

Form 7
Rule 3.8

Clerk's Stamp

COURT FILE NO.	
COURT	Court of King's Bench of Alberta
JUDICIAL CENTRE	Calgary
	IN THE MATTER OF THE COMPANIES' CREDITORS ARRANGEMENT ACT, RSC 1985, c C-36, as amended
	AND IN THE MATTER OF CYXTERA TECHNOLOGIES, INC., CYXTERA CANADA, LLC, CYXTERA COMMUNICATIONS CANADA, ULC and CYXTERA CANADA TRS, ULC
APPLICANTS	CYXTERA TECHNOLOGIES, INC., CYXTERA CANADA, LLC, CYXTERA COMMUNICATIONS CANADA, ULC AND CYXTERA CANADA TRS, ULC
DOCUMENT	ORIGINATING APPLICATION
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	Gowling WLG (Canada) LLP 1600, 421 – 7th Avenue S.W. Calgary, AB T2P 4K9 Telephone (403) 298-1946 File No. A170537
	Attention: Tom Cumming/Sam Gabor/Stephen Kroeger

NOTICE TO THE RESPONDENT(S)

This application is made against you. You are a respondent.

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

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

Date: June 7, 2023
Time: 2:00 P.M. (Mountain Time)
Where: Calgary Court Centre
Via Webex: See attached Appendix "A"
<https://albertacourts.webex.com/meet/virtual.courtroom60>
Before: The Honourable Justice Nixon

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

Application and remedy sought:

1. The Applicant Cyxtera Technologies, Inc. ("**CTI**") makes this application as the foreign representative (in such capacity, the "**Foreign Representative**") of the Debtors (as defined below) in respect of the cases (the "**Chapter 11 Cases**") under Chapter 11 of title 11 of the United States Bankruptcy Code (the "**US Bankruptcy Code**") in the United States Bankruptcy Court for the District of New Jersey (the "**US Bankruptcy Court**").
2. In this application, the Foreign Representative seeks certain relief pursuant to Part IV of the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended (the "**CCAA**"), including the following two orders:
 - (a) an initial recognition order (foreign main proceeding), in the form attached hereto as **Schedule "A"** (the "**Initial Recognition Order**"), among other things:
 - i. declaring that CTI is the foreign representative in respect of the Chapter 11 Cases of the Debtors;
 - ii. declaring that the centre of main interest of the Debtors is the United States of America (the "**US**");
 - iii. recognizing the Chapter 11 Cases as a foreign main proceeding under Part IV of the CCAA;
 - iv. staying pursuant to section 48(1)(a), until the termination of the Chapter 11 Proceedings or until otherwise ordered by this Honourable Court, all proceedings taken or that might be taken against the Debtors under the

Bankruptcy and Insolvency Act, RSC 1985, c B-3, as amended, or the *Winding-up and Restructuring Act*, RSC 1985, c W-11, as amended;

- v. restraining, until otherwise ordered by this Honourable Court, further proceedings in any action, suit or proceeding against the Debtors;
 - vi. prohibiting, until otherwise ordered by this Honourable Court, the commencement of any action, suit or proceeding against the Debtors; and
 - vii. except as otherwise ordered by this Honourable Court, prohibiting the Debtors from selling or otherwise disposing of, outside the ordinary course of their businesses, any of the Debtors' property in Canada that relates to the business and prohibiting the Debtors from selling or otherwise disposing of any of their other property in Canada;
- (b) a supplemental order (foreign main proceeding), in the form attached hereto as **Schedule "B"** (the "**Supplemental Order**"), among other things,;
- i. recognizing certain first day orders of the US Bankruptcy Court (the "**First Day Orders**") as defined in the Affidavit of Eric Koza, sworn June 5, 2023 (the "**Koza Affidavit**"), namely the:
 - A. Restated Automatic Stay Order;
 - B. Foreign Representative Order ("**Foreign Representative Order**");
 - C. Joint Administration Order;
 - D. Case Management Order;
 - E. Claims Agent Order;
 - F. Consolidated Creditor List Order;
 - G. Asset Schedule Filing Extension Order;
 - H. Share Transfer Order;
 - I. Hedging Order;
 - J. Cash Management Order;

- K. Utility Adequate Assurance Order;
 - L. Critical Vendor Order;
 - M. Customer and Partner Program Order;
 - N. Employee Compensation Order;
 - O. Insurance Maintenance Order;
 - P. Tax Payment Order; and
 - Q. DIP Financing Order (“**DIP Financing Order**”);
- ii. appointing Alvarez & Marsal Canada Inc. (“**A&M**”) as information officer in respect of these proceedings (in such capacity, the “**Information Officer**”);
 - iii. granting the Administration Charge (defined below);
 - iv. granting the Lenders Charge (as defined below); and
- (c) such further and other orders as this Honourable Court may deem appropriate.

The grounds for this application are:

3. CTI is the ultimate parent corporation of a group of companies operating under the tradename “Cyxtera” that are incorporated in the US, Canada, United Kingdom, Germany, Australia, Japan, the Netherlands, Hong Kong, Singapore and the Cayman Islands and which are debtors to the Chapter 11 Proceedings (collectively the “**Cyxtera**” or the “**Cyxtera Group**”). The debtors in this Canadian recognition proceedings are Cyxtera Canada LLC (“**Cyxtera LLC**”), Cyxtera Communications, ULC (“**Communications ULC**”) and Cyxtera Canada TRS, ULC (“**TRS ULC**” and with Communications ULC are “**Cyxtera Canada**”, and collectively with Cyxtera LLC, the “**Debtors**”).
4. Cyxtera is a leading global data center provider of: (i) retail colocation—the practice of renting space and power to customers to deploy their technology infrastructure including servers, storage, and security devices in an extremely resilient and highly connected environment; (ii) interconnection services—the practice of connecting information technology equipment to a customer’s network service providers; and (iii) digital exchange

services—the practice of offering customers additional resources including the ability to rent Cyxtera-owned servers or the ability to access partner-delivered products and software to help customers holistically manage their hybrid technology systems. Cyxtera offers this advanced suite of services to more than 2,000 customers worldwide. Founded in 2017 and headquartered in Coral Gables, Florida, Cyxtera employs a global workforce of over 600 employees worldwide and operates a footprint of more than sixty data centers in over thirty markets around the world, including the US, Canada, London, Amsterdam, Singapore, Tokyo, and Germany.

5. CTI is a US corporation incorporated pursuant to the laws of Delaware with its main office in Coral Gables, Florida and its registered office in Wilmington, Delaware.
6. Cyxtera LLC is a US limited liability corporation incorporated pursuant to the laws of Delaware with its registered office in Wilmington Delaware.
7. Communications ULC is an Alberta unlimited liability corporation incorporated pursuant to the laws of Alberta and carries on business in Alberta with its registered office in Calgary, Alberta. Communications ULC is extra-provincially registered and carries on business in British Columbia, Ontario and Québec. Cyxtera LLC is the sole shareholder of Communications ULC.
8. TRS ULC is an Alberta unlimited liability corporation incorporated pursuant to the laws of Alberta and with its registered office in Calgary, Alberta. TRS ULC is extra-provincially registered in British Columbia, Ontario and Québec. Communications ULC is the sole shareholder of TRS ULC.
9. Cyxtera’s connections to Canada are that Cyxtera Canada’s registered office and corporate registries are in Calgary, Alberta, and Communications ULC operates four separate data centres in Vancouver, British Columbia, Mississauga and Markham, Ontario, and Montreal, Quebec (the “**Canadian Data Centres**”) where Communications ULC leases space, computer servers and other computer equipment for the Canadian Data Centres. Communications ULC has seventeen (17) employees in Canada and 155 customers.

10. As Communications ULC and TRS ULC are unlimited liability corporations, the inclusion of Cyxtera LLC as an applicant is necessary in these proceedings as it is jointly and severally liable for the obligations of Cyxtera Canada as the shareholder of Communications ULC.
11. The Debtors' centre of main interests lies in the US, where Cyxtera operates a US-based enterprise, and all of its management and operational decisions are based.

The Chapter 11 Cases

12. On June 4, 2023 (the "**Petition Date**"), sixteen (16) Cyxtera entities, including CTI, the Debtors and certain other affiliates thereof (collectively the "**Chapter 11 Debtors**") filed a voluntary petitions for relief under Chapter 11 of the US Bankruptcy Code (the "**Chapter 11 Proceedings**") in the US Bankruptcy Court resulting in an automatic stay of proceedings. The Chapter 11 Debtors are operating their businesses and managing their properties as debtors-in-possession within the Chapter 11 Proceedings.
13. Contemporaneously with the commencement of the Chapter 11 Cases, the Chapter 11 Debtors filed first day motions ("**First Day Motions**") seeking, among other things, the First Day Orders, including the Foreign Representative Order.
14. Cyxtera's motions for, among other things, the US Orders are scheduled to be heard on June 6, 2023 before the United States Bankruptcy Court for the District of New Jersey (the "**First Day Hearing**").
15. It is anticipated that the US Bankruptcy Court will grant some or all of the First Day Orders, including the Foreign Representative Order.
16. No other foreign proceedings in respect of Cyxtera have been commenced.

The Restructuring

17. Cyxtera is facing short-term balance sheet issues primarily due to significant increase in the inflation and interest rates in the US.

18. Pursuant to key terms of a restructuring support agreement between Cyxtera and its senior secured lenders, Cyxtera seeks to implement value maximizing restructuring transactions through the timely confirmation and consummation of a restructuring plan. The restructuring plan includes a marketing process and reduction of costs and expenses through the restructuring of Cyxtera's business, including by reducing its data centre lease portfolio, and refinancing material indebtedness.
19. Recognition of the Chapter 11 Cases and First Day Orders in Canada under Part IV of the CCAA will enable the Debtors and other Chapter 11 Debtors to complete such marketing process or restructuring in an efficient manner, protect the interests of their creditors and other interested persons, and protect and maximize the value of the Debtors' property. It will also enable the Debtors to continue carrying on business in Canada without disruption caused by creditors and contractual counterparties enforcing remedies against the Debtors and their property stakeholders.

The Chapter 11 Cases are the Foreign Main Proceeding

20. The Chapter 11 Cases constitute a "foreign proceeding" under section 45(1) of the CCAA.
21. The Foreign Representative Order is expected to be granted by the US Bankruptcy Court and, consequently, CTI falls within the definition of "foreign representative" under section 45(1) of the CCAA.
22. Pursuant to section 47(1) of the CCAA, this Honourable Court is to make an order recognizing the Chapter 11 Cases if it is satisfied that this application relates to a "foreign proceeding" and that the applicant is a "foreign representative", and if such an order is granted, section 47(2) of the CCAA requires that the Court specify whether such foreign proceeding is a "foreign main proceeding" or a "foreign non-main proceeding".
23. The Chapter 11 Cases are a "foreign main proceeding" because the Debtors "centre of main interests" are in the US for, among other reasons:

- a) the Debtors senior secured lenders recognize the US as Cyxtera's primary country of business;
- b) the US is the location in which Cyxtera's principal assets and operations are found and the Debtors form part of the Cyxtera Group;
- c) Coral Gables, Florida, US is where the management of the Debtors takes place;
- d) no management decisions for the Debtors are made in Canada;
- e) Cyxtera Canada only employs seventeen (17) individuals in a global workforce of 600;
- f) Coral Gables, Florida, US is where corporate decisions of the Debtors takes place;
- g) the Debtors' books and records are located in Coral Gables, Florida, US;
- h) Cyxtera's management centres are all in the US;
- i) all officers and directors of the Debtors are located in the US;
- j) the Debtors share the same directors and officers as the US Cyxtera entities;
- k) Cyxtera's employee administration, including human resource functions occur in Coral Gables, Florida, US which administers the Debtors' employees and human resources;
- l) all of Cyxtera's marketing and communications functions occur in Coral Gables, Florida, US, including for the Debtors;
- m) the Cyxtera Group's business, including its financial and accounting systems, is managed on a consolidated basis from its office in Coral Gables, Florida, US;
- n) Cyxtera's corporate, banking, strategic and management functions, including those for the Debtors, occur in Coral Gables, Florida, US,;
- o) Cyxtera's treasury and accounting departments are located in Coral Gables, Florida, US;
- p) Communications ULC's bank accounts are overseen by Cyxtera's treasury department in Coral Gables, Florida, US

The Need for CCAA Relief Sought

25. The Initial Recognition Order and Supplemental Order are required to provide a period of stability and calm in Canada, and to allow the Cyxtera Group and their management teams

and boards of directors to focus on the restructuring activities, free from distractions and any existing and potential stakeholder claims.

26. Section 48 of the CCAA provides that, when recognizing a foreign main proceeding, this Honourable Court is to stay, restrain and prohibit the commencement or furtherance of any action, suit or proceeding against the debtor company, subject to any terms and conditions it considers appropriate. As a consequence of the challenges facing Cyxtera, and the requirements of the CCAA, a stay of proceedings in Canada is essential to facilitate the Chapter 11 Cases and the Debtors' emergence from the overall reorganization process for Cyxtera.

Recognition of the US Orders is Appropriate

27. Section 49 of the CCAA grants this Honourable Court broad discretion to make any order that it considers appropriate if it is satisfied that the order is necessary for the protection of the debtor company's property or the interests of its creditors.
28. It is anticipated that the US Bankruptcy Court will grant the First Day Orders on June 6, 2023 following the First Day Hearing.
29. In order to facilitate and maximize Cyxtera's restructuring efforts, CTI requests that the First Day Orders be recognized by this Honourable Court pursuant to section 49 of the CCAA.

The Appointment of an Information Officer is Appropriate

30. As part of the restructuring process, A&M, if appointed as Information Officer, will report to this Honourable Court from time to time on the status of the Chapter 11 Cases and these CCAA proceedings.
31. A&M is a licensed insolvency trustee, is well known for its expertise in CCAA matters (including cross-border plenary and ancillary proceedings under the CCAA) and has consented to act as the Information Officer in these CCAA proceedings and will assist this Honourable Court and the Debtors' stakeholders.

The Administration Charge is Necessary and Appropriate

32. CTI and the Debtors request a charge for the benefit of their Canadian legal counsel, the Information Officer and the Information Officer's legal counsel in the amount of CDN\$400,000 (the "**Administration Charge**");
33. Approval of the Administration Charge by this Honourable Court is appropriate because the beneficiaries thereof will be providing essential professional services in respect of these CCAA proceedings.
34. The amount of the Administration Charge is reasonable in the circumstances, having regard to the size and complexity of these proceedings and the roles that will be required of CTI's and the Debtors' Canadian legal counsel, the Information Officer, and its legal counsel.

The Lender's Charge is Necessary and Appropriate

35. Wilmington Savings Fund Society, FSB, in its capacity as collateral agent for those lenders under the DIP Facility (as defined in the Koza Affidavit) pursuant to a Senior Secured Superpriority Debtor-in-Possession Credit Agreement dated June [6], 2023 (the "**DIP Lender**"), have agreed to extend debtor in possession financing to Cyxtera ("**DIP Facility**") as financing for Cyxtera to reach the Petition Date. The DIP Lenders have existing security on all of the assets of the Debtors located in Canada.
36. A condition of the agreement under which the DIP Facility will be secured is the creation of a super-priority charge over the assets of Cyxtera, including the Debtors' assets, in the form of a DIP lenders' charge (the "**Lenders Charge**").
37. The DIP Facility is essential for the Cyxtera Group to sustain their operations. Absent the ability to obtain additional liquidity, it is unlikely that Cyxtera will have the liquidity to operate. Owing to the highly leveraged nature of Cyxtera's business operations, it would be virtually impossible to find a party other than the DIP Lenders willing to provide interim financing to Cyxtera.

38. The DIP Facility has been negotiated in good faith and at an arm's length by and among Cyxtera and the DIP Lenders. The DIP Facility will give Cyxtera the necessary financing to cause minimal interruption of ongoing business operations and the flexibility to implement a strategy to preserve the going-concern value of Cyxtera's estates.
39. Pursuant to the terms of the DIP Financing Order, it is expected that the US Court will approve Cyxtera's request that USD\$36,000,000 (the "**Bridge Amount**") of the aggregate principal amount of the loans outstanding under a bridge facility extended to Cyxtera by the DIP Lender in early May, 2023 will be rolled up into the DIP Facility and an additional USD\$14,000,000 currently held in escrow pursuant to the Bridge Facility will be made immediately available to Cyxtera. The Bridge Amount was advanced by the DIP Lenders, in good faith to allow the Cyxtera a sufficient period of liquidity to reach and prepare for the filing of the Chapter 11 Proceedings. Without the Bridge Amount, Cyxtera would not have been able to file for the Chapter 11 Proceedings.
40. The First Day Motion with respect to the DIP Financing Order provides that the roll-up of the Bridge Amount is an essential element of the overall DIP Facility and should be approved because the DIP Lender would not have otherwise agreed to provide the DIP Facility.
41. Cyxtera is seeking a Lenders' Charge (the "**Lenders' Charge**") in the Chapter 11 Proceedings in the amount of US\$200,000,000 in order to allow Cyxtera to continue operating in the normal course in the Chapter 11 Proceedings and in these CCAA proceedings. The Bridge Amount, which forms part of the DIP Facility, will receive the benefit of the Lenders' Charge.
42. The DIP Facility, the proposed Lenders' Charge and the related grant of security interests are fair and reasonable in the circumstances, are necessary, and are in the best interests of all of the Debtors' stakeholders. As such, the CTI seeks recognition of the DIP Financing

Order in these Recognition Proceedings and seeks a supplemental order granting the Lenders' Charge in these recognition proceedings.

Further Grounds

43. The further and other grounds set out in the Koza Affidavit.

Affidavit or other evidence to be used in support of this application:

44. Affidavit of Eric Koza, sworn June 6, 2023.

45. Supplemental Affidavit of Kristy DeLure, to be sworn.

46. Affidavit of Service of Kristy DeLure, to be sworn.

47. Pre-filing Report of the proposed Information Officer dated June 6, 2023.

48. The materials filed in the Chapter 11 Proceedings.

49. Such further materials as counsel may advise and this Honourable Court may permit.

Applicable Acts and regulations:

50. The *Companies' Creditors Arrangement Act*, RSC 1995, c C-36, as amended.

51. The *Alberta Rules of Court*.

52. Such further and other legal basis as counsel may advise and this Honourable Court may allow.

WARNING

You are named as a respondent because you have made or are expected to make an adverse claim in respect of this originating application. If you do not come to Court either in person or by your lawyer, the Court may make an order declaring you and all persons claiming under you to be barred from taking any further proceedings as against the applicant(s) and as against all persons claiming under the applicant(s). You will be bound by any order the Court makes, or another order

might be given or other proceedings taken which the applicant(s) is/are entitled to make without any further notice of them to you. If you want to take part in the application, you or your lawyer must attend in Court on the date and time shown at the beginning of this 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(s) a reasonable time before the application is to be heard or considered.

Appendix “A” **Virtual Court Room Details**

Virtual Courtroom 60 has been assigned for the above noted matter:

Virtual Courtroom Link:

<https://albertacourts.webex.com/meet/virtual.courtroom60>

Instructions for Connecting to the Meeting

1. Click on the link above or open up Chrome or Firefox and cut and paste it into your browser address bar.
2. If you do not have the Cisco Webex application already installed on your device, the site will have a button to install it. Follow installation instructions. Enter your full name and email address when prompted
3. Click on the **Open Cisco Webex Meeting**.
4. You will see a preview screen. Click on **Join Meeting**.

Key considerations for those attending:

1. Please connect to the courtroom **15 minutes prior** to the start of the hearing.
2. Please ensure that your microphone is muted and remains muted for the duration of the proceeding, unless you are speaking. Ensure that you state your name each time you speak.
3. If bandwidth becomes an issue, some participants may be asked to turn off their video and participate by audio only.
4. **Note: Recording or rebroadcasting of the video is prohibited.**
5. **Note: It is highly recommended you use headphones with a microphone or a headset when using Webex. This prevents feedback.**

For more information relating to Webex protocols and procedures, please visit:
<https://www.albertacourts.ca/qb/court-operations-schedules/webex-remote-hearings-protocol>

You can also join the meeting via the “Cisco Webex Meetings” App on your smartphone/tablet or other smart device. You can download this via the App marketplace and join via the link provided above.

SCHEDULE "A"

COURT FILE NO.

COURT Court of King's Bench of Alberta

JUDICIAL CENTRE Calgary

IN THE MATTER OF THE COMPANIES' CREDITORS
ARRANGEMENT ACT, RSC 1985, c C-36, as amended

AND IN THE MATTER OF CYXTERA TECHNOLOGIES,
INC., CYXTERA CANADA, LLC, CYXTERA
COMMUNICATIONS CANADA, ULC and CYXTERA
CANADA TRS, ULC

APPLICANT(S) CYXTERA TECHNOLOGIES, INC., CYXTERA CANADA,
LLC, CYXTERA COMMUNICATIONS CANADA, ULC
and CYXTERA CANADA TRS, ULC

DOCUMENT INITIAL RECOGNITION ORDER –
FOREIGN MAIN PROCEEDING

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT
Gowling WLG (Canada) LLP
1600, 421 – 7th Avenue S.W.
Calgary, AB T2P 4K9
Telephone (403) 298-1946
File No. A170537
Attention: Tom Cumming/Sam Gabor/Stephen Kroeger

DATE ON WHICH ORDER WAS PRONOUNCED: June 7, 2023

NAME OF JUSTICE WHO MADE THIS ORDER: The Honourable Mr. Justice B. Nixon

LOCATION AT WHICH ORDER WAS MADE: Calgary, Alberta

UPON THE APPLICATION made by Cyxtera Technologies, Inc. in its capacity as the foreign representative (the "**Foreign Representative**") of Cyxtera Canada, LLC, Cyxtera Communications Canada, ULC and Cyxtera Canada TRS, ULC (collectively the "**Debtors**") in their proceedings commenced by voluntary petitions for relief under Chapter 11 of title 11 of the *United States Bankruptcy Code*, 11 U.S.C. §§ 101-1532 (the "**Bankruptcy Code**") commenced

on June 4, 2023 in the United State Bankruptcy Court of New Jersey (the “**Chapter 11 Proceedings**”), for the following Orders under Part IV of the *Companies’ Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended (the “**CCAA**”);

AND UPON reading the Application, the affidavit of Eric Koza sworn June 6, 2023, the preliminary report of Alvarez and Marsal Canada Inc. in its capacity as proposed information officer (the “**Proposed Information Officer**”) dated June 6, 2023, each filed; AND UPON being provided with copies of the documents required by s.46 of the CCAA;

AND UPON BEING ADVISED by counsel for the Foreign Representative that in addition to this Initial Recognition Order, a Supplemental Order (Foreign Main Proceeding) is being sought;

AND UPON HEARING the submissions of counsel for the Foreign Representative, counsel for the Proposed Information Officer, and Goodmans LLP, as Canadian counsel to (i) the lenders (the “**DIP Lenders**”) to the Debtors and certain of their affiliates in connection with that certain Chapter 11 Debtor-in-Possession Credit Agreement dated as of June 6, 2023 by and among the DIP Lenders, Wilmington Savings Fund Society, FSB, as administrative agent and collateral agent, the Chapter 11 Debtors and certain of their affiliates party thereto from time to time, and (ii) the ad hoc group of lenders pursuant to that certain First Lien Credit Agreement, dated as of May 1, 2017 (as amended, restated, amended and restated, supplemented, waived, or otherwise modified from time to time) by and among Cyxtera DC Holdings, Inc., Cyxtera DC Parent Holdings, Inc., the financial institutions from time to time party thereto as lenders, and Citibank, N.A., as administrative agent (together with the DIP Lenders, the “**DIP/First Lien Group**”); AND UPON being advised that no other persons were served with the Application:

IT IS HEREBY ORDERED AND DECLARED THAT:

1. The time for service of the notice of this application and supporting materials is hereby abridged and declared good and sufficient and validated so that this application is properly returnable today and further service thereof is hereby dispensed with.
2. The Foreign Representative is the “foreign representative” as defined in section 45(1) of the CCAA of the Debtors in respect of the Foreign Proceeding.

3. The centre of each of the Debtors' main interest is the United States of America and the Foreign Proceeding is hereby recognized as a "foreign main proceeding" as defined in section 45(1) of the CCAA.

4. That until otherwise ordered by this Court:

- (a) all proceedings taken or that might be taken against any Debtor under the *Bankruptcy and Insolvency Act* or the *Winding-up and Restructuring Act* are stayed;
- (b) further proceedings in any action, suit or proceeding against any Debtor are restrained; and
- (c) the commencement of any action, suit or proceeding against any Debtor is prohibited.

5. Except with leave of this Court, each Debtor is prohibited from selling or otherwise disposing of, outside the ordinary course of its business, any of its property in Canada that relates to the business, and any of its other property in Canada.

6. Without delay after the order is made, or as soon as practicable thereafter, the Foreign Representative shall cause to be published a notice substantially in the form attached to this Order as Schedule "A", once a week for two consecutive weeks, in the National Post.

7. This Court requests the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada, to give effect to this Order and to assist the Debtors and the Foreign Representative and their respective counsel and agents in carrying out the terms of this Order.

8. This Order shall be effective as of 12:01 A.M. MST on the date of this Order, provided that nothing herein shall invalidate any action taken in compliance with such Interim Initial Order prior to the effective time of this Order.

9. Any interested party may apply to this Court to vary or amend this Order or seek other relief on not less than seven (7) days notice to the Debtors and the Foreign Representative and their respective counsel and Goodmans LLP, as Canadian counsel to the DIP/First Lien Group, and to any other party or parties likely to be affected by the order sought, or upon such other notice, if any, as this Court may order.

Justice of the Court of King's Bench of
Alberta

Schedule “A”

Court File No. 2301-#####

COURT OF KING’S BENCH OF ALBERTA

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

AND IN THE MATTER OF CYXTERA TECHNOLOGIES, INC., CYXTERA CANADA, LLC, CYXTERA COMMUNICATIONS CANADA, ULC and CYXTERA CANADA TRS, ULC

APPLICATION OF CYXTERA TECHNOLOGIES, INC., CYXTERA CANADA, LLC, CYXTERA COMMUNICATIONS CANADA, ULC AND CYXTERA CANADA TRS, ULC UNDER SECTION 46 OF THE *COMPANIES’ CREDITORS ARRANGEMENT ACT*, R.S.C. 1985, c. C-36, AS AMENDED

NOTICE OF INITIAL RECOGNITION ORDER

PLEASE BE ADVISED that this Notice is being published pursuant to an order of the Court of King’s Bench of Alberta (the “**Canadian Court**”), granted on June 7, 2023 (the “**Initial Recognition Order**”).

TAKE NOTICE that on June 4, 2023, Cyxtera Technologies, Inc. (“**CTI**”), Cyxtera Communications Canada, ULC and Cyxtera Canada TRS, ULC (collectively “**Cyxtera Canada**”), and Cyxtera Canada, LLC (“**Cyxtera LLC**”), filed voluntary petitions for relief under Chapter 11, title 11 of the United States Code (the “**Chapter 11 Proceeding**”) in the United States Bankruptcy Court for the District of New Jersey (the “**U.S. Bankruptcy Court**”). In connection with the Chapter 11 Proceeding, CTI has been appointed as the foreign representative of the estates of Cyxtera Canada and Cyxtera LLC (the “**Foreign Representative**”). The Foreign Representative’s address is Suite 900, 2333 Ponce de Leon Boulevard, Coral Gables, FL, 33134.

AND TAKE NOTICE that the Initial Recognition Order and the supplemental order granted by the Canadian Court on June 7, 2023 (together with the Initial Recognition Order, the “**Recognition Orders**”), which were both issued by the Canadian Court under Part IV of the *Companies’ Creditors Arrangement Act*, R.S.C. 1985, c. C-36 (the “**CCAA Recognition Proceeding**”), among other things:

- (i) declared that the Chapter 11 Proceeding is recognized as a foreign main proceeding;

- (ii) granted a stay of proceedings against Cyxtera Canada and Cyxtera LLC;
- (iii) recognized certain orders granted by the U.S. Bankruptcy Court in the Chapter 11 Proceeding; and
- (iv) appointed Alvarez & Marsal Canada Inc. as the information officer (in such capacity, the “**Information Officer**”) with respect to the CCAA Recognition Proceeding.

AND TAKE NOTICE that motions, orders and notices filed with the U.S. Bankruptcy Court in the Chapter 11 Proceeding are available at <https://www.kccllc.net/cyxtera> and that the Recognition Orders and any other orders that may be granted by the Canadian Court in the CCAA Recognition Proceeding are available at <http://www.alvarezandmarsal.com/CyxteraCanada>.

AND TAKE NOTICE that counsel for the Foreign Representative is:

Gowling WLG (Canada) LLP
Suite 1600, 421 7th Avenue SW, Calgary AB, T2P 4K9
Attention: Stephen Kroeger
Email: stephen.kroeger@gowlingwlg.com

FINALLY TAKE NOTICE that if you wish to receive copies of the Recognition Orders or obtain further information in respect of the matters set forth in this Notice, you may contact the Information Officer:

Alvarez & Marsal Canada Inc.
Suite 1110, 250 6th Avenue SW, Calgary, AB, T2P 3H7
Phone: (403) 538-7514
Email: CyxteraCanada@alvarezandmarsal.com

DATED AT CALGARY, ALBERTA this [●]th day of June, 2023.

Alvarez & Marsal Canada Inc.

(solely in its capacity as Information Officer in this CCAA Recognition Proceeding, and not in its personal or corporate capacity)

SCHEDULE "B"

COURT FILE NO.

COURT Court of King's Bench of Alberta

JUDICIAL CENTRE Calgary

IN THE MATTER OF THE COMPANIES' CREDITORS
ARRANGEMENT ACT, RSC 1985, c C-36, as amended

AND IN THE MATTER OF CYXTERA TECHNOLOGIES, INC.,
CYXTERA CANADA, LLC, CYXTERA COMMUNICATIONS
CANADA, ULC and CYXTERA CANADA TRS, ULC

APPLICANTS CYXTERA TECHNOLOGIES, INC., CYXTERA CANADA,
LLC, CYXTERA COMMUNICATIONS CANADA, ULC and
CYXTERA CANADA TRS, ULC

DOCUMENT **SUPPLEMENTAL ORDER –
FOREIGN MAIN PROCEEDING**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT
Gowling WLG (Canada) LLP
1600, 421 – 7th Avenue S.W.
Calgary, AB T2P 4K9
Telephone (403) 298-1946
File No. A170537
Attention: Tom Cumming/Sam Gabor/Stephen Kroeger

DATE ON WHICH ORDER WAS PRONOUNCED: June 7, 2023

NAME OF JUSTICE WHO MADE THIS ORDER: The Honourable Mr. Justice B. Nixon

LOCATION AT WHICH ORDER WAS MADE: Calgary, Alberta

UPON THE APPLICATION made by Cyxtera Technologies, Inc. in its capacity as the foreign representative (the “**Foreign Representative**”) of Cyxtera Canada, LLC, Cyxtera Communications Canada, ULC and Cyxtera Canada TRS, ULC (collectively the “**Debtors**”) in their proceedings commenced by voluntary petitions for relief under Chapter 11 of title 11 of the *United States Bankruptcy Code*, 11 U.S.C. §§ 101-1532 (the “**Bankruptcy Code**”) commenced on June 4, 2023 in the United State Bankruptcy Court of New Jersey (the

“**Chapter 11 Proceedings**”), for the following Orders under Part IV of the *Companies’ Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended (the “**CCAA**”);

AND UPON reading the Application, the affidavit of Eric Koza sworn June 6, 2023 (the “**Koza Affidavit**”), the preliminary report of Alvarez and Marsal Canada Inc., in its capacity as proposed information officer dated June 6, 2023; AND UPON being advised that the secured creditors who are likely to be affected by the charges created herein were given notice;

AND UPON hearing the submissions of counsel for the Foreign Representative, counsel for the proposed information officer, counsel for Goodmans LLP, as Canadian counsel to the DIP/First Lien Group (as defined in the Initial Recognition Order – Foreign Main Proceeding in these proceedings dated June 7, 2023), no one appearing for [NAME] although duly served as appears from the affidavit of service of Kristy DeLure, sworn June 6, 2023; AND UPON reading the consent of Alvarez and Marsal Canada Inc. to act as the information officer;

IT IS HEREBY ORDERED AND DECLARED THAT:

1. The time for service of the notice of this application and supporting materials is hereby abridged and declared good and sufficient and validated so that this application is properly returnable today and further service thereof is hereby dispensed with.

INITIAL RECOGNITION ORDER

2. Any capitalized terms not otherwise defined herein shall have the meanings given to such terms in the Initial Recognition Order (Foreign Main Proceeding) dated June 7, 2023 (the “**Initial Recognition Order**”).

3. The provisions of this Supplemental Order shall be interpreted in a manner complementary and supplementary to the provisions of the Initial Recognition Order, provided that in the event of a conflict between the provisions of this Supplemental Order and the provisions of the Initial Recognition Order, the provisions of the Initial Recognition Order shall govern.

RECOGNITION OF FOREIGN ORDERS

4. The following orders (collectively, the “**Foreign Orders**”) of United States Bankruptcy Court of the State of New Jersey made in the Foreign Proceeding, each as defined in the Koza Affidavit, are hereby recognized and given full force and effect in all provinces and territories of Canada pursuant to Section 49 of the CCAA:

- a) the Restated Automatic Stay Order, a copy of which is attached hereto as **Schedule “A”**;
- b) the Foreign Representative Order, a copy of which is attached hereto as **Schedule “B”**;
- c) the Joint Administration Order, a copy of which is attached hereto as **Schedule “C”**;
- d) the Case Management Order, a copy of which is attached hereto as **Schedule “D”**;
- e) the Claims Agent Order, a copy of which is attached hereto as **Schedule “E”**;
- f) the Consolidated Creditor List Order, a copy of which is attached hereto as **Schedule “F”**;
- g) the Asset Schedule Filing Extension Order, a copy of which is attached hereto as **Schedule “G”**;
- h) the Share Transfer Order, a copy of which is attached hereto as **Schedule “H”**;
- i) the Hedging Order, a copy of which is attached hereto as **Schedule “I”**;
- j) the Cash Management Order, a copy of which is attached hereto as **Schedule “J”**;
- k) the Utility Adequate Assurance Order, a copy of which is attached hereto as **Schedule “K”**;
- l) the Critical Vendor Order, a copy of which is attached hereto as **Schedule “L”**;
- m) the Customer and Partner Program Order, a copy of which is attached hereto as **Schedule “M”**;
- n) the Employee Compensation Order, a copy of which is attached hereto as **Schedule “N”**;
- o) the Insurance Maintenance Order, a copy of which is attached hereto as **Schedule “O”**;
- p) the Tax Payment Order, a copy of which is attached hereto as **Schedule “P”**;

- q) the DIP Financing Order, a copy of which is attached hereto as **Schedule “Q”**; (“**DIP Financing Order**”);

provided, however, that in the event of any conflict between the terms of the Foreign Orders and the Orders of this Court made in the within proceedings, the Orders of this Court shall govern with respect to Property (as defined below) in Canada.

APPOINTMENT OF INFORMATION OFFICER

5. Alvarez and Marsal Canada Inc. is hereby appointed as an information officer of this Court (in such capacity, the “**Information Officer**”), with the powers and duties set out herein.

NO PROCEEDINGS AGAINST THE DEBTORS OR THE PROPERTY

6. Until the termination of the Chapter 11 Proceedings or such date as this Court may order (the “**Stay Period**”), no proceeding or enforcement process in any court or tribunal in Canada (each, a “**Proceeding**”) shall be commenced or continued against or in respect of the Debtors or affecting their business (the “**Business**”) or their current and future assets, undertakings and properties of every nature and kind whatsoever, and wherever situate including all proceeds thereof (the “**Property**”), except with leave of this Court, and any and all Proceedings currently under way against or in respect of any of the Debtors or affecting the Business or the Property are hereby stayed and suspended pending further Order of this Court.

NO EXERCISE OF RIGHTS OR REMEDIES

7. During the Stay Period, all rights and remedies of any individual, firm, corporation, governmental body or agency, or any other entities (all of the foregoing, collectively being “**Persons**” and each being a “**Person**”) against or in respect of the Debtors, or affecting the Business or the Property, are hereby stayed and suspended except with leave of this Court, provided that nothing in this Order shall (i) prevent the assertion of or the exercise of rights and remedies outside of Canada, (ii) empower any of the Debtors to carry on any business in Canada which that Debtor is not lawfully entitled to carry on, (iii) affect such investigations or Proceedings by a regulatory body as are permitted by section 11.1 of the CCAA, (iv)

prevent the filing of any registration to preserve or perfect a security interest, or (v) prevent the registration of a claim for lien.

NO INTERFERENCE WITH RIGHTS

8. During the Stay Period, no Person shall discontinue, fail to honour, alter, interfere with, repudiate, terminate or cease to perform any right, renewal right, contract, agreement, licence or permit in favour of or held by any of the Debtors and affecting the Business in Canada, except with leave of this Court.

ADDITIONAL PROTECTIONS

9. During the Stay Period, all Persons having oral or written agreements with the Debtors or statutory or regulatory mandates for the supply of goods and/or services in Canada, including without limitation all computer software, communication and other data services, centralized banking services, payroll services, insurance, transportation services, utility or other services provided in respect of the Property or Business of the Debtors, are hereby restrained until further Order of this Court from discontinuing, altering, interfering with or terminating the supply of such goods or services as may be required by the Debtors, and that the Debtors shall be entitled to the continued use in Canada of their current premises, telephone numbers, facsimile numbers, internet addresses and domain names.

10. No Proceeding shall be commenced or continued against or in respect of the Information Officer, except with leave of this Court. In addition to the rights and protections afforded the Information Officer herein, or as an officer of this Court, the Information Officer shall have the benefit of all of the rights and protections afforded to a Monitor under the CCAA, and shall incur no liability or obligation as a result of its appointment or the carrying out of the provisions of this Order, save and except for any gross negligence or wilful misconduct on its part.

OTHER PROVISIONS RELATING TO INFORMATION OFFICER

11. The Information Officer:

- (a) is hereby authorized to provide such assistance to the Foreign Representative in the performance of its duties as the Foreign Representative may reasonably request;
- (b) shall report to this Court periodically as may be required with respect to the status of these proceedings and the status of the Foreign Proceedings, which reports may include information relating to the Property, the Business, or such other matters as may be relevant to the proceedings herein;
- (c) in addition to the periodic reports referred to in paragraph 11(b) above, the Information Officer may report to this Court at such other times and intervals as the Information Officer may deem appropriate with respect to any of the matters referred to in paragraph 11(b) above;
- (d) shall have full and complete access to the Property, including the premises, books, records, data, including data in electronic form, and other financial documents of the Debtors, to the extent that is necessary to perform its duties arising under this Order; and
- (e) shall be at liberty to engage independent legal counsel or such other persons as the Information Officer deems necessary or advisable respecting the exercise of its powers and performance of its obligations under this Order.

12. The Debtors and the Foreign Representative shall (i) advise the Information Officer of all material steps taken by the Debtors or the Foreign Representative in these proceedings or in the Foreign Proceedings, (ii) co-operate fully with the Information Officer in the exercise of its powers and discharge of its obligations, and (iii) provide the Information Officer with the assistance that is necessary to enable the Information Officer to adequately carry out its functions.

13. The Information Officer shall not take possession of the Property and shall take no part whatsoever in the management or supervision of the management of the Business and shall not, by fulfilling its obligations hereunder, be deemed to have taken or maintained possession or control of the Business or Property, or any part thereof.

14. The Information Officer (i) shall post on its website at <http://www.alvarezandmarsal.com/CyxteraCanada> (the “**Information Officer’s Website**”) all Orders of this Court made in these proceedings, all reports of the Information Officer filed herein, and such other materials as this Court may order from time to time, and (ii) may post on its website any other materials that the Information Officer deems appropriate.

15. The Information Officer may provide any creditor of a Debtor with information provided by the Debtors in response to reasonable requests for information made in writing by such creditor addressed to the Information Officer. The Information Officer shall not have any responsibility or liability with respect to the information disseminated by it pursuant to this paragraph. In the case of information that the Information Officer has been advised by the Debtors is privileged or confidential, the Information Officer shall not provide such information to creditors unless otherwise directed by this Court or on such terms as the Information Officer, the Foreign Representative and the relevant Debtors may agree.

16. The Information Officer and counsel to the Information Officer shall be paid by the Debtors their reasonable fees and disbursements incurred in respect of these proceedings, both before and after the making of this Order, in each case at their standard rates and charges unless otherwise ordered by the Court on the passing of accounts. The Debtors are hereby authorized and directed to pay the accounts of the Information Officer and counsel for the Information Officer on a monthly basis, including for work performed in preparation of the Application herein, and, in addition, the Debtors are hereby authorized to pay to the Information Officer and counsel to the Information Officer a retainer in the amount of \$100,000 to be held by the Information Officer as security for payment of their respective fees and disbursements outstanding from time to time, including for work performed in preparation of the Application herein.

17. The Information Officer and its legal counsel, and counsel to the Foreign Representative and Debtors, shall pass their accounts from time to time, and for this purpose the accounts of the Information Officer and its legal counsel, and counsel to the Foreign Representative and Debtors, are hereby referred to a judge of the Commercial List of the Court of Kings Bench of Alberta, and the accounts of the Information Officer and its legal

counsel, and counsel to the Foreign Representative and Debtors, shall not be subject to approval in the Foreign Proceeding.

18. The Information Officer, legal counsel to the Information Officer and legal counsel to the Foreign Representative, shall be entitled to the benefit of and are hereby granted a charge (the “**Administration Charge**”) on the Property in Canada, which charge shall not exceed an aggregate amount of \$400,000 as security for their professional fees and disbursements incurred in respect of these proceedings, both before and after the making of this Order. The Administration Charge shall have the priority set out in paragraphs 20 and 22 hereof.

INTERIM FINANCING

19. Collateral Agent (as such term is defined in the Senior Secured Super Priority Debtor-In-Possession Credit Agreement dated June 6, 2023 (the “**DIP Loan Agreement**”)), for and on behalf of itself, the Administrative Agent (as such term is defined in the DIP Loan Agreement) and the Lenders (as defined in the DIP Loan Agreement) shall be entitled to the benefit of and is hereby granted a charge (the “**DIP Lender’s Charge**”) on the Property in Canada, which DIP Lender’s Charge shall be consistent with the liens and charges created by the DIP Financing Order, provided however that the DIP Lender’s Charge (i) shall not secure an obligation that exists before this Order is made with the exception of amounts advanced under the Bridge Facility pursuant to the Bridge Credit Agreement, both terms as defined in the Koza Affidavit, which Bridge Facility shall be secured by the DIP Lender’s Charge, and (ii) with respect to the Property in Canada, shall have the priority set out in paragraphs **20 and 22** hereof, and further provided that the DIP Lender’s Charge shall not be enforced except with leave of this Court.

VALIDITY AND PRIORITY OF CHARGES CREATED BY THIS ORDER

20. The priorities of the Administration Charge and the DIP Lender’s Charge, as among them, shall be as follows:

First – Administration Charge (to the maximum amount of \$400,000; and

Second – DIP Lender’s Charge.

21. The filing, registration or perfection of the Administration Charge or the DIP Lender's Charge (collectively, the "**Charges**") shall not be required, and that the Charges shall be valid and enforceable for all purposes, including as against any right, title or interest filed, registered, recorded or perfected subsequent to the Charges coming into existence, notwithstanding any such failure to file, register, record or perfect the Charges.

22. Each of the Administration Charge and the DIP Lender's Charge (all as constituted and defined herein) shall constitute a charge on the Property in Canada and such Charges shall rank in priority to all other security interests, trusts, liens, charges and encumbrances, claims of secured creditors, statutory or otherwise (collectively, "**Encumbrances**") in favour of any Person.

23. Except as otherwise expressly provided for herein, or as may be approved by this Court, the Debtors shall not grant any Encumbrances over any Property in Canada that rank in priority to, or *pari passu* with, the Administration Charge or the DIP Lender's Charge, unless the Debtors also obtain the prior written consent of the Information Officer and the DIP Lender.

24. The Administration Charge and the DIP Lender's Charge shall not be rendered invalid or unenforceable and the rights and remedies of the chargees entitled to the benefit of the Charges (collectively, the "**Chargees**") shall not otherwise be limited or impaired in any way by (i) the pendency of these proceedings and the declarations of insolvency made herein; (ii) any application(s) for bankruptcy order(s) issued pursuant to the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c C-8, as amended (the "**BIA**"), or any bankruptcy order made pursuant to such applications; (iii) the filing of any assignments for the general benefit of creditors made pursuant to the BIA; (iv) the provisions of any federal or provincial statutes; or (v) any negative covenants, prohibitions or other similar provisions with respect to borrowings, incurring debt or the creation of Encumbrances, contained in any existing loan documents, lease, sublease, offer to lease or other agreement (collectively, an "**Agreement**") which binds any Debtor, and notwithstanding any provision to the contrary in any Agreement:

- (a) the creation of the Charges shall not create or be deemed to constitute a breach by a Debtor of any Agreement to which it is a party;

- (b) none of the Chargees shall have any liability to any Person whatsoever as a result of any breach of any Agreement caused by or resulting from the creation of the Charges; and
- (c) the payments made by the Debtors to the Chargees pursuant to this Order, and the granting of the Charges, do not and will not constitute preferences, fraudulent conveyances, transfers at undervalue, oppressive conduct, or other challengeable or voidable transactions under any applicable law.

25. Any Charge created by this Order over leases of real property in Canada shall only be a Charge in the applicable Debtor's interest in such real property leases.

SERVICE AND NOTICE

26. The Debtors, the Foreign Representative and the Information Officer are each at liberty to serve this Order, any other materials and orders filed or made in these proceedings, and any notices or other correspondence, by forwarding true copies thereof by prepaid ordinary mail, courier, personal delivery or electronic transmission to the Debtors' creditors or other interested parties at their respective addresses as last shown on the records of the Debtors and any such service or notice by courier, personal delivery or electronic transmission shall be deemed to be received on the next business day following the date of forwarding thereof, or if sent by ordinary mail, on the third business day after mailing.

27. Any Person that wishes to be served with any application and other materials in these proceedings must deliver to the Information Officer by way of ordinary mail, courier, personal delivery or electronic transmission a request to be added to a service list (the "**Service List**") to be maintained by the Information Officer. The Information Officer shall post and maintain an up to date copy of the Service List on the Monitor's Website.

28. Any party to these proceedings may serve any court materials in these proceedings by emailing a PDF or other electronic copy of such materials to counsels' email addresses as recorded on the Service List from time to time, and the Information Officer shall post a copy of all prescribed materials on the Information Officer's Website.

GENERAL

29. The Information Officer may from time to time apply to this Court for advice and directions in the discharge of its powers and duties hereunder.

30. Nothing in this Order shall prevent the Information Officer from acting as an interim receiver, a receiver, a receiver and manager, a monitor, a proposal trustee, or a trustee in bankruptcy of any Debtor, the Business or the Property.

31. This Court requests the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or globally, to give effect to this Order and to assist the Debtors, the Foreign Representative, the Information Officer, and their respective agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Debtors, the Foreign Representative, and the Information Officer, the latter as an officer of this Court, as may be necessary or desirable to give effect to this Order, or to assist the Debtors, the Foreign Representative, and the Information Officer and their respective agents in carrying out the terms of this Order.

32. Each of the Debtors, the Foreign Representative and the Information Officer be at liberty and is 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.

33. Any materials and/or exhibits subject to a sealing order granted by the court overseeing the Chapter 11 Proceedings (the “**U.S. Bankruptcy Court**”) shall be kept confidential and if sought to be filed in these proceedings, the party seeking to file the sealed materials and/or exhibits shall in these proceedings seek recognition of the sealing order of the U.S. Bankruptcy Court and if so recognized by this Court, the materials and/or exhibits shall be kept under seal in these proceedings until further order from this Court.

34. The Guidelines for Communication and Cooperation between Courts in Cross-Border Insolvency Matters issued by the Judicial Insolvency Network and adopted by the U.S. Bankruptcy Court and attached hereto as **Schedule “R”** is adopted by this Court for the purposes of these recognition proceedings.

35. Any interested party may apply to this Court to vary or amend this Order or seek other relief on not less than seven (7) days notice to the Debtors, the Foreign Representative, the Information Officer and their respective legal counsel, Goodmans LLP, as Canadian counsel to the DIP/First Lien Group, and to any other party or parties likely to be affected by the order sought, or upon such other notice, if any, as this Court may order.

36. This Order shall be effective as of 12:01 A.M. MST on the date of this Order.

Justice of the Court of King’s Bench of Alberta