaint, and upon all prior papers, pleadings and proceedings herein, it is hereby

ORDERED that defendant, Bank of Nova Scotia, show cause before this Court, to be held at the New York County Courthouse, 60 Centre Street, New York, New York, at Part 56, Courtroom 218, on November 13, 2008, at 9:30 am, why an order ~~and judgment~~ should not be entered in this action pursuant to New York CPLR 3025(b).

- Serve and*
- Permitting Plaintiffs to file a Fifth Amended Complaint that ~~assets~~ their claims under Mexican law, and
  - Why Plaintiffs should not have such other and further relief as may be just, proper and equitable; and it is further

INDEX NUMBER 601518	YEAR 2006
15 MOTIONS	45.00
TOTAL	45.00
CASHIER	45.00

COMS CASHIER	DATE	TIME	TERM
12613 2000	08 OCT 23	4:09 PM	60-3

ORDERED that Defendants' papers in opposition to this motion, if any, shall be served via hand delivery on Cohen & Gresser LLP, 100 Park Avenue, 23rd Floor, New York, New York

10017 and via electronic delivery on counsel for all plaintiffs, so as to be received by the close of business on or before October 31, 2008. *Plaintiff reply papers, if any shall be served at least one day prior to the return date. These dates were mutually agreed upon by the parties.*

LET service of a copy of this order to show cause and of the papers upon which it is based, be served upon Phillip L. Graham, Jr., counsel for the Defendant on or before *October 27th*, 2008, be deemed good and sufficient service thereof.

ENTER

*[Signature]*  
HON. RICHARD B. LOWE, III  
J.S.C.

*[Signature]*  
ORAL ARGUMENT  
DIRECTED  
HON. RICHARD B. LOWE, III  
J.S.C.