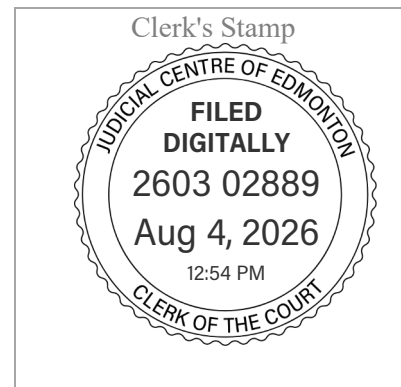


FORM 27
[RULES 6.3 AND 10.52(1)]

COURT FILE NO. 2603-02889

COURT COURT OF KING'S BENCH OF
ALBERTA

JUDICIAL CENTRE EDMONTON



PLAINTIFF ROYAL BANK OF CANADA, AS AGENT

DEFENDANTS ENERGERA INC. (FORMERLY KNOWN AS FRAC SHACK INC.),
ENERGERA INTERNATIONAL INC. (FORMERLY KNOWN AS
FRAC SHACK INTERNATIONAL INC.), ENERGERA AMERICA INC.
(FORMERLY KNOWN AS FRAC SHACK AMERICA INC.) AND
SANDTINEL LLC.

DOCUMENT **APPLICATION FOR LIMITED RELIEF FROM STAY OF
PROCEEDINGS**

NAME OF THE PARTY FILING THIS DOCUMENT NEXTIER OILFIELD SOLUTIONS, LLC AND NEXTIER
COMPLETION SOLUTIONS INC.

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT **BENNETT JONES LLP**
Barristers and Solicitors
4500, 855 2nd Street SW
Calgary, Alberta T2P 4K7

Attention: Michael W. Selnes / Ben Merrell (Student-at-Law) / Patrick
Murphy (Summer Law Student)
Telephone No.: (403) 298-3311
Fax No.: (403) 265-7219
Email: selnesm@bennettjones.com
Client File No.: 075008.17

NOTICE TO RESPONDENTS(S):

This application is made against you. You are the respondents.

You have the right to state your side of this matter before the Justice.

To do so, you must be in Court when the application is heard as shown below:

Date: August 12, 2026
Time: 10:00 a.m.
Where: Edmonton, Alberta
Before Whom: The Honourable Justice M.E. Burns via Webex
<https://albertacourts.webex.com/meet/virtual.courtroom86>

Go to the end of this document to see what else you can do and when you must do it.

Remedy claimed or sought:

1. NexTier Oilfield Solutions, LLC and NexTier Completion Solutions Inc. (collectively “**NexTier**”) seek an Order attached hereto as schedule "A", substantially in the form enclosed together with this Application:
 - (a) abridging the time for service of this Application and supporting materials, if necessary; validating service on the current service list; declaring the Application properly returnable on the scheduled date; and dispensing with further service;
 - (b) varying the stay of proceedings imposed by paragraph 9 of the Consent Receivership Order granted on March 17, 2026 (the “**Receivership Order**”) solely to permit Kenneth Epperson v Robert Lee South, et al., Suit No. 85,689, Division A, in the 42nd Judicial District Court for the Parish of DeSoto, Louisiana (the “**Louisiana Proceeding**”), including NexTier's petition of intervention, to continue against Energera America Inc. (formerly known as Frac Shack America Inc.) for the limited purposes of determining liability and damages and pursuing any rights or recovery under any insurance policy that may respond to a claim against Energera America Inc. in the Louisiana Proceeding;
 - (c) providing that any judgment, award, settlement, costs award or other recovery against Energera America Inc. in the Louisiana Proceeding may be enforced only against proceeds of insurance determined by agreement with the applicable insurer or by a court of competent jurisdiction to respond to a claim in the Louisiana Proceeding;

- (d) prohibiting any enforcement or recovery against the Receiver, the receivership estate, any member of the Energera Group, or any property subject to the Receivership Order, except for the insurance proceeds described above;
- (e) providing that, unless the Receiver consents in writing or this Court orders otherwise, neither the Receiver nor the receivership estate is required to participate in or fund the Louisiana Proceeding, or to pay or incur any deductible, self-insured retention, defence cost, indemnity obligation or other expense in connection with the Louisiana Proceeding;
- (f) confirming that the Order does not determine whether any insurance policy responds to a claim in the Louisiana Proceeding or prejudice any insurer's rights or defences;
- (g) providing that no step prohibited by the Order Granting Petition for Recognition of a Foreign Proceeding entered on May 4, 2026 in In re Energera, Inc. et al., Case No. 26-90433 (ARP), in the United States Bankruptcy Court for the Southern District of Texas, Houston Division, shall be taken in the Louisiana Proceeding unless and until corresponding relief is granted by that Court;
- (h) requesting the aid and recognition of courts and other bodies in Canada, the United States of America and any other jurisdiction to give effect to the Order; and
- (i) Such further and other relief as counsel may advise and this Honourable Court may consider just.

Grounds for making this Application:

2. On March 17, 2026, this Court appointed Alvarez & Marsal Canada Inc. as receiver and manager (the “**Receiver**”) of Energera Inc., Energera International Inc., Energera America Inc. and Sandtinel LLC (collectively, the “**Energera Group**”). Paragraph 9 of the Receivership Order stays proceedings against or in respect of the Energera Group or its property, but expressly permits a proceeding to be commenced or continued with the Receiver's written consent or leave of this Court.

3. On December 11, 2023, Kenneth Epperson, an employee of NexTier, was involved in a motor vehicle collision in DeSoto Parish, Louisiana. Mr. Epperson commenced the Louisiana Proceeding. Energera America Inc., formerly known as Frac Shack America Inc., is a defendant in the Louisiana Proceeding. NexTier filed a petition of intervention concerning workers' compensation benefits paid to or on behalf of Mr. Epperson arising from the collision.
4. On March 30, 2026, the Receiver commenced Chapter 15 proceedings in the United States Bankruptcy Court for the Southern District of Texas, Houston Division, Case No. 26-90433. On April 13, 2026, Energera America Inc. filed a Notice of Stay in the Louisiana Proceeding.
5. On May 4, 2026, the United States Bankruptcy Court for the Southern District of Texas recognized the Canadian receivership as a foreign main proceeding, gave the Canadian orders effect in the United States, applied the relevant United States stays, and retained exclusive jurisdiction over requests for relief from or modification of the recognition order.
6. NexTier seeks to lift the stay pursuant to paragraph 9 of the Receivership Order. If relief is granted, NexTier will seek corresponding relief from the United States Bankruptcy Court for the Southern District of Texas before taking any step prohibited by the Chapter 15 recognition order. Continuation of the stay materially prejudices NexTier because liability and damages must be determined before NexTier can pursue potentially available insurance proceeds. The proposed Order addresses that prejudice without asking this Court to decide whether any insurance policy responds.
7. The requested relief is structured to protect the Receiver, the receivership estate, the Energera Group's other property and its creditors by restricting enforcement to insurance proceeds determined to be applicable and protecting the Receiver and the estate from participation, funding and expense unless the Receiver consents in writing or this Court orders otherwise.
8. The requested relief does not seek a distribution from the receivership estate, alter priorities among creditors or determine insurance coverage.

9. NexTier confirms that the Receiver has consented to this Application.
10. NexTier confirms that Mr. Epperson, through his litigation counsel, does not oppose this Application.
11. The terms of the proposed Order are just and equitable and fall within this Court's jurisdiction to supervise the receivership, vary its own Order, and control its own process.
12. Such further and other grounds as counsel may advise and this Honourable Court may permit.

Material or evidence to be relied on:

13. The Affidavit of Austin Berliner, sworn August 4, 2026.
14. The Receivership Order granted by this Court on March 17, 2026.
15. The pleadings, proceedings, orders, affidavits, reports and other materials filed in this Action.
16. Such further and other material and evidence as counsel may advise and this Honourable Court may permit.

Applicable Rules:

17. Rules 1.2, 1.3, 6.3(1), 6.9(1)(a), 6.47(e) and (f), and 11.27 of the Alberta Rules of Court, Alta Reg 124/2010.
18. Such further and other Rules as counsel may advise and this Honourable Court may permit.

Applicable Acts and Regulations:

19. The *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, including sections 69.4 and 243; the *Judicature Act*, RSA 2000, c J-2, including section 13(2); and such further and other Acts and Regulations as counsel may advise and this Honourable Court may permit.

Any irregularity complained of or objection relied on:

20. None.

How this Application is proposed to be heard or considered:

21. Oral submissions by counsel in Commercial List Chambers by Webex videoconference on Wednesday, August 12, 2026 at 10:00 a.m. before the Honourable Justice M.E. Burns.

WARNING

If you do not come to Court either in person or by your lawyer, the Court may give the applicant what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the applicant a reasonable time before the application is to be heard or considered.

SCHEDULE "A"

CLERK'S STAMP

COURT FILE NO. 2603-02889

COURT COURT OF KING'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

PLAINTIFF ROYAL BANK OF CANADA, AS AGENT

DEFENDANTS ENERGERA INC. (FORMERLY KNOWN AS FRAC SHACK INC.), ENERGERA INTERNATIONAL INC. (FORMERLY KNOWN AS FRAC SHACK INTERNATIONAL INC.), ENERGERA AMERICA INC. (FORMERLY KNOWN AS FRAC SHACK AMERICA INC.) AND SANDTINEL LLC

NAME OF THE PARTY FILING THIS DOCUMENT **NEXTIER OILFIELD SOLUTIONS, LLC AND NEXTIER COMPLETION SOLUTIONS INC.**

DOCUMENT **ORDER**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF THE PARTY FILING THIS DOCUMENT

BENNETT JONES LLP
Barristers and Solicitors
4500 Bankers Hall East, 855-2nd Street SW
Calgary, Alberta T2P 4K7

Attention: Michael W. Selnes / Ben Merrell (Student-at-Law)
/ Patrick Murphy (Summer Law Student)
Telephone No.: (403) 298-3311
Fax No.: (403) 265-7219
Email: selnesm@bennettjones.com
Client File No.: 075008.17

DATE ON WHICH ORDER WAS PRONOUNCED: August 12, 2026

LOCATION OF HEARING: **EDMONTON**

NAME OF JUSTICE WHO MADE THIS ORDER: The Honourable Justice M.E. Burns

UPON THE APPLICATION of NEXTIER OILFIELD SOLUTIONS, LLC AND NEXTIER COMPLETION SOLUTIONS INC. (collectively “**NexTier**”); **AND UPON** having read the Consent Receivership Order granted by this Court on March 17, 2026 (the “**Receivership Order**”); **AND UPON** having read the Application of NexTier, the Affidavit of Austin Berliner, sworn August 4, 2026 and the Bench Brief of NexTier; **AND UPON** it appearing that all interested and affected parties have been served with notice of this Application; **AND UPON** being advised that the Receiver does not oppose the Application; **AND UPON** hearing counsel for NexTier, counsel for the Receiver, and other interested parties present;

IT IS HEREBY ORDERED AND DECLARED THAT:

1. The time for service of this Application and supporting materials is abridged to the time given. Service is deemed good and sufficient, this Application is properly returnable today, and further service is dispensed with.
2. Capitalized terms used but not defined in this Order have the meanings given to them in the Receivership Order. In this Order, “**Louisiana Proceeding**” means *Kenneth Epperson v Robert Lee South, et al.*, Suit No. 85,689, Division A, in the 42nd Judicial District Court for the Parish of DeSoto, Louisiana.
3. The stay of proceedings imposed by paragraph 9 of the Receivership Order is varied for the sole purpose of permitting the Louisiana Proceeding, including NexTier's involvement confirmed through its granted petition of intervention by court order on August 13, 2025, to continue as against Energera America Inc. The Louisiana Proceeding may continue for the limited purposes of:
 - (a) determining or resolving liability and damages in the Louisiana Proceeding, including by settlement; and
 - (b) pursuing any rights or recovery under an applicable insurance policy that may respond to the claims against Energera America Inc. in the Louisiana Proceeding, including obtaining a determination of coverage and determining any amounts owing to NexTier through its intervening claim.
4. For the purposes of this Order, “**Applicable Insurance**” means any insurance policy determined by binding agreement with the applicable insurer or by final order of a court of

competent jurisdiction to provide coverage in respect of a claim against Energera America Inc. in the Louisiana Proceeding. Any judgment, award, settlement, costs award or other recovery against Energera America Inc. in the Louisiana Proceeding may be enforced only against proceeds of Applicable Insurance.

5. To provide further clarity, except for proceeds from Applicable Insurance, no judgment, award, settlement, costs award or other amount arising from the Louisiana Proceeding may be enforced, executed, levied, registered, set off or otherwise recovered against:
 - (a) the Receiver;
 - (b) the receivership estate;
 - (c) any member of the Energera Group; or
 - (d) any property subject to the Receivership Order.
6. Unless the Receiver consents in writing or this Court orders otherwise, neither the Receiver nor the receivership estate is required to participate in or fund the Louisiana Proceeding, or to pay or incur any deductible, self-insured retention, defence cost, indemnity obligation or other expense in connection with the Louisiana Proceeding.
7. Nothing in this Order determines whether any insurance policy responds to a claim in the Louisiana Proceeding or prejudices any right, defence, exclusion, limit or position of any insurer or other person.
8. Nothing in this Order determines or limits the amounts that may be owing to NexTier by Mr. Epperson as a result of its intervening claim.
9. Except as expressly varied by this Order, the Receivership Order remains in full force and effect.
10. This Order does not vary or modify the Order Granting Petition for Recognition of a Foreign Proceeding entered on May 4, 2026, in *In re Energera, Inc. et al.*, Case No. 26-90433 (ARP), in the United States Bankruptcy Court for the Southern District of Texas, Houston Division (the “**Texas Recognition Order**”). No step that is prohibited by the Texas Recognition Order

shall be taken in the Louisiana Proceeding unless and until corresponding relief is granted by the United States Bankruptcy Court for the Southern District of Texas.

11. This Court requests the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada, the United States of America or any other jurisdiction to give effect to this Order. All such courts, tribunals, regulatory and administrative bodies are respectfully requested to make such orders and provide such assistance as may be necessary or desirable to give effect to this Order.
12. The Applicants are at liberty and are hereby authorized and empowered to apply to any court, tribunal, regulatory or administrative body, wherever located, for the recognition of this Order and for assistance in carrying out the terms of this Order.
13. NexTier and the Receiver are at liberty to apply to this Court for further advice, assistance or directions concerning this Order.
14. Service of this Order is deemed good and sufficient by serving it on the persons on the current service list in these proceedings and service on any other person is dispensed with.
15. Service of this Order may be affected by electronic mail, facsimile, personal delivery or courier. Service is deemed effective on the next business day following transmission or delivery.

J.C.K.B.A.