



NO. S-1510120
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*,
R.S.C. 1985, c. C-36, AS AMENDED

AND

IN THE MATTER OF THE *BUSINESS CORPORATIONS ACT*,
S.B.C. 2002, c. 57, AS AMENDED

AND

IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT
OF WALTER ENERGY CANADA HOLDINGS, INC. AND THE OTHER
PETITIONERS LISTED ON SCHEDULE "A"

PETITIONERS

NOTICE OF APPLICATION

Name(s) of applicant(s): KPMG Inc., the Monitor

To: Service List attached hereto as Schedule "B"

TAKE NOTICE that an application will be made by the applicant to the Honourable Madam Justice Fitzpatrick at the courthouse at 800 Smithe Street, Vancouver, BC, V6Z 2E1 on October 26, 2016 at 9:00 a.m. for the order set out in Part 1 below.

Part 1: ORDER(S) SOUGHT

1. Further directions concerning the procedure for adjudicating the UMWA 1974 Pension Plan Claim (the "**1974 Pension Plan Claim**").

Part 2: FACTUAL BASIS

1. On August 26, 2016, in accordance with the procedure set out in the Claims Process Order, the 1974 Pension Plan filed and delivered to the Service List a Notice of Civil Claim.

2. Responses to Civil Claim were filed by the Walter Canada Group, the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Serviceworkers International Union, Local 1-424 (“USW”) and the Monitor on or before September 26, 2016.
3. The Monitor and its counsel have been, and continue to be, in frequent dialogue with the Walter Canada Group and its counsel and counsel for the 1974 Pension Plan in an effort to reach agreement on a schedule and process for the adjudication of the 1974 Pension Plan Claim. Agreement has not yet been reached, and the discussions continue.

Part 3: LEGAL BASIS

1. The Order of the Honourable Justice Madam Fitzpatrick, made August 16, 2016 (the “**Claims Process Order**”), paragraph 31.

Part 4: MATERIAL TO BE RELIED ON

1. Monitor’s Fifth Report, to be filed.

The applicant(s) estimate(s) that the application will take one (1) hour.

[*Check the correct box.*]


- This matter is within the jurisdiction of a master.
- This matter is not within the jurisdiction of a master.


TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this notice of application, you must, within 5 business days after service of this notice of application or, if this application is brought under Rule 9-7, within 8 business days after service of this notice of application,

- (a) file an application response in Form 33,
- (b) file the original of every affidavit, and of every other document, that
 - (i) you intend to refer to at the hearing of this application, and
 - (ii) has not already been filed in the proceeding, and

- (c) serve on the applicant 2 copies of the following, and on every other party of record one copy of the following:
 - (i) a copy of the filed application response;
 - (ii) a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;
 - (iii) if this application is brought under Rule 9-7, any notice that you are required to give under Rule 9-7 (9).

Date: October 21, 2016



 Signature of
 applicant lawyer for applicant(s)
 Peter J. Reardon

To be completed by the court only:

Order made

in the terms requested in paragraphs _____ of Part 1 of this notice of application

with the following variations and additional terms:

Date: [dd/mmm/yyyy]

 Signature of Judge Master

Appendix

[The following information is provided for data collection purposes only and is of no legal effect.]

THIS APPLICATION INVOLVES THE FOLLOWING:

[Check the box(es) below for the application type(s) included in this application.]

- discovery: comply with demand for documents
- discovery: production of additional documents
- other matters concerning document discovery
- extend oral discovery
- other matter concerning oral discovery
- amend pleadings
- add/change parties
- summary judgment
- summary trial
- service
- mediation
- adjournments
- proceedings at trial
- case plan orders: amend
- case plan orders: other
- experts

SCHEDULE "A"

Petitioners

1. Walter Canadian Coal ULC
2. Wolverine Coal ULC
3. Brule Coal ULC
4. Cambrian Energybuild Holdings ULC
5. Willow Creek Coal ULC
6. Pine Valley Coal, Ltd.
7. 0541237 B.C. Ltd.

Partnerships

1. Walter Canadian Coal Partnership
2. Wolverine Coal Partnership
3. Brule Coal Partnership
4. Willow Creek Coal Partnership

SCHEDULE "B"

SERVICE LIST

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PETITIONERS

NOTICE OF APPLICATION

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