

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

**INDEX OF MATERIAL TO BE RELIED UPON
AT SUMMARY TRIAL HEARING**

(January 9 – 13, 2017)

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MATERIAL FILED/SUBMITTED BY WALTER CANADA GROUP
Walter Canada Group's Books of Evidence
Revised Volume I (Pleadings) <ul style="list-style-type: none">- Walter Canada Group's Statement of Uncontested Facts- Amended Notice of Civil Claim (1974 Plan)- Amended Response to Civil Claim (Walter Canada Group)- Amended Response to Civil Claim (United Steelworkers)- Response to Civil Claim (the Monitor)- Reply to United Steelworkers (1974 Plan)- Second Amended Response to Civil Claim of USW, Local 1-424- Notice of Application of the 1974 Plan for order dismissing Petitioner's summary trial application- Response of USW to UMWA – 1974 Plan's Notice of Application- Application Response of Walter Canada Group re 1974 Plan's Notice of Application- Affidavit #2 of Susan Danielisz sworn December 8, 2016- Walter Canada Group's Notice to Admit dated November 14, 2016 (without attachments)- 1974 Plan's Response to Notice to Admit dated November 27, 2016
Volume IA (Pleadings con't) <ul style="list-style-type: none">- Notice of Application of Walter Canada Group for summary trial- Application Response of United Steelworkers re Walter Canada Group's application for summary trial- Application Response of 1974 Plan re Walter Canada Group's application for summary trial
Volume II (Decisions and Walter Energy Documents filed in CCAA Proceeding) <ul style="list-style-type: none">- Reasons for Judgment of Madam Justice Fitzpatrick dated January 26, 2016- Reasons for Judgment of Madam Justice Fitzpatrick dated September 23, 2016- 1st Affidavit of William G. Harvey dated December 4, 2015 (with selected exhibits)- 1st Affidavit of William E. Aziz dated March 22, 2016 (with exhibit)

Volume III (1974 Plan Documents filed in CCAA Proceeding)
<ul style="list-style-type: none">- Application Response of the 1974 Plan filed January 4, 2016- 1st Affidavit of Miriam Dominguez dated January 4, 2016 (with exhibits)- Application Response of the 1974 Plan filed March 29, 2016- 2nd Affidavit of Miriam Dominguez dated March 29, 2016 (with selected exhibits)
Volume IV (Orders granted and documents filed in Court File No. S110653 (the Western Acquisition))
<ul style="list-style-type: none">- Order of Mr. Justice McEwan dated March 10, 2011 approving Western Acquisition Plan of Arrangement- 1st Affidavit of Keith Calder dated February 1, 2011 (without exhibits)- 2nd Affidavit of Keith Calder dated March 8, 2011 (without exhibits)
Volume V (New Evidence filed by Walter Canada Group in Adjudication of 1974 Plan Claim)
<ul style="list-style-type: none">- 1st Affidavit of Linda Sherwood dated November 14, 2016 (with corporation report exhibits)- 2nd Affidavit of Linda Sherwood dated November 14, 2016 (with Walter Energy filings with the United States Securities and Exchange Commission exhibits)
Volume VI (Expert Evidence to assist in adjudication of 1974 Plan Claim)
<ul style="list-style-type: none">- Expert Report of Marc Abrams
Books of Authorities re Expert Report of Marc Abrams (Volumes 1 and 2)
Expert Report of Allan L. Gropper
Book of Authorities re Expert Report of Allan L. Gropper
Walter Canada Group's Submissions
Books of Authorities re Submissions (Volumes 1 & 2)
Walter Canada Group's Reply Submissions
MATERIAL FILED/SUBMITTED BY UNITED STEELWORKERS
Respondent Steelworkers Submissions
Book of Authorities re Submissions
MATERIAL FILED/SUBMITTED BY UNITED MINE WORKERS OF AMERICA 1974 PENSION PLAN
The 1974 Plan's Books of Evidence
Volume I <ul style="list-style-type: none">- Affidavit #1 of Dale Stover, made November 29, 2016
Volume II <ul style="list-style-type: none">- Affidavit #1 of Judith Mazo attaching Expert Report, made December 12, 2016- Affidavit #6 of Miriam Dominguez, made December 2, 2016- Affidavit #7 of Miriam Dominguez, made December 20, 2016, attaching Joint Proposal of the Walter Energy Canada Group, filed December 19, 2016

Volume III <ul style="list-style-type: none">- Monitor's Fifth Report, dated October 20, 2016 (to be used for limited purposes)- Monitor's Seventh Report, dated December 11, 2016 (to be used for limited purposes)
Volume IV (Materials Omitted from Walter Canada Group Book of Evidence) <ul style="list-style-type: none">- Exhibit "B" to 1st Affidavit of William G. Harvey dated December 4, 2015
Submissions of the United Mine Workers of America 1974 Pension Plan and Trust
Books of Authorities re Submissions (Volumes I – III)
Affidavit #8 of Miriam Dominguez, sworn December 30, 2016