

Clerk's Stamp



COURT FILE NUMBER 1803 - 09581  
COURT COURT OF QUEEN'S BENCH OF ALBERTA  
JUDICIAL CENTRE EDMONTON  
PLAINTIFF BANK OF MONTREAL  
DEFENDANT LADACOR AMS LTD., NOMADS PIPELINE CONSULTING LTD., 2367147 ONTARIO INC., and DONALD KLISOWSKY  
DOCUMENT AMENDED ORDER FOR APPROVAL OF RECEIVER'S FEES AND DISBURSEMENTS AND DIRECTING FURTHER COURT DATES

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

BLAKE, CASSELS & GRAYDON LLP  
3500, 855 - 2<sup>nd</sup> Street S.W.  
Calgary, AB T2P 4J8

Attn: Kelly Bourassa / James Reid  
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I hereby certify this to be a true copy of the original.

for Clerk of the Court

File Ref: 99766/12

DATE ON WHICH ORDER WAS PRONOUNCED: September 13, 2019  
LOCATION WHERE ORDER WAS PRONOUNCED: Edmonton Law Courts  
NAME OF JUSTICE WHO MADE THIS ORDER: The Honourable Justice J.E. Topolniski

UPON THE APPLICATION by Alvarez & Marsal Canada Inc. LIT ("A&M") in its capacity as Court-appointed receiver and manager (the "Receiver") of the undertaking, property and assets of Ladacor AMS Ltd., Nomads Pipeline Consulting Ltd. ("Nomads") and 2367147 Ontario Inc. (collectively, the "Debtors") for an order approving, among other things, the Receiver's and its counsel's fees and disbursements and the Receiver's discharge (the "Discharge Application");

AND UPON having read the Discharge Application, the Receiver's Fourth Report to the Court dated September 4, 2019 (the "Fourth Report"), filed, the Brief of Law of the Receiver dated September 5, 2019, filed, the Affidavit of Fees of the Receiver sworn September 5, 2019 (the "Affidavit of Fees"), filed, the Receiver's Supplement to the Fourth Report to the Court dated September 12, 2019 (the "Supplemental Report"), filed, the Supplemental Brief of Law of the Receiver dated September 12, 2019, filed, the Affidavit of Service of Lindsay Farr sworn September 11, 2019, filed, and the Affidavit of Service of Lindsay Farr sworn September 12, 2019, unfilled;

**AND UPON** having read the Application by Donald Klisowsky (the "**Klisowsky Application**"), unfiled, the Affidavit of Donald Klisowsky sworn September 7, 2019, unfiled, and the Supplemental Affidavit of Donald Klisowsky sworn September 11, 2019, unfiled,

**AND UPON** having read the Application by Hythe & District Pioneer Homes (Advisory Committee) (the "**Hythe Application**"), filed, and the Affidavit of Tracy Palidwor sworn September 12, 2019, filed;

**AND UPON** hearing the submissions of counsel for the Receiver, counsel for Hythe & District Pioneer Homes (Advisory Committee), counsel for Mr. Donald Klisowsky ("**Mr. Klisowsky**"), counsel for Liberty Mutual Insurance Company, counsel for 1459428 Ontario Inc. o/a Steenhof Building Services Group and J. Steenhof & Associates Ltd., and any other counsel in attendance at the Application;

**IT IS HEREBY ORDERED AND DECLARED THAT:**

**ACCOUNTS OF RECEIVER AND ITS COUNSEL**

1. The Receiver's accounts for its fees and disbursements, as set out in the Fourth Report and the Affidavit of Fees, are hereby approved without the necessity of a formal passing of its accounts.
2. The accounts of the Receiver's legal counsel, Blake, Cassels & Graydon LLP, for its fees and disbursements, as set out in the Fourth Report, are hereby approved without the necessity of a formal assessment of its accounts.

**THE KLISOWSKY APPLICATION**

3. On or before September 18, 2019, counsel to Mr. Klisowsky shall provide counsel to the Receiver with a list of specific issues or questions of Mr. Klisowsky pertaining to the Receiver's findings with respect to the claims against Nomads by Alberta Treasury Board and Finance, the Canada Revenue Agency and Employment and Social Development Canada (Wage Earner Protection Program) or other matters in respect of the Fourth Report or the Supplemental Report.

**COURT BOOKINGS**

4. The Hythe Application is adjourned to a half-day hearing before the Honourable Justice R.A. Graesser on the morning of October 10, 2019, on the Commercial List, beginning at 10.00 a.m., if required.

5. On or before September 26, 2019, the Receiver shall book the following time on the Commercial List
  - (a) a half-day hearing for the portion of the Klisowsky Application pertaining to any requirement or ability of the Receiver to limit Nomads' liability under the performance bond with Liberty Mutual Insurance Company,
  - (b) a full day hearing for any unresolved portion of the Klisowsky Application pertaining to the Receiver's findings in respect of the claims against Nomads by Employment and Social Development Canada (Wage Earner Protection Program), and
  - (c) a half-day hearing for the Discharge Application.


#### GENERAL

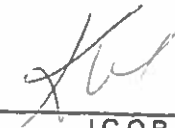
6. This Order must be served only upon those interested parties attending or represented at the Discharge Application and service may be effected by facsimile, electronic mail, personal delivery or courier. Service is deemed to be effected the next business day following the transmission or delivery of such documents.
7. Service of this Order on any party not attending the Discharge Application is hereby dispensed with.
8. This Order may be executed in counterpart, and returned in original, facsimile, or electronic form.

9. Rule 9.4(2)(d) is hereby invoked.

APPROVED AS TO ORDER GRANTED

**ANDERSON, JAMES MCCALL BARRISTERS**

Per:   
Title: Norman D. Anderson  
Counsel for Donald Klisowsky




J.C.Q.B.A. or Clerk of the Court

PLEASE ADD FOR FORWARDING

APPROVED AS TO ORDER GRANTED SEPTEMBER 27, 2015

**BLAKE CASSLES & GRAYDON LLP**

Per:   
Title: Kelly Bourassa / James Reid  
Counsel for Alvarez & Marsal Canada Inc. LIT

APPROVED AS TO ORDER GRANTED

**MILLER THOMSON LLP**

Per: \_\_\_\_\_  
Title: William J. Kenny, QC / Adrienne S. Funk  
Counsel for Hythe & District Pioneer Homes  
(Advisory Committee)


APPROVED AS TO ORDER GRANTED

**FIELD LAW**

Per: \_\_\_\_\_  
Title: Andrew Wilkinson  
Counsel for Liberty Mutual Insurance Company

APPROVED AS TO ORDER GRANTED

**MCCUAIG DESROCHERS LLP**

Per:   
Title: Shaun D. Wetmore  
Counsel for 1459428 Ontario Inc. o/a Steenhof  
Building Services Group and J. Steenhof &  
Associates Ltd.

9. Rule 9.4(2)(d) is hereby invoked.

  
\_\_\_\_\_  
J.C.Q.B.A. or Clerk of the Court

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**ANDERSON, JAMES MCCALL BARRISTERS**

Per: \_\_\_\_\_  
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Counsel for Donald Klisowsky


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Building Services Group

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Counsel for 1459428 Ontario Inc. / Steenhof  
Building Services Group