

Form 25 (Rule 47 (3) (c))

Court of Appeal File No. CA44448

COURT OF APPEAL

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 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
(RESPONDENTS)

AND:

UNITED MINE WORKERS OF AMERICA 1974 PENSION PLAN AND TRUST
(APPELLANT)

ORDER OF A JUSTICE

BEFORE THE HONOURABLE MADAM JUSTICE KIRKPATRICK IN CHAMBERS

Vancouver, British Columbia, June 9, 2017.


THE APPLICATION OF the United Mine Workers of America 1974 Pension Plan and Trust (the "**Appellant**") for leave to appeal coming on for hearing June 9, 2017, at 9:30 a.m., Vancouver, British Columbia; AND ON HEARING Craig P. Dennis, Q.C. and John Sandrelli, counsel for the Appellant; Mary Paterson and Patrick Riesterer, counsel for the Respondents 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 (collectively, the "**Walter Canada Group**"); Craig D. Bavis and Jeff Sanders for the Respondent United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, Local 1-424 (the "**Steelworkers**"); and Peter J. Reardon for KMPG Inc., in its capacity as court appointed Monitor of the Walter Canada Group; AND ON READING the materials filed herein; AND ON JUDGMENT BEING PRONOUNCED ON THIS DATE;

IT IS ORDERED that leave to appeal the order of Madam Justice Fitzpatrick pronounced May 1, 2017 (the "**Order**"), is granted on the question of whether, under Canadian conflict of laws rules, the Appellant's claim as against the Walter Canada Group is governed by Canadian or U.S. substantive law (including the *Employee Retirement Income Security Act of 1974*, as amended, 29 U.S.C. §§ 1001 et seq.).

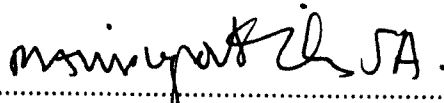
IT IS FURTHER ORDERED that the hearing of the appeal be expedited, with the appeal to be heard on August 16, 2017, and materials to be exchanged on the dates to be agreed to by counsel.

IT IS FURTHER ORDERED that the Order is stayed until the determination of the appeal.

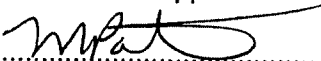
APPROVED AS TO FORM:



Craig F. Dennis, Q.C.
Counsel for the Appellant



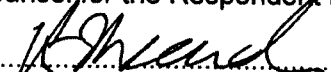
A Justice of the Court of Appeal



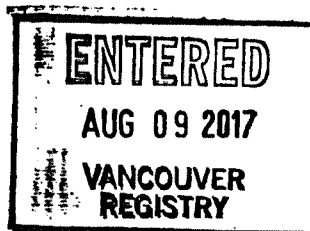
Mary Paterson
Counsel for the Respondents the Walter
Canada Group



Craig D. Bavis
Counsel for the Respondent the Steelworkers



Peter J. Reardon
Counsel for KMPG Inc., in its capacity as court
appointed Monitor of the Walter Canada Group



July 27, 2017

File No.: 564818-1

DELIVERED VIA WEST COAST TITLE SEARCH AGENT

Vancouver British Columbia Court of Appeal
The Law Courts
400-800 Hornby Street
Vancouver, BC V6Z 2C5

Attention: Civil Registry

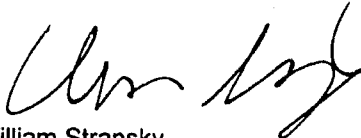
Dear Sirs/Mesdames:

**RE: In the Matter of the New Walter Energy Canada Holdings, Inc.
Court of Appeal File No. CA44448**

We refer to the above noted action and advise that we act as counsel to the United Mine Workers of America 1974 Pension Plan and Trust. We are writing with respect to the hearing held on June 9, 2017 before the Honourable Madam Justice Kirkpatrick wherein her Ladyship granted our leave to appeal and that the hearing of the appeal be expedited. Accordingly, we enclose our signed Order which we respectfully request to be entered on a rush basis given that the appeal will be heard on August 16, 2017.

We thank you for your assistance in this matter and if you should have any questions, please do not hesitate to contact the writer.

Yours truly,
Dentons Canada LLP


William Stransky

WS/md