



No. S-236214  
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN

**1392752 B.C. LTD.**

PETITIONER

AND

**SKEENA SAWMILLS LTD.  
SKEENA BIOENERGY LTD. AND  
ROC HOLDINGS LTD.**

RESPONDENTS

**APPLICATION RESPONSE**

**Application response of:** Caterpillar Financial Services Ltd. (“**Caterpillar**” or the “**Application Respondent**”)

THIS IS A RESPONSE TO the notice of application of Alvarez & Marsal Canada Inc. filed February 29, 2024.

The Application Respondent estimates that the application will take 3 days.

**Part 1: ORDER CONSENTED TO**

The Application Respondent consents to the granting of the orders set out in paragraph 1 of Part 1 of the notice of application on the condition that it is paid out in full (as discussed below).

**Part 2: ORDERS OPPOSED**

The Application Respondent does not oppose the granting of the orders set out in Part 1 of the notice of application.

**Part 3: ORDERS ON WHICH NO POSITION IS TAKEN**

The Application Respondent takes no position on the granting of the orders set out in paragraph 2 of Part 1 of the notice of application.

#### Part 4: FACTUAL BASIS

1. Caterpillar leases four pieces of equipment (the “**Caterpillar Equipment**”) to Skeena Sawmills Ltd. and Skeena Bioenergy Ltd. It is owed approximately \$275,000 by these entities for the Caterpillar Equipment. Caterpillar holds a priority security interest over each of the Caterpillar Equipment.
2. As is set out in the Payment and Retention Agreement attached to the Fourth Report of the Receiver dated February 29, 2024 (including Schedule C) and the Second Supplement to the Fourth Report of the Receiver dated March 11, 2024, the proposed transaction contemplates payment to Caterpillar in full for the Caterpillar Equipment.
3. Caterpillar does not oppose any proposed transaction that will see it paid in full for all of the Caterpillar Equipment.

#### Part 5: LEGAL BASIS

4. Nil.

#### Part 6: MATERIAL TO BE RELIED ON

1. Fourth Report of the Receiver dated February 29, 2024; and
2. Second Supplement to the Fourth Report of the Receiver dated March 11, 2024.

The Application Respondent has not filed in this proceeding a document that contains an address for service. The Application Respondent's ADDRESS FOR SERVICE is:

Blake, Cassels & Graydon LLP  
Barristers and Solicitors  
1133 Melville Street  
Suite 3500, The Stack  
Vancouver, BC V6E 4E5  
Attention: Claire Hildebrand  
Email: [vancouver.service@blakes.com](mailto:vancouver.service@blakes.com) and [claire.hildebrand@blakes.com](mailto:claire.hildebrand@blakes.com)

Date: March 19, 2024

  
\_\_\_\_\_  
for Signature of lawyer for Caterpillar Financial  
Services Ltd.  
Claire Hildebrand

Blake, Cassels & Graydon LLP  
Barristers and Solicitors  
1133 Melville Street  
Suite 3500, The Stack  
Vancouver, BC V6E 4E5  
Email: [claire.hildebrand@blakes.com](mailto:claire.hildebrand@blakes.com)  
Telephone: 604.631.3331