



NO. S1510120  
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. 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

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**Application Response of the Respondent United Steelworkers, Local 1-424**

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Application Response of: United Steelworkers, Local 1-424 (the "Respondent Steelworkers").

This is a Response to the Notice of Application of the United Mine Workers of America 1974 Pension Plan and Trust ("1974 Plan") dated November 23, 2016.

**Part 1 - ORDERS CONSENTED TO**

1. The Respondent Steelworkers consent to the granting of none of the orders sought in Part 1 of the notice of application.

**Part 2 - ORDERS OPPOSED**

2. The Respondent Steelworkers oppose the granting of paragraphs 1 - 4 of the orders sought in Part 1 of the notice of application.

3. In the event that paragraph 2 of the orders sought under Part 1 is granted, then the Respondent Steelworkers must be provided the same disclosure as the 1974 Plan.

**Part 3 - ORDERS ON WHICH NO POSITION IS TAKEN**

4. None.

**Part 4 - FACTUAL BASIS**

5. The parties agreed to Case Plan Order entered November 14, 2016 to deal with the Petitioners' Notice of Application dated November 16, 2016 to have threshold legal issues determined relating to the 1974 Plan's Claim.

6. The Respondent Steelworkers support the Petitioners' November 16, 2016 notice of application. As set out in the Respondent Steelworker's response to that notice of application, the Respondent Steelworkers do not presently intend to call evidence in respect of that Application based on the understanding that if there is a hearing on the full issues set out by the 1974 Plan, the Respondent Steelworkers will have the opportunity to call evidence on the operations of Wolverine Mine.

7. The Petitioner and 1974 Plan have both filed expert reports without the 1974 Plan's requested disclosure, which provides a sufficient factual basis to argue the Petitioners' notice of application.

**Part 5 - LEGAL BASIS**

8. The issues as set out in the Petitioners' notice of application can be addressed without additional discovery.

9. In the alternative, as a matter of fairness, if the 1974 Plan is entitled to additional discovery, that must be made equally available to all participants, including the Respondent Steelworkers.

**Part 6 - MATERIAL TO BE RELIED UPON**

10. The pleadings filed to date.

The Respondent Steelworkers estimate that the application will take: 2 hours.

The Steelworkers have filed in this proceeding a document that contains its address for service.

Date: November 30, 2016

A handwritten signature in black ink, appearing to read "Craig D. Bavis".

Craig D. Bavis  
Counsel for the Respondent Steelworkers