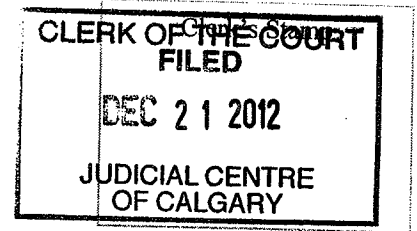


COURT FILE NUMBER 1201-15908  
COURT COURT OF QUEEN'S BENCH OF ALBERTA  
JUDICIAL CENTRE Calgary



APPLICANT **IN THE MATTER OF THE COMPANIES' CREDITORS ARRANGEMENT ACT, R.S.C. 1985, c. C-36, as amended**

**AND IN THE MATTER OF THE MCBURNEY CORPORATION**

DOCUMENT **INITIAL RECOGNITION ORDER**  
**(Foreign Main Proceeding)**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT  
Robyn Gurofsky  
Borden Ladner Gervais LLP  
1900, 520 3<sup>rd</sup> Ave. S.W.  
Calgary, AB T2P 0R3  
Telephone: (403) 232-9774  
Facsimile: (403) 266-1395  
Email: [RGurofsky@blg.com](mailto:RGurofsky@blg.com)  
File No. 505554-000000

I hereby certify this to be a true copy of the original Order

Dated this 21 day of December 2012

for Clerk of the Court

**DATE ON WHICH ORDER WAS PRONOUNCED: December 20, 2012**

**LOCATION WHERE ORDER WAS PRONOUNCED: Calgary, Alberta**

**NAME OF JUSTICE WHO MADE THIS ORDER: Madam Justice B.E.C. Romaine**

**UPON THE APPLICATION** of McBurney Power Limited (the "Applicant"), a wholly owned subsidiary of The McBurney Corporation ("McBurney"); **AND UPON** reading the Affidavit of John Curtis McBurney, sworn December 17, 2012, filed; **AND UPON** hearing the submissions of Counsel for the Applicant and any other counsel in attendance at the application; **AND UPON** it appearing appropriate in the circumstances to grant this recognition order;

**IT IS HEREBY ORDERED THAT:**

**SERVICE**

1. The time for service of notice of this Application and supporting materials is hereby abridged and validated and further service of the Application and supporting materials is hereby dispensed with.

**FOREIGN REPRESENTATIVE**

2. The Foreign Representative is the “foreign representative” as defined in section 45 of the CCAA of McBurney in respect of the Chapter 11 proceedings commenced pursuant to the *United States Code* (the “Foreign Proceeding”).

**CENTRE OF MAIN INTEREST AND RECOGNITION OF FOREIGN PROCEEDING**

3. The centre of main interests for McBurney is recognized as the Northern District of Georgia, in the United States of America in which the Foreign Proceeding was filed and the Foreign Proceeding is hereby recognized as a “foreign main proceeding”, as defined in section 45 of the CCAA.

**STAY OF PROCEEDINGS**


4. Until otherwise ordered by this Court:
  - (a) Further proceedings in any action, suit or proceedings against McBurney are restrained; and
  - (b) The commencement of any action, suit or proceeding against McBurney is prohibited.

**NO SALE OF PROPERTY**

5. Except with leave of this Court, McBurney is prohibited from selling or otherwise disposing of:
  - (a) Outside the ordinary course of its business, any of its property in Canada that relates to the business; and
  - (b) Any of its other property in Canada.

**GENERAL**

6. Within 7 days from the date of this Order, or as soon as practicable thereafter, the Foreign Representative shall cause to be published a notice substantially in the form attached to this Order as Schedule "A" once a week for two consecutive weeks, in the Globe and Mail (National Edition).
7. This Court hereby requests the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada, the United States or elsewhere, to give effect to this Order and to assist McBurney and the Foreign Representative and their respective counsel and agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to McBurney and the Foreign Representative as may be necessary or desirable to give effect to this Order or to assist McBurney and the Foreign Representative and their respective agents in carrying out the terms of this Order.
8. Any interest party may apply to this Court to vary or amend this Order or to seek other relief on not less than seven (7) days' notice to McBurney and the Foreign Representative and their respective counsel, and to any other party or parties likely to be affected by the order sought, or upon such other notice, if any, as this Court may order.
9. This Order shall be served on all affected parties, including all Persons in Canada listed in the Voluntary Petition found at Exhibit "A" to the Affidavit of John Curtis McBurney, sworn December 17, 2012.



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Justice of the Court of Queen's Bench of Alberta

**SCHEDULE "A" – NEWSPAPER NOTICE****THE MCBURNEY CORPORATION ("McBurney")**

TAKE NOTICE that on December 20, 2012, the Alberta Court of Queen's Bench of Alberta ordered, pursuant to sections 46, 47, 48 and 49 of the *COmpanies' Creditors Arrangement Act*, that the insolvency proceedings of McBurney in the United States under chapter 11 of title 11 of the *United States Code* [Case No. 11-70684-jrs] be recognized as a foreign main proceeding; that McBurney Power Limited be recognized as the foreign representative of those proceedings; and that FTI Consulting Canada Inc. be appointed as the Information Officer in respect of the ancillary insolvency proceedings of McBurney in Canada.

The contact details for McBurney Power Limited are as follows:

McBurney Power Limited  
c/o Borden Ladner Gervais LLP  
1900, 520 – 3<sup>rd</sup> Avenue S.W.  
Calgary, AB T2P 0R3

Tel: (403) 232-9774  
Fax: (403) 266-1395  
Email: [Rgurofsky@blg.com](mailto:Rgurofsky@blg.com)  
Attn: Robyn Gurofsky

The contact details for the Information Officer are as follows:

FTI Consulting Canada Inc.  
1000, 888 – 3<sup>rd</sup> Street SW  
Calgary, AB T2P 5C5

Tel: (403) 444-5372  
Fax: (403) 444-6758  
Email: [deryck.helkaa@fticonsulting.com](mailto:deryck.helkaa@fticonsulting.com)  
Attn: Deryck Helkaa

Yours truly,

**MCBURNEY POWER LIMITED**

Per: \_\_\_\_\_  
Robyn Gurofsky, counsel for  
McBurney Power Limited