

COURT FILE NUMBER 2101-05019

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

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

AND IN THE MATTER OF THE COMPROMISE OR
ARRANGEMENT OF COALSPUR MINES (OPERATIONS) LTD.

DOCUMENT **ORDER**
**(Authority to Admit Late Filed Proofs of Claim, Authority to
Grant Additional Security, and Stay Extension)**

ADDRESS FOR
SERVICE AND
CONTACT
INFORMATION OF
PARTY FILING THIS
DOCUMENT

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File Number: 1217428

DATE ON WHICH ORDER WAS PRONOUNCED: December 7, 2021

NAME OF JUDGE WHO MADE THIS ORDER: The Honourable Mr. Justice K. Feth

LOCATION OF HEARING: Edmonton, Alberta (BY WEBEX)

UPON the application of **COALSPUR MINES (OPERATIONS) LTD.** (the "Applicant"), filed November 29, 2021; AND UPON reviewing the Seventh Affidavit of Michael Beyer, sworn November 29, 2021 (the "Seventh Beyer Affidavit"); AND UPON reading the Seventh Report of FTI Consulting Canada Inc. in its capacity as Monitor of the Applicant (the "Monitor"); AND UPON hearing from counsel for the Applicant, the Monitor, and such other

parties present; **AND UPON** reviewing the Claims Process Order of the Honourable Mr. Justice K.D. Yamauchi, granted August 9, 2021 (the “**Claims Process Order**”); **AND UPON** noting that capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Claims Process Order or the Master Parts, Components and Services Agreement (the “**MPCSA**”) between Finning (Canada), a Division of Finning International Inc. (“**Finning**”) and the Applicant, attached at Confidential Exhibit “B” to the Seventh Beyer Affidavit, as applicable; **IT IS HEREBY ORDERED AND DECLARED THAT:**

LATE SUBMITTED CLAIMS

1. The Applicant may accept for filing any additional proofs of claim which may be submitted after the Claims Bar Date by one or more creditors where the Applicant determines such acceptance to be appropriate and, where such proofs of claim are accepted in accordance with the Claims Process Order, may deem such claims to constitute Proven Claims for purposes of voting on, and distributions under, the Applicant’s Plan of Compromise and Arrangement, dated November 29, 2021 (the “**CCAA Plan**”), in each case with the consent of the Monitor.

2. Except as otherwise provided under paragraph 1 above, nothing in this Order extends or shall be interpreted as extending or amending the Claims Bar Date or gives or shall be interpreted as giving any rights to any Person in respect of Claims that have been barred or extinguished pursuant to the Claims Process Order.

ADDITIONAL SECURITY

3. The Applicant is authorized to grant Finning a security interest in accordance with the terms of the MPCSA in the following personal property:

- (a) all goods delivered by Finning to the Applicant at the Site, including without limitation all Inventory;
- (b) all Parts and Components contained in the Storage Facility or any one of them;
- (c) the Storage Facility; and
- (d) all proceeds of the collateral above, including any insurance proceeds and any other payment representing indemnity or compensation for loss or damage to such property;

to secure obligations which will be incurred by the Applicant under the MPCSA and in accordance with the terms of the MPCSA, notwithstanding the restrictions contained at paragraph 9(b) of the Amended and Restated Initial Order, granted by the Honourable Madam Justice Shelley on May 6, 2021 (the “ARIO”), however in no case shall such security interest secure any obligations owing by Coalspur to Finning for the period prior to April 27, 2021 or arising out of any other contract, agreement or arrangement between Coalspur and Finning other than the MPCSA.

STAY EXTENSION

4. The Stay Period (as that term is defined in the ARIO) shall be and is hereby extended up to and including January 31, 2022.


Justice of the Court of Queen's Bench of Alberta