



COURT FILE NUMBER

1901-14034

COURT

COURT OF QUEEN'S BENCH OF
ALBERTA

JUDICIAL CENTRE

CALGARY

602720

IN THE MATTER OF THE *BUSINESS
CORPORATION ACT*, RSA 2000, c. B-9

AND

IN THE MATTER OF THE *JUDICATURE
ACT*, RSA 2000, c. J-2

AND

IN THE MATTER OF THE RECEIVERSHIP
OF AQUILA FABRICATION AND
EQUIPMENT LTD. , 965431 ALBERTA LTD.,
and 1768192 ALBERTA LTD.

APPLICANT

KPMG INC. IN ITS CAPACITY AS COURT
APPOINTED RECEIVER AND MANAGER
OF AQUILA FABRICATION AND
EQUIPMENT LTD., 965431 ALBERTA LTD.,
and 1768192 ALBERTA LTD.

DOCUMENT

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS
DOCUMENT

SEALING ORDER

MLT AIKINS LLP
Barristers and Solicitors
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Attention: Ryan Zahara
File: 0026931.00012

DATE ON WHICH THIS ORDER WAS PRONOUNCED:

JUNE 15, 2021

LOCATION AT WHICH ORDER WAS MADE:

CALGARY, ALBERTA

NAME OF THE JUDGE WHO MADE THIS ORDER:

JUSTICE B.E.C. ROMAINE

UPON THE APPLICATION of KPMG Inc. filed June 7, 2021 (the "**Application**") in its capacity as the Court-appointed receiver (the "**Receiver**") of all of the current and future assets, undertaking, and properties of every nature and kind whatsoever, and wherever situate, including all proceeds thereof, of Aquila Fabrication and Equipment Ltd. ("**Aquila**"), 965431 Alberta Ltd. ("**965**"), 1768192 Alberta ("**176**", together with Aquila and 965, the "**Debtors**"), for an Order approving the sale transaction; **AND UPON HAVING READ** the Application, the Receivership Order granted by the Honourable Madam Justice Romaine on October 18, 2019 (the "**Receivership Order**"), the First Report of the Receiver dated January 13, 2020 (the "**First Report**"), the Confidential Supplement to the Receiver's First Report dated January 13, 2020 (the "**First Confidential Supplement**"), Second Report of the Receiver dated June 3, 2021 (the "**Second Report**"), the Confidential Supplement to the Receiver's Second Report dated June 3, 2021 (the "**Second Confidential Supplement**"), and the Affidavit of Service of Joy Mutuku sworn June 14, 2021 and the Affidavit of Service of Joy Mutuku sworn June 14, 2021; **AND UPON IT** appearing that all interested and affected parties have been served with notice of the Application; **AND UPON HEARING** the submissions of counsel for the Receiver and all other interested parties present;

IT IS HEREBY ORDERED THAT:

1. The clerk of the Court is hereby directed to seal the Second Confidential Supplement on the Court file until the earlier of:
 - i. An Order of this Court directs that the Second Confidential Supplement be filed in this Action, and
 - ii. A Sale of the Purchased Assets by the Receiver has closed, and the Receiver files a receiver's certificate with the Clerk of the Court confirming a sale of the Purchased Assets has closed. The Clerk of the Court is hereby directed to seal the Second Confidential Supplement in an envelope setting out the style of cause in the within proceedings and labelled:

THIS ENVELOPE CONTAINS A CONFIDENTIAL DOCUMENT. THIS CONFIDENTIAL DOCUMENT IS SEALED ON COURT FILE ON 1901-14034 PURSUANT TO THE ORDER ISSUED BY HONOURABLE JUSTICE B.E.C. ROMAINE ON JUNE 15, 2021. THIS CONFIDENTIAL DOCUMENT IS NOT TO BE ACCESSED BY ANY PERSON UNTIL

EARLIER OF AN ORDER OF THE COURT DIRECTING THAT THIS CONFIDENTIAL DOCUMENT BE FILED AND THE FILING OF A RECEIVER'S CERTIFICATE FROM KPMG INC., IN ITS CAPACITY AS RECEIVER OF THE DEBTORS, CONFIRMING THAT THE CONFIDENTIAL DOCUMENT MAY BE FILED.

A handwritten signature in blue ink, consisting of stylized initials followed by a long horizontal line.

**THE HONOURABLE JUSTICE B.E.C. ROMAINE
JUSTICE OF THE COURT OF QUEEN'S BENCH
OF ALBERTA**