

THE QUEEN'S BENCH
Winnipeg Centre

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

AND IN THE MATTER OF A PROPOSED PLAN OF COMPROMISE OR
ARRANGEMENT WITH RESPECT TO ARCTIC GLACIER INCOME FUND, ARCTIC
GLACIER INC., ARCTIC GLACIER INTERNATIONAL, INC. and the ADDITIONAL
APPLICANTS LISTED IN SCHEDULE "A" HERETO

(collectively, the "APPLICANTS")

APPLICATION UNDER THE *COMPANIES' CREDITORS' ARRANGEMENT ACT*,
R.S.C. 1985, c. C-36 AS AMENDED

NOTICE OF MOTION

**(Motion Requesting that the Court Strike the Appointment of Justice Ground as a
Claims Officer to Resolve Martin McNulty's Claims)**

DATE OF HEARING: TUESDAY, NOVEMBER 25, 2014 at 10:00 a.m.
BEFORE THE HONOURABLE MADAM JUSTICE SPIVAK

MONK GOODWIN LLP
Barristers and Solicitors
800 – 444 St. Mary Avenue
Winnipeg, Manitoba R3C 3T1

SANDRA A. ZINCHUK
Phone No. 204-956-1060
Fax No. 204-957-0423
Agent for Kotchen & Low LLP

KOTCHEN & LOW LLP
1745 Kalorama Road NW
Suite 101
Washington, D.C. 20009 USA

DANIEL LOW
Phone No. 1-202-841-7164
Fax No. 1-202-280-1128
Email: dlow@kotchen.com
Counsel for Martin McNulty

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QUEEN'S BENCH

SEP 12 2014

LAW COURTS
WINNIPEG

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IN THE MATTER OF THE *COMPANIES' CREDITORS'*
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**(Motion Requesting that the Court Strike the Appointment of a Justice Ground as
a Claims Officer to Resolve Martin McNulty's Claims)**

Creditor Martin McNulty ("Creditor McNulty") will make a motion before the Honourable Madam Justice Spivak on Tuesday, the 25th day of November, 2014 at 10:00 a.m. or as soon after that time as the motion can be heard, at the Law Courts Building, 408 York Avenue, Winnipeg, Manitoba.

THE MOTION IS FOR:

1. An Order striking the appointment of The Honourable John D. Ground as a Claims Officer of Creditor McNulty's claims;
2. pursuant to paragraph 45 of the Claims Procedure Order, requiring that the Monitor consult with Creditor McNulty and Arctic Glacier in determining an appropriate process for resolving McNulty's claim; and
3. such further and other relief as this Honourable Court may seem just.

THE GROUNDS FOR THE MOTION are:

1. The monitor failed to serve proper notice on Creditor McNulty of the Monitor's motion to appoint a Claims Officer to hear McNulty's claim.
2. Creditor McNulty lacked actual notice of the Monitor's motion to appoint a claims officer.
3. The Monitor failed to consult with Creditor McNulty about the appropriate process for resolving his claim, as required by Paragraph 45 of the September 5, 2012 Claims Procedure Order.
4. Arctic Glacier should be estopped from proceeding under Justice Ground in light of Creditor McNulty's detrimental reliance on assurances from counsel for Arctic Glacier that appointment of an American Claims Officer would be appropriate for Creditor McNulty's claims.
5. An appearance of bias warranting disqualification is created by the Monitor hand-picking the Honourable John D. Ground, Q.C. without proper notice to Creditor McNulty, especially in light of Justice Ground's prior affiliation with Osler, Hoskin & Harcourt LLP, the same law firm that represents the Monitor.
6. Such further and other grounds as counsel may advise and this Honourable Court may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of this motion:

1. The affidavit of Creditor McNulty, sworn September 12, 2014;

2. The affidavit of Daniel Kotchen, counsel for Creditor McNulty, sworn September 12, 2014; and
3. Such further and other documentary evidence as counsel may produce and this Honourable Court may permit.

September 12, 2014

Monk Goodwin LLP
Barristers and Solicitors
800-444 St. Mary Avenue
Winnipeg, Manitoba R3C 3T1
Sandra A. Zinchuk
Agent for Kotchen & Low LLP

Kotchen & Low LLP
1745 Kalorama Road NW, Suite 101
Washington, D.C. 20009 USA
Daniel Low
Counsel for Martin McNulty

TO: THE ATTACHED SERVICE LIST