

COURT FILE NUMBER

25-2979721 / B201-979721

25-2979725 / B201-979725

25-2979732 / B201-979732

25-2979735 / B201-979735

25-2979736 / B201-979736

25-2979737 / B201-979737

25-2979738 / B201-979738

25-2979739 / B201-979739



COURT

COURT OF KING'S BENCH OF ALBERTA

C91706

JUDICIAL CENTRE

CALGARY

IN THE MATTER OF THE *BANKRUPTCY AND INSOLVENCY*
ACT, RSC 1985, c B-3, AS AMENDED

AND IN THE MATTER OF THE NOTICE OF INTENTION TO
MAKE A PROPOSAL OF GRIFFON PARTNERS OPERATION
CORPORATION, GRIFFON PARTNERS HOLDING
CORPORATION, GRIFFON PARTNERS CAPITAL
MANAGEMENT LTD., STELLION LIMITED, 2437801 ALBERTA
LTD., 2437799 ALBERTA LTD., 2437815 ALBERTA LTD., and
SPICELO LIMITED

APPLICANT

ALVAREZ & MARSAL CANADA INC., IN ITS CAPACITY AS THE
PROPOSAL TRUSTEE UNDER THE NOTICE OF INTENTION
TO MAKE A PROPOSAL

DOCUMENT

AFFIDAVIT

ADDRESS FOR SERVICE
AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT

TORYS LLP
4600 Eighth Avenue Place East
525 - Eighth Ave SW
Calgary, AB T2P 1G1
Attention: Kyle Kashuba
Telephone: +1 403.776.3744
Fax: +1 403.776.3800
Email: kkashuba@torys.com
File Number: 39108-2011

AFFIDAVIT OF SERVICE OF JAMIE WELSH

Sworn on September 21st, 2023

I, Jamie Welsh, of the City of Calgary, in the Province of Alberta, Canada, MAKE OATH AND SAY THAT:

COURT FILE NUMBER

25-2979721 / B201-979721

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25-2979732 / B201-979732

25-2979735 / B201-979735

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File Number: 39108-2011


AFFIDAVIT OF SERVICE OF JAMIE WELSH


Sworn on September 21st, 2023

I, Jamie Welsh, of the City of Calgary, in the Province of Alberta, Canada, MAKE OATH AND SAY THAT:

1. I am a Legal Assistant at Torys LLP and as such have personal knowledge of the matters herein deposed to, except where stated to be based upon information from another person, in which case I do verily believe the same to be true.
2. On September 18, 2023, I served all parties on the Service List attached hereto as **Exhibit “A”** (the “**Service List**”) with unfiled copies of (a) an Application for a Restricted Court Access Order, returnable September 22, 2023 (the “**Application**”); and (b) the Proposal Trustee’s First Report dated September 18, 2023, without Confidential Appendix 1, in this action, with such service being affected on September 18, 2023. I note that a copy of Confidential Appendix 1 was delivered to the Court, via email to the Commercial Case List Coordinator on September 18, 2023, and to the Honourable Madam Justice B. Johnston via courier on September 19, 2023. Attached as **Exhibit “B”** to this my Affidavit is a copy of my email to the Service List.
3. On September 18, 2023, on behalf of Kyle Kashuba, I submitted a Notice to Media – Application to Restrict Access seeking to direct the sealing of Confidential Appendix 1 to the First Report of Alvarez & Marsal Canada Inc., in its capacity as Proposal Trustee under a Notice of Intention to Make a Proposal of the Applicants in these proceedings, in accordance with Part 6, Division 4 of the *Alberta Rules of Court*. Attached as **Exhibit “C”** to this my Affidavit is a copy of the email received by our office from the Communications Officer on September 19, 2023 confirming receipt of our application to restrict access.
4. I make this Affidavit in respect of the service of an Application for a Restricted Court Access Order by Alvarez & Marsal Canada Inc., seeking the said Restricted Court Access Order and certain other directions and relief from the Court.
5. I make this Affidavit for no improper purpose.

SWORN BEFORE ME at Calgary, Alberta,
this 21st day of September, 2023.


Commissioner for Oaths in and for the
Province of Alberta



 Jamie Welsh

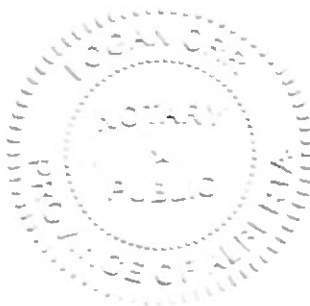
LOGAN ORR
Barrister & Solicitor

THIS IS EXHIBIT "A"
TO THE AFFIDAVIT OF JAMIE WELSH
SWORN BEFORE ME THIS 21st DAY OF SEPTEMBER, 2023

A handwritten signature in blue ink that reads "Logan Orr". The signature is written in a cursive style with a horizontal line underneath it.

Commissioner for Oaths and Notary Public
in and for the Province of Alberta

LOGAN ORR
Barrister & Solicitor



COURT FILE NUMBER 25-2979721
25-2979725
25-2979732
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25-2979736
25-2979737
25-2979738
25-2979739

COURT COURT OF KING'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

IN THE MATTER OF THE *BANKRUPTCY AND INSOLVENCY*
ACT, R.S.C. 1985, c B-3, AS AMENDED

AND IN THE MATTER OF THE NOTICE OF INTENTION
TO MAKE A PROPOSAL OF GRIFFON PARTNERS
OPERATION CORPORATION, GRIFFON PARTNERS
HOLDING CORPORATION, GRIFFON PARTNERS
CAPITAL MANAGEMENT LTD., STELLION LIMITED,
2437801 ALBERTA LTD., 2437799 ALBERTA LTD., 2437815
ALBERTA LTD., and SPICELO LIMITED

APPLICANTS GRIFFON PARTNERS OPERATION CORPORATION,
GRIFFON PARTNERS HOLDING CORPORATION,
GRIFFON PARTNERS CAPITAL MANAGEMENT LTD.,
STELLION LIMITED, 2437801 ALBERTA LTD., 2437799
ALBERTA LTD., 2437815 ALBERTA LTD., and SPICELO
LIMITED

DOCUMENT **SERVICE LIST**

Party/Counsel	Service Method
Alvarez & Marsal Holdings LLC 202 6 Avenue SW Calgary, AB T2P 2R9 Attention: Orest Konowalchuk and Duncan McRae Proposal Trustee	okonowalchuk@alvarezandmarsal.com dmacrae@alvarezandmarsal.com

Torys LLP 4600 Eighth Avenue Place East 525 - 8th Avenue S.W. Calgary, AB T2P 1G1 Attention: Kyle Kashuba Counsel to the Proposal Trustee	kkashuba@torys.com
2437801 Alberta Ltd. and 2437799 Alberta Ltd. c/o McLeod Law LLP Manulife Place 500, 707 - 5 Street SW Calgary, AB T2P 1V8 Attention: Jeff Thom Counsel to 2437801 Alberta Ltd. and 2437799 Alberta Ltd.	jthom@mcleod-law.com
Trafigura Canada Limited, Signal Alpha C4 Limited, GLAS USA LLC, and GLAS Americas LLC c/o Stikeman Elliott Bankers Hall 4200 3 St SW West 888 Calgary, AB T2P 5C5 Attention Karen Fellows Counsel to Trafigura Canada Limited, Signal Alpha C4 Limited, GLAS USA LLC, and GLAS Americas LLC	kfellows@stikeman.com
Alberta Energy Regulator 250 5 St SW Suite 1000 Calgary, AB T2P 0R4 Attention: Scott Poitras In-house Counsel	Scott.Poitras@aer.ca insolvency@aer.ca

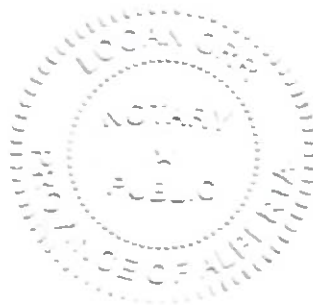
Saskatchewan Ministry of Energy and Resources Liability Regulation, Liability Management Ministry of Energy and Resources 15th Floor, 1945 Hamilton Street Regina, SK, S4P 2H9 Attention: Candy Dominique	<u>Candy.Dominique@gov.sk.ca</u>
Norton Rose Fulbright Canada LLP Suite 3700, 400 3rd Avenue SW Calgary, AB T2P 4H2 Attention: Gunnar Benediktsson Counsel to Harvest Operations Corp.	<u>gunnar.benediktsson@nortonrosefulbright.com</u>
PrairieSky Royalty Ltd 1700, 350 – 7 Avenue SW Calgary, AB T2P 3N9 Attention: James Nixon Land Compliance Negotiator for PrairieSky Royalty Ltd.	<u>james.nixon@prairiesky.com</u> <u>landcomplianceinquiries@prairiesky.com</u>
Stikeman Elliott Bankers Hall 4200 3 St SW West 888 Calgary, AB T2P 5C5 Attention: Matti Lemmens Counsel to Tamarack Valley Energy Ltd.	<u>mlemmens@stikeman.com</u>

THIS IS EXHIBIT "B"
TO THE AFFIDAVIT OF JAMIE WELSH
SWORN BEFORE ME THIS 21st DAY OF SEPTEMBER, 2023



Commissioner for Oaths and Notary Public
in and for the Province of Alberta

LOGAN ORR
Barrister & Solicitor



Welsh, Jamie

From: Welsh, Jamie
Sent: Monday, September 18, 2023 4:45 PM
To: Orest Konowalchuk; Duncan MacRae; jthom@mcleod-law.com; kfellowes@stikeman.com; scott.poitras@aer.ca; insolvency@aer.ca; candy.dominique@gov.sk.ca; gunnar.benediktsson@nortonrosefulbright.com; james.nixon@prairiesky.com; landcomplianceinquiries@prairiesky.com; mlemmens@stikeman.com; rvandemosselaer@osler.com; epaplawski@osler.com; Treleaven, Julie
Cc: Kashuba, Kyle; Alomia, Tiffany
Subject: RE: In the matter of Griffon Partners Operation Corporation ("GPOC") et al // Court File No.'s 25-2979721, 25-2979725, 25-2979732, 25-2979735, 25-2979736, 25-2979737, 25-2979738 & 25-2979739 [IMAN-TORYSATWORK.FID2874983]
Attachments: Griffon - Proposal Trustee's First Report - 18Sep23.pdf; Application re_ Restricted Court Access Order (AM re_ Griffon Partners et al).pdf; Restricted Court Access Order (AM re_ Griffon Partners et al).pdf

To: The Service List

My apologies - I am resending the below as I inadvertently excluded Osler from the distribution. A further note that Proofs of filing of the attached materials will be provided upon receipt from the Court.

Regards,

Jamie Welsh
Legal Assistant

From: Welsh, Jamie
Sent: Monday, September 18, 2023 4:22 PM
To: Orest Konowalchuk <okonowalchuk@alvarezandmarsal.com>; Duncan MacRae <dmacrae@alvarezandmarsal.com>; jthom@mcleod-law.com; kfellowes@stikeman.com; scott.poitras@aer.ca; insolvency@aer.ca; candy.dominique@gov.sk.ca; gunnar.benediktsson@nortonrosefulbright.com; james.nixon@prairiesky.com; landcomplianceinquiries@prairiesky.com; mlemmens@stikeman.com
Cc: Kashuba, Kyle <kkashuba@torys.com>; Alomia, Tiffany <talomia@torys.com>
Subject: In the matter of Griffon Partners Operation Corporation ("GPOC") et al // Court File No.'s 25-2979721, 25-2979725, 25-2979732, 25-2979735, 25-2979736, 25-2979737, 25-2979738 & 25-2979739 [IMAN-TORYSATWORK.FID2874983]

To: The Service List

On behalf of Kyle Kashuba, further to the Application scheduled for September 22, 2023 at 10:00 a.m. before Madam Justice B. Johnston, please find attached for service upon you (a) the First Report of the Proposal Trustee, with Appendices A through E, and (b) the Proposal Trustee's Application (including a proposed form proposed Restricted Court Access Order).

Regards,

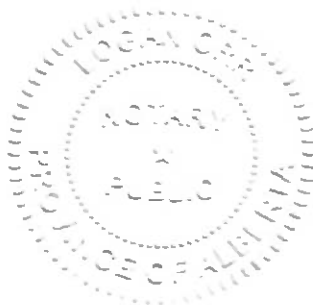
Jamie Welsh
Legal Assistant

THIS IS EXHIBIT "C"
TO THE AFFIDAVIT OF JAMIE WELSH
SWORN BEFORE ME THIS 21st DAY OF SEPTEMBER, 2023



Commissioner for Oaths and Notary Public
in and for the Province of Alberta

LOGAN ORR
Barrister & Solicitor



Welsh, Jamie

To: Alomia, Tiffany
Subject: FW: Notice to Media - Application to Restrict Access

From: CommunicationsOfficer QB <CommunicationsOfficer.QB@albertacourts.ca>
Sent: Tuesday, September 19, 2023 9:38 AM
To: Kashuba, Kyle <kkashuba@torys.com>
Subject: Fw: Notice to Media - Application to Restrict Access

Please see the below confirmation that the Court of King's Bench has received your application to restrict access.

Notice:

The Applicant intends to apply for an order restricting publication of or public access to Court proceedings or records. You have the right to state your side of this matter before the judge. To do so, you must be present in Court when the application is heard on the date and at the time and place indicated in the Details of Hearing, below.

Details of hearing:

Details of hearing

Court File Number 25-2979721, 25-2979725, 25-2979732, 25-2979735, 25-2979736, 25-2979737,
25-2979738 & 25-2979739
Plaintiff GRIFFON PARTNERS OPERATION CORPORATION, GRIFFON PARTNERS
HOLDING CORPORATION, GRIFFON PARTNERS CAPITAL MANAGEMENT LTD.,
STELLION LIMITED, 2437801 ALBERTA LTD., 2437799 ALBERTA LTD., 2437815
ALBERTA LTD., and SPICELO LIMITED
Name(s) of
Accused(s),
Defendant(s), Kyle Kashuba
Respondent(s)
Court Location Calgary
Court Date and Time September 22, 2023 at 10 a.m.

Details of Application

Applicant Type Other
Applicant's Name Alvarez & Marsal Canada Inc.
Applicant's Lawyer Kyle D. Kashuba (Torys LLP)
Email Address kkashuba@torys.com

Details of restriction applied for Relief sought to direct the sealing of Confidential Appendix 1 (the "Confidential Appendix") to the First Report of Alvarez & Marsal Canada Inc., in its capacity as Proposal Trustee under a Notice of Intention to Make a Proposal of the Applicants in these proceedings, in accordance with Part 6, Division 4 of the Alberta Rules of Court. The Confidential Appendix contains matters of a sensitive commercial nature, as more particularly described in the First Report. The publication or dissemination of the Confidential Appendix could result in harm to the sale of the Property of the Applicants, and may be highly prejudicial to the certain parties whose confidential

information and/or documentation form part of the Confidential Appendix. The Restricted Court Access Order being sought is the least restrictive and prejudicial alternative to prevent the dissemination of the commercially sensitive confidential information contained in the Confidential Appendix, such that is fair and just in the circumstances to restrict public access to the Confidential Appendix.

Please do not reply to this e-mail. For further information, please contact the email address provided in Details of Application, above.

To remove your email address from this list click [unsubscribe](#)