



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 THE PLAN OF COMPROMISE OR ARRANGEMENT OF NEW WALTER ENERGY CANADA HOLDINGS, INC., NEW WALTER CANADIAN COAL CORP., NEW BRULE COAL CORP., NEW WILLOW CREEK COAL CORP., NEW WOLVERINE COAL CORP. AND CAMBRIAN ENERGYBUILD HOLDINGS ULC

PETITIONERS

NOTICE OF APPLICATION

Name of applicants: New Walter Energy Canada Holdings, Inc., New Walter Canadian Coal Corp., New Brule Coal Corp., New Willow Creek Coal Corp., New Wolverine Coal Corp., and Cambrian Energybuild Holdings ULC (the "**New Walter Canada Group**")

To: Service List attached hereto as **Schedule "A"**

TAKE NOTICE that an application will be made by the applicants to the Honourable Madam Justice Fitzpatrick at the courthouse at 800 Smithe Street, Vancouver, BC, V6Z 2E1 on February 25, 2019 at 9:00 a.m. for the orders set out in Part 1 below.

Part 1: ORDERS SOUGHT

1. An Order substantially in the form attached hereto as **Schedule "B"**:
 - (a) extending the stay of proceedings in respect of the New Walter Canada Group to May 6, 2019; and
 - (b) imposing a schedule to resolve the claim asserted by Kevin James (the "**James Claim**").

Part 2: FACTUAL BASIS

1. Reference is made to the facts set out in the Twenty-fifth Affidavit of William E. Aziz (the "**Twenty-fifth Aziz Affidavit**").

2. Any capitalized term used but not defined below shall have the meaning given to it in the Twenty-fifth Aziz Affidavit.
3. On December 7, 2015, this Honourable Court granted an initial order (as amended and restated from time to time, the "**Initial Order**") in favour of the Old Walter Canada Group pursuant to the *Companies' Creditors Arrangement Act*, RSC 1985, c C-36, as amended (the "**CCAA**").
4. The Initial Order granted a stay of proceedings until January 6, 2016 or such later date as this Honourable Court may order (the "**Stay Period**").
5. The terms of the Initial Order, including the Stay Period, were subsequently extended by further orders of the Court to March 8, 2019.
6. The New Walter Canada Group is requesting an extension of the Stay Period until and including May 6, 2019 to permit the New Walter Canada Group to obtain a comfort letter from the Canada Revenue Agency (the "**CRA**") to satisfy the preconditions for a distribution under the Amended Plan, to take any other steps necessary for implementing the Amended Plan and permitting distributions to creditors to occur before the Outside Date, to consider potential next steps in case these preconditions cannot be satisfied before the Outside Date, to wind up Walter UK, and to complete the James Claim litigation.
7. The principal remaining condition precedent that must be satisfied before any distributions under the Amended Plan can occur is obtaining a clearance certificate pursuant to section 159 of the *Income Tax Act* or such other comfort, satisfactory to the Monitor, from the CRA.
8. The CRA has stated that it cannot currently provide a clearance certificate to the New Walter Canada Group, but has indicated that it may be able to provide a comfort letter satisfactory to the Monitor and the New Walter Canada Group.
9. The New Walter Canada Group and the Monitor have provided a draft comfort letter to the CRA for its review.
10. The New Walter Canada Group is continuing to seek an expedited review of its request for a comfort letter so that distributions under the Amended Plan can be made in as timely a manner as possible in the circumstances.
11. As a result of the delay in obtaining a clearance certificate or other comfort from the CRA, it is possible that preconditions for making distributions under the Amended Plan will not be satisfied before the April 3, 2019 Outside Date.
12. Warrior has indicated that it may not consent to an extension of the Outside Date past April 3, 2019.
13. If the CRA does not provide a comfort letter by April 3, 2019 and Warrior does not agree to extend the Outside Date, the New Walter Canada Group will require time to consider potential next steps.
14. In addition to obtaining a clearance certificate and making the distributions contemplated in the Amended Plan, the New Walter Canada Group must wind up Walter UK in accordance with the terms of the Settlement Term Sheet among the New Walter Canada Group, Warrior and the 1974 Plan dated October 10, 2017.
15. Walter UK and the New Walter Canada Group have determined the best way for each of the Walter UK companies to be wound up and have consulted with Warrior regarding the process.
16. The New Walter Canada Group has completed the preliminary steps for liquidating Walter UK and will be initiating the proceedings to wind up Walter UK as soon as reasonably practicable.

17. The James Claim is the only remaining unresolved claim in this proceeding.
18. The New Walter Canada Group has proposed a schedule to Mr. James that would bring the parties' dispute before the Court prior to the April 3, 2019 Outside Date for implementation of the Amended Plan.
19. The New Walter Canada Group and Mr. James have been unable to agree on a schedule, and the New Walter Canada Group is seeking the Court's advice and direction on a process and schedule for resolving the James Claim.
20. Based on the current cash flow projections, it is expected that the New Walter Canada Group will have sufficient operating cash to continue operations during the proposed extended Stay Period.
21. The New Walter Canada Group has been proceeding in good faith and with due diligence in these proceedings.
22. The Monitor supports the extension of the Stay Period and will file a report attaching cash flow forecasts that demonstrate, subject to the assumptions more fully set out in the report, that the New Walter Canada Group has sufficient liquidity to continue its operations as currently conducted through to the end of the proposed extended Stay Period.
23. It is in the best interests of the New Walter Canada Group and all its stakeholders that the Stay Period be extended to May 6, 2019, to allow the New Walter Canada Group to obtain a comfort letter from the CRA to satisfy the preconditions for a distribution under the Amended Plan, to take any other steps necessary for implementing the Amended Plan and permitting distributions to creditors to occur before the Outside Date, to consider potential next steps in case these preconditions cannot be satisfied before the Outside Date, to wind up Walter UK, and to complete the James Claim litigation.

Part 3: LEGAL BASIS

The Requested Stay Extension Should be Granted

24. Section 11.02(2) of the CCAA gives this Court express jurisdiction to extend the Stay Period.
25. Under s. 11.02(3), on an application seeking a stay extension, the Court will consider whether (i) the applicant has acted, and is acting, in good faith and with due diligence; and (ii) if circumstances exist that make the order appropriate.
26. The New Walter Canada Group has been acting in good faith and with due diligence in these proceedings.
27. It is appropriate to grant the requested stay extension because it will allow the New Walter Canada Group additional time to obtain a comfort letter from the CRA to satisfy the preconditions for a distribution under the Amended Plan, to take any other steps necessary for implementing the Amended Plan and permitting distributions to creditors to occur before the Outside Date, to consider potential next steps in case these preconditions cannot be satisfied before the Outside Date, to wind up Walter UK, and to complete the James Claim litigation.
28. Therefore, the requested stay extension should be granted.

The Court Should Impose one of the Proposed Schedules for Resolving the James Claim

29. Paragraph 57 of the Initial Order provides that the New Walter Canada Group may apply to the Court for directions from time to time.

30. Paragraph 51 of the Order of this Honourable Court made August 16, 2016 (the "**Claims Process Order**") provides that the New Walter Canada Group may apply to the Court for advice and directions in respect of the Claims Process.
31. The New Walter Canada Group has proposed a schedule for resolving the James Claim to Mr. James, but the parties have been unable to agree on a schedule.
32. The New Walter Canada Group believes that the James Claim can be resolved using either a bifurcated process that separates out the issue of Mr. James' entitlement to royalties under the Royalty Sharing Agreement from the calculation of damages (if any) or a non-bifurcated process, and has proposed dates for both processes.
33. The New Walter Canada Group is requesting that the Court impose one of the two schedules outlined at paragraph 23 of the Twenty-fifth Aziz Affidavit.

Other Grounds

34. *Companies' Creditors Arrangement Act*, RSC 1985, c C-36, as amended;
35. *Supreme Court Civil Rules*, BC Reg 168/2009, including Rules 8-1 and 13-1; and
36. The inherent and equitable jurisdiction of this Honourable Court and such further and other legal bases and authorities as counsel may advise and this Honourable Court may permit.

Part 4: MATERIAL TO BE RELIED ON

1. The Twenty-fifth Aziz Affidavit;
2. Monitor's 21st Report, to be filed;
3. Pleadings and other materials filed herein; and
4. Such further and other materials as counsel may advise and this Honourable Court may permit.

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

This matter is within the jurisdiction of a master.

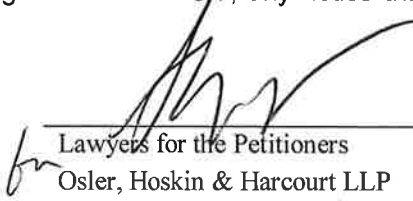
This matter is not within the jurisdiction of a master. The Honourable Madam Justice Fitzpatrick is seized of these proceedings and the hearing of this application has been arranged with Trial Scheduling.

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 of 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).

Dated: February 20, 2019 _____



Lawyers for the Petitioners
Osler, Hoskin & Harcourt LLP
(Marc Wasserman & Patrick Riesterer)

To be completed by the court only:	
Order made	
<input type="checkbox"/>	in the terms requested in paragraphs _____ of Part 1 of this Notice of Application
<input type="checkbox"/>	with the following variations and additional terms:
Date: _____	
Signature of	
<input type="checkbox"/> Judge <input type="checkbox"/> Master	

TAB A

SCHEDULE "A"

(see attached)

SERVICE LIST

<p>Osler, Hoskin & Harcourt LLP Box 50, 1 First Canadian Place Toronto, Ontario, Canada M5X 1B8</p> <p>Marc Wasserman Email: mwasserman@osler.com Tel: 416-862-4907</p> <p>Mary Paterson Email: mpaterson@osler.com Tel: 416-862-4924</p> <p>Emmanuel Pressman Email: epressman@osler.com Tel: 416-862-4903</p> <p>Patrick Riesterer Email: priesterer@osler.com Tel: 416-862-5947</p> <p>Andrea Lockhart Email: alockhart@osler.com Tel: (416) 862-6829</p> <p>Anne-Marie Runca Email: amrunca@osler.com</p>	Counsel for the Petitioners
<p>Longview Communications Inc. Suite 612 – 25 York Street Toronto, ON Canada M5J 2V5</p> <p>Joel Shaffer Email: jshaffer@longviewcomms.ca</p> <p>Suite 2028 – 1055 West Georgia Vancouver, BC Canada V6E 3P3</p> <p>Alan Bayless Email: abayless@longviewcomms.ca</p> <p>Robin Fraser Email: rfraser@longviewcomms.ca</p>	Communications Advisor to the Petitioners
<p>KPMG Inc. PO Box 10426 777 Dunsmuir Street Vancouver, BC V7Y 1K3 Canada</p> <p>Mike Clark Email: maclark@kpmg.ca</p> <p>Anamika Gadia</p>	Monitor

Email: agadia@kpmg.ca	
<p>McMillan LLP Royal Centre, 1055 West Georgia Street Suite 1500, PO Box 11117</p> <p>Wael Rostom Email: wael.rostom@mcmillan.ca</p> <p>Peter Reardon Email: peter.reardon@mcmillan.ca</p> <p>Vicki Tickle Email: vicki.tickle@mcmillan.ca</p> <p>Copy to: Lori Viner Email: lori.viner@mcmillan.ca</p>	Counsel to KPMG Inc.
<p>Walter Energy, Inc. 3000 Riverchase Galleria Birmingham, AL 35244</p>	Parent company of the Petitioners
<p>Paul, Weiss, Rifkind, Wharton & Garrison LLP 1285 Avenue of the Americas New York, New York 10019</p> <p>Fax: 212-757-3990 Tel: 212-373-3000</p> <p>Stephen Shimshak, Email: sshimshak@paulweiss.com</p> <p>Kelly Cornish, Email: kcornish@paulweiss.com</p> <p>Claudia Tobler Email: ctobler@paulweiss.com</p> <p>Daniel Youngblut Email: dyoungblut@paulweiss.com</p>	Counsel to Walter Energy, Inc.
<p>White & Case LLP 1155 Avenue of the Americas New York, New York 10036-2787</p> <p>Fax: 212.819.8200 Tel: 212.819.8567</p> <p>Scott Greissman Email: sgreissman@whitecase.com</p> <p>Elizabeth Feld Email: efeld@whitecase.com</p>	US Counsel to Morgan Stanley Senior Funding, Inc., as Administrative Agent and Collateral Agent under the First Lien Credit Facility

<p>Stikeman Elliott LLP 199 Bay Street, Suite 4900 Toronto, Ontario M5L 1B9</p> <p>Tel: 416-869-6820 Fax: 416-947-9477</p> <p>Sanja Sopic Email: ssopic@stikeman.com</p>	<p>Canadian Counsel to Morgan Stanley Senior Funding, Inc., as Administrative Agent and Collateral Agent under the First Lien Credit Facility</p>
<p>Akin Gump Strauss Hauer & Feld LLP One Bryant Park Bank of America Tower New York, New York 10036-6745</p> <p>Fax: 212-872-1002 Tel: 212-872-8076</p> <p>Ira Dizengoff Email: idizengoff@akingump.com</p> <p>Lisa G. Beckerman Email: lbeckerman@akingump.com</p> <p>Maurice L. Brimmage Email: mbrimmage@akingump.com</p> <p>James Savin Email: jsavin@akingump.com</p>	<p>U.S. Counsel to the Steering Committee of First Lien Creditors of Walter Energy, Inc.</p>
<p>Cassels Brock & Blackwell LLP 2200 HSBC Building, 885 West Georgia Street, Vancouver, BC, V6C 3E8</p> <p>Fax: 604 691 6120 Tel: 604 691 6121</p> <p>Ryan Jacobs Email: rjacobs@casselsbrock.com</p> <p>Natalie Levine Email: nlevine@casselsbrock.com</p> <p>Matthew Nied Email : mnied@casselsbrock.com</p>	<p>Canadian Counsel to the Steering Committee of First Lien Creditors of Walter Energy, Inc.</p>
<p>Victory Square Law Office 500-128 West Pender Street Vancouver, BC V6B 1R8</p> <p>Craig Bavis Email: cbavis@vslo.ca Tel: 604-684-8421 Fax: 604-684-8427</p>	<p>Canadian Counsel to the United Steelworkers, Local 1-424</p>

<p>Jeff Sanders Email: j.sanders@vslo.bc.ca</p>	
<p>Dentons Canada LLP 20th Floor, 250 Howe Street Vancouver, BC Canada V6C 3R8</p> <p>John R. Sandrelli Email: john.sandrelli@dentons.com Tel : 604-443-7132</p> <p>Tevia Jeffries Email: tevia.jeffries@dentons.com</p> <p>Miriam Dominguez Email: miriam.dominguez@dentons.com</p>	<p>Canadian Counsel to the United Mine Workers of America 1974 Pension Plan and Trust</p>
<p>Morgan Lewis & Bockius LLP One Federal St. Boston, MA 02110-1726 United States</p> <p>Julia Frost-Davies Email: julia.frost-davies@morganlewis.com</p> <p>Morgan Lewis & Bockius LLP 1701 Market St. Philadelphia, PA19103-2921 United States</p> <p>John C. Goodchild, III Email: goodchild@morganlewis.com</p> <p>Rachel Jaffe Mauceri Email: rmauceri@morganlewis.com</p>	<p>US Counsel to the United Mine Workers of America 1974 Pension Plan and Trust</p>
<p>Mooney, Green, Saindon, Murphy & Welch, P.C. 1920 L Street, NW, Suite 400 Washington, DC 20036</p> <p>Paul Green Email: pgreen@mooneygreen.com</p> <p>John Mooney Email: jmooney@mooneygreen.com</p>	<p>US Co- counsel to the United Mine Workers of America 1974 Pension Plan and Trust</p>
<p>Ministry of Justice and Attorney General Legal Services Branch P.O. Box 9289 Stn Prov Govt 4th Floor – 1675 Douglas Street Victoria, BC V8W 9J7</p> <p>Fax: 250-387-0700</p>	<p>Counsel to Her Majesty the Queen in Right of the Province of British Columbia</p>

<p>David Hatter Tel: 250-387-1274 Email: David.Hatter@gov.bc.ca AGLSBRevTax@gov.bc.ca</p> <p>Aaron Welch Tel: 250-356-8589 Email: Aaron.Welch@gov.bc.ca AGLSBRevTax@gov.bc.ca</p>	
<p>Department of Justice Government of Canada 900 – 840 Howe Street Vancouver, BC V6Z 2S9</p> <p>Neva Beckie Email: neva.beckie@justice.gc.ca</p>	<p>Counsel to Her Majesty the Queen in Right of Canada</p>
<p>BlueTree Advisors 32 Shorewood Place Oakville, ON L6K 3Y4</p> <p>William E. Aziz Email: baziz@bluetreadvisors.com</p>	<p>Chief Restructuring Officer</p>
<p>Miller Thomson LLP Scotia Plaza 40 King Street West, Suite 5800 P.O. Box 1011 Toronto, ON M5H 3S1</p> <p>Jeffrey Carhart Email: jcarhart@millerthomson.com</p>	<p>Counsel to Mitsui Matsushima Co., Ltd.</p>
<p>Norton Rose Fulbright Canada LLP 1800 – 510 W. Georgia Street Vancouver, BC V6B 0M3</p> <p>Kieran Siddall Email: Kieran.siddall@nortonrosefulbright.com</p>	<p>Counsel to Pine Valley Mining Corporation</p>
<p>Miller Thomson LLP 840 Howe Street, Suite 1000 Vancouver, BC V6Z 2M1</p> <p>Heather L. Jones Tel. 604-643-1231 (direct) Tel. 604-687-2242 (main) Email: hjones@millerthomson.com</p>	<p>Counsel to Mr. Kevin James</p>
<p>Caterpillar Financial Services Limited 5575 North Service Road, Suite 600 Burlington, ON L7L 6M1</p>	

<p>c/o Caterpillar Financial Services Corporation (Global Headquarters) 2120 West End Avenue Nashville, TN 37207</p> <p>Fax: 615-341-8578 Main Phone Line: 1-800-651-0567</p>	
<p>Transportation Lease Systems Inc. 205, 10458 Mayfield Road Edmonton AB T5P 4P4</p>	
<p>XEROX Canada Ltd. 33 Bloor St. E., 3rd Floor Toronto, ON M4W 3H1</p> <p>Stephanie Grace Email: stephanie.grace@xerox.com</p>	
<p>Brandt Tractor Ltd. 9500 190th ST. Surrey B.C. V4N 3S2</p>	
<p>Conuma Coal Resources Limited 15 Appledore Lane, P.O. Box 87 Natural Bridge, Virginia 24578</p> <p>Tom Clarke Email: tom.clarke@kissito.org</p> <p>Chuck Ebetino Email: cebetino@erpfuels.com</p> <p>Jason McCoy Email: jmccoy@erpfuels.com</p> <p>Bill Hunter Email: whunter1@optonline.net</p> <p>Robert Carswell Email: bobcarswellus@outlook.com</p> <p>Joe Bean (ERP Internal Counsel) Email: jowabean@gmail.com</p> <p>Conuma Coal Resources Limited P.O. Box 305 Madison, WV 25130</p> <p>Ken McCoy Email: kmccoy@erpfuels.com</p>	Purchaser
<p>Dentons Canada LLP</p>	Counsel for Conuma Coal Resources

<p>15th Floor, Bankers Court 850 – 2nd Street SW Calgary, Alberta T2P 0R8</p> <p>David Mann Email: david.mann@dentons.com</p>	<p>Limited (Purchaser) and Guarantors</p>
<p>ERP Compliant Fuels, LLC ERP Compliant Coke, LLC Seneca Coal Resources, LLC Seminole Coal Resources, LLC</p> <p>Tom Clarke Email: tom.clarke@kissito.org</p>	<p>Guarantors</p>
<p>Lamarche & Lang 505 Lambert Street Whitehorse, Yukon Y1A 1Z8</p> <p>Murray J. Leitch Email: mleitch@lamarchelang.com</p>	<p>Counsel for Pelly</p>

<p>Parkland Fuel Corporation #5101, 333 – 96th Avenue NE Calgary, Alberta T3K 0S3</p> <p>Christy Elliott Email: Christy.elliott@parkland.ca</p>	Legal Counsel for Parkland
<p>Canada Anglo American</p> <p>Federico G. Velásquez Email: Federico.velasquez@angloamerican.com</p>	
<p>Malaspina Consultants</p> <p>Marianna Pinter Email: Marianna@malaspinaconsultants.com</p>	
<p>Boale Wood</p> <p>John McEown Email: jmceown@boalewood.ca</p>	
<p>Fasken Martineau 550 Burrard Street, Suite 2900 Vancouver, BC V6C 0A3</p> <p>John Grieve Email: jgrieve@fasken.com</p>	Legal Counsel for Boale Wood
<p>Cavalon Capital Corp. 436 Lands End Rd. North Saanich, BC V8L 5L9 Tel: 778-426-3329 Fax: 778-426-0544</p> <p><u>Managing Directors</u></p> <p>David Tonken Email: tonken@icrossroads.com</p> <p>Greg Matthews Email: gregmatthews@shaw.ca</p>	Counsel to Speciality Carbons Limited

TAB B

SCHEDULE "B"

(see attached)

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 THE PLAN OF COMPROMISE AND ARRANGEMENT OF NEW WALTER
ENERGY CANADA HOLDINGS, INC., NEW WALTER CANADIAN COAL CORP., NEW BRULE COAL
CORP., NEW WILLOW CREEK COAL CORP., NEW WOLVERINE COAL CORP. AND CAMBRIAN
ENERGYBUILD HOLDINGS ULC

PETITIONERS

**ORDER MADE AFTER APPLICATION
(Stay Extension and James Claim Schedule)**

BEFORE THE HONOURABLE
MADAM JUSTICE FITZPATRICK

)
)
)

WEDNESDAY, THE TWENTY-FIFTH DAY OF
FEBRUARY, 2019

ON THE APPLICATION of the Petitioners coming on for hearing at Vancouver, British Columbia, on the 25th day of February, 2019; AND ON HEARING Marc Wasserman, counsel for the Petitioners, Peter Reardon, counsel for KPMG Inc. and those other counsel listed on **Schedule "A"** hereto; AND UPON READING the material filed, including the 25th Affidavit of William E. Aziz sworn February ●, 2019 (the "**Twenty-fifth Aziz Affidavit**"), and the 21st Report of KPMG Inc. in its capacity as Monitor dated February ●, 2019;

THIS COURT ORDERS AND DECLARES THAT:

SERVICE AND DEFINITIONS

1. The time for service of the notice of application for this order is hereby abridged and deemed good and sufficient and this application is properly returnable today.
2. All capitalized terms not otherwise defined in this Order shall have the meanings ascribed to them in the Initial Order in these proceedings dated December 7, 2015 (the "**Initial Order**").

STAY EXTENSION

3. The Stay Period, as defined in paragraph 18 of the Initial Order, is hereby further extended up to and including May 6, 2019.

JAMES CLAIM SCHEDULE

5. The Petitioners and Kevin James will follow the schedule outlined in paragraph ____ of the Twenty-fifth Aziz Affidavit for resolving the dispute relating to the claim asserted by Mr. James in these proceedings.

GENERAL

5. Endorsement of this Order by counsel appearing, other than counsel for the Petitioners, is hereby dispensed with.

THIS COURT REQUESTS the aid and recognition of other Canadian and foreign Courts, tribunals, regulatory or administrative bodies, including any Court or administrative tribunal of any Federal or State Court or administrative body in the United States of America, to act in aid of and to be complementary to this Court in carrying out the terms of this Order where required. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Petitioners and to the Monitor, as an officer of this Court, as may be necessary or desirable to give effect to this Order, to grant representative status to the Monitor in any foreign proceeding, or to assist the Petitioners and the Monitor and their respective agents in carrying out the terms of this Order.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:

Marc Wasserman
Counsel for the Petitioners

BY THE COURT

REGISTRAR

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 THE PLAN OF COMPROMISE AND
ARRANGEMENT OF NEW WALTER ENERGY CANADA
HOLDINGS, INC., NEW WALTER CANADIAN COAL CORP.,
NEW BRULE COAL CORP., NEW WILLOW CREEK COAL
CORP., NEW WOLVERINE COAL CORP. AND CAMBRIAN
ENERGYBUILD HOLDINGS ULC

PETITIONERS

ORDER MADE AFTER APPLICATION
(Stay Extension and James Claim Schedule)

OSLER HOSKIN & HARCOURT LLP
Barristers & Solicitors
1055 West Hastings Street
Suite 1700, The Guinness Tower
Vancouver, BC V6E 2E9

Tel. No. 416.862.4924
Fax No. 416.862.6666

Client Matter No. 1164807

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 THE PLAN OF COMPROMISE AND
ARRANGEMENT OF NEW WALTER ENERGY CANADA
HOLDINGS, INC., NEW WALTER CANADIAN COAL CORP.,
NEW BRULE COAL CORP., NEW WILLOW CREEK COAL
CORP., NEW WOLVERINE COAL CORP. AND CAMBRIAN
ENERGYBUILD HOLDINGS ULC

PETITIONERS

NOTICE OF APPLICATION
(Stay Extension and James Claim Schedule)

OSLER HOSKIN & HARCOURT LLP
Barristers & Solicitors
1055 West Hastings Street
Suite 1700, The Guinness Tower
Vancouver, BC V6E 2E9

Tel. No. 416.862.4924
Fax No. 416.862.6666

Client Matter No. 1164807