

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. c. 2002, c. 57, AS AMENDED

AND

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

PETITIONERS

NOTICE TO ADMIT

TO: The United Mine Workers of America 1974 Pension Plan and Trust
(the "**1974 Plan**")

TAKE NOTICE that Walter Energy Canada Holdings, Inc. and the other Petitioners listed on Schedule "A" (collectively with the partnerships listed on Schedule "A" hereto, the "**Walter Canada Group**") requests the 1974 Plan to admit, for the purpose of this proceeding only, the facts set out below and the authenticity of the documents referred to below, copies of which are attached.

AND TAKE NOTICE that, unless the court otherwise orders, if the party to whom this notice is directed does not serve a written statement, as provided in Rule 7-7 (2) of the Supreme Court Civil Rules, within 14 days after service of a copy of this notice on him or her, then the truth of the facts and the authenticity of the documents will be deemed to be admitted.

November 14, 2016

Dated



Signature of lawyer for parties serving notice to admit

Walter Energy Canada Holdings, Inc. and the other Petitioners listed on Schedule "A" (collectively with the partnerships listed on Schedule "A" hereto, the "Walter Canada Group")

DLA Piper (Canada) LLP
(Mary I.A. Buttery/H. Lance Williams)

and

Osler, Hoskin & Harcourt LLP
(Mary Paterson/Marc Wasserman/Patrick Riesterer)

The facts, the admission of which is requested, are:

1. All facts set out in the Walter Canada Group's Statement of Uncontested Facts (contained in the Walter Canada Group's Book of Evidence) not previously admitted by the 1974 Plan.
2. The Walter Canada Group's mines and other assets were governed by the environmental laws in force in British Columbia and the federal laws of Canada applicable therein.
3. The Walter Canada Group's mines and other assets were not governed by state or federal environmental legislation in force in the United States of America.
4. The Walter Canada Group's mines and other assets were governed by the mining laws in force in British Columbia and the federal laws of Canada applicable therein.
5. The Walter Canada Group's mines and other assets were not governed by state or federal mining legislation in force in the United States of America.
6. The corporations and partnerships comprising the Walter Canada Group paid income taxes pursuant to the Canadian *Income Tax Act* and certain provincial income tax statutes.
7. The corporations and partnerships comprising the Walter Canada Group did not pay income taxes pursuant to any income tax legislation in force in the United States of America.
8. The Walter Canada Group's relationships with its unionized employees were governed by the labour laws in British Columbia and the federal laws of Canada applicable therein.
9. The Walter Canada Group's relationships with its unionized employees were not governed by state or federal mining legislation in force in the United States of America.
10. The Walter Canada Group's relationships with its non-unionized employees were governed by the employment laws in British Columbia and the federal laws of Canada applicable therein.
11. The Walter Canada Group's relationships with its non-unionized employees were not governed by state or federal mining legislation in force in the United States of America.
12. The exposure of directors and officers of the Walter Canada Group entities to obligations in respect of Walter Canada Group unpaid wages, unremitted source deductions, unpaid accrued vacation pay and certain taxes arose pursuant to laws in force in British Columbia and the federal laws of Canada applicable therein.

The documents, the authenticity of which admission is requested, are:

1. All documents included in the Walter Canada Group's Book of Evidence, other than the Walter Canada Group's Statement of Uncontested Facts.

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

NO. S1510120
VANCOUVER REGISTRY

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LISTED IN SCHEDULE "A" TO THE INITIAL ORDER

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NOTICE TO ADMIT

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Client Matter No. 15375-00001

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