

VANCOUVER
AUG 06 2015
COURT OF APPEAL
REGISTRY

Court of Appeal File No. CA 42990
Court of Appeal File No. CA 42991
Supreme Court File No. S154746
Supreme Court Registry: Vancouver

COURT OF APPEAL

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C. 1985, c.
C-36 as amended

and

IN THE MATTER OF THE *CANADA BUSINESS CORPORATIONS ACT*, R.S.C. 1985, c. C-44,
as amended

and

IN THE MATTER OF NORTH AMERICAN TUNGSTEN CORPORATION LTD.

BETWEEN:

NORTH AMERICAN TUNGSTEN CORPORATION LTD.

Respondent
(Petitioner)

AND:

GLOBAL TUNGSTEN AND POWDERS CORP.

Appellant

AND:

ALVAREZ & MARSAL CANADA INC., CALLIDUS CAPITAL CORPORATION, WOLFRAM
BERGBAU UND HUTTEN AG, and GOVERNMENT OF THE NORTHWEST TERRITORIES

Respondents

**NOTICE OF MOTION FOR LEAVE TO APPEAL
AND FOR A STAY OF EXECUTION**

TO: The parties listed at Schedule "A"

TAKE NOTICE THAT AN APPLICATION will be made by Global Tungsten and Powders Corp.
("GTP") to the presiding justice at 800 Smithe Street, British Columbia, at 9:30 a.m. on Tuesday,

August 11th, 2015, for leave to appeal the orders of Mr. Justice Butler of the Supreme Court of British Columbia pronounced the 27th and 30th days of July, 2015, and for an order pursuant to ss. 10(2)(d) and 18 of the *Court of Appeal Act*, R.S.B.C. 1996, c. 77, that:

1. The time for service of this notice of motion be and is hereby abridged, *nunc pro tunc* and by consent, such that this application was properly returnable on August 11, 2015;
2. Execution of the order pronounced 27 July 2015 be stayed pending appeal; and
3. That part of the order pronounced 30 July 2015 staying GTP's set-off rights until October 31, 2015 be stayed pending appeal.

AND TAKE NOTICE THAT in support of the application will be read the affidavit of Krystal Shayler, sworn on 06/Aug/2015.

Dated: 06/Aug/2015

Signed: 
Kieran E. Siddall

This application will take no more than 30 minutes to be heard.

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AND

IN THE MATTER OF NORTH AMERICAN TUNGSTEN
CORPORATION LTD.

Petitioner

NOTICE OF MOTION FOR LEAVE TO APPEAL AND STAY

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Attention: Kieran E. Siddall

KES/nca

File# 15-3341