

## MUTUAL RELEASE

**IN CONSIDERATION OF** the mutual obligations set out in the accepted offer to settle dated December 15, 2004.

**DAVID ORCHARD** (hereinafter referred to as “Orchard” and which term includes his heirs, executors, administrators, successors and assigns) on the one hand and **THE CONSERVATIVE PARTY OF CANADA** (which term includes its servants, officers, agents, employees and directors and which term further encompasses the Conservative Fund of Canada, and their servants, officers, agents, employees, directors and representatives) on the other hand, hereby release and discharge each other of and from claims made by each against the other in the action referenced as court file no. 04-CV-263730 CM2 in the Ontario Superior Court of Justice in which Orchard is the plaintiff and The Conservative Party of Canada is the defendant (hereinafter referred to as “the claims released”).

**ORCHARD AND THE CONSERVATIVE PARTY OF CANADA** expressly acknowledge that the consideration referred to herein shall not in any way be deemed to constitute an admission of any liability by either of them.

**ORCHARD AND THE CONSERVATIVE PARTY OF CANADA** agree not to make any or take any proceeding in relation to the claims released against any person or corporation who might claim, pursuant to the provisions of any applicable statute or otherwise, contribution or indemnity from either Orchard or The Conservative Party of Canada.

**ORCHARD AND THE CONSERVATIVE PARTY OF CANADA** expressly declare that they each have been given sufficient time to consider their respective actions and to seek such independent legal or other advice as they deem appropriate with respect to this matter and terms of this document. Orchard and the Conservative Party of Canada voluntarily accept the said terms for the purpose of making full and final compromise, adjustment and settlement of all claims released as aforesaid. Orchard and The Conservative Party of Canada acknowledge that no representation of fact or opinion, threat or inducement has been made or given by the other to induce the signing of this Mutual Release.

**THIS RELEASE SHALL BE DEEMED** to have been made in and shall be construed in accordance with the laws of the Province of Ontario.

**IN WITNESS WHEREOF** Orchard and The Conservative Party of Canada hereby executes this Mutual Release.

DATED this 3rd day of February, 2005.

**SIGNED, SEALED AND DELIVERED**

In the presence of

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\_\_\_\_\_  
\_\_\_\_\_ )

Witness

David Orchard

) THE CONSERVATIVE PARTY OF  
) CANADA  
)  
)

\_\_\_\_\_  
) Authorized Signing Officer  
I have authority to bind the Conservative  
Party of Canada herein.