

VANCOUVER FORM 4 (RULES 7 (1) (A) (II) AND 9 (3) (A) (II))

MAY 25 2017

COURT OF APPEAL
REGISTRY

CA44448
Court of Appeal File No. ~~CA44154~~
Supreme Court File No. S1510120
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 *BUSINESS CORPORATIONS ACT*,
S.B.C. 2002, c. 57, AS AMENDED

AND

IN THE MATTER OF A PLAN OF COMPROMISE AND ARRANGEMENT OF NEW
WALTER ENERGY CANADA HOLDINGS, INC. NEW WALTER CANADIAN COAL
CORP., NEW BRULE COAL CORP., NEW WILLOW CREEK COAL CORP., NEW
WOLVERINE COAL CORP. AND CAMBRIAN ENERGYBUILD HOLDINGS ULC

PETITIONERS
(RESPONDENTS)

AND:

UNITED MINE WORKERS OF AMERICA 1974 PENSION PLAN AND TRUST

(APPELLANT)

**MOTION BOOK FOR LEAVE TO APPEAL AND FOR A STAY OF PROCEEDINGS OR
EXECUTION**

To the respondent:	Walter Canada Group
And to its solicitor:	Marc Wasserman, Mary Paterson and Patrick Riesterer Osler, Hoskin & Harcourt LLP
To the respondent:	The Monitor KPMG Inc. Philip J. Reynolds, Jordan Sleeth, and Mike Schwartzentruber
And to its solicitor:	Wael Rostom, Peter Reardon, and Caitlin Fell McMillan LLP
To the respondent:	United Steelworkers, Local 1-424

And to its solicitor:

Craig Bavis
Victory Square Law Office

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 *BUSINESS CORPORATIONS ACT*,
S.B.C. 2002, c. 57, AS AMENDED

AND

IN THE MATTER OF A PLAN OF COMPROMISE AND ARRANGEMENT OF NEW
WALTER ENERGY CANADA HOLDINGS, INC. NEW WALTER CANADIAN COAL
CORP., NEW BRULE COAL CORP., NEW WILLOW CREEK COAL CORP., NEW
WOLVERINE COAL CORP. AND CAMBRIAN ENERGYBUILD HOLDINGS ULC

PETITIONERS
(RESPONDENTS)

AND:

UNITED MINE WORKERS OF AMERICA 1974 PENSION PLAN AND TRUST

(APPELLANT)

INDEX

TAB	DOCUMENT	DATE
1	<i>Walter Canada Holdings, Inc. (Re)</i> , 2017 BCSC 709 at para. 4 [“Reasons for Judgment”]	May 1, 2017
2	Final Order (In the Form Agreed to by Counsel)	*
3	<i>Walter Energy Canada Holdings Inc. (Re)</i> , (7 December 2015) Vancouver (S-1510120) [“Initial Order”]	December 7, 2015
4	<i>Walter Energy Canada Holdings Inc. (Re)</i> , (16 August 2016), Vancouver (S-1510120) (BCSC) [“Claims Process Order”]	August 16, 2016

TAB	DOCUMENT	DATE
5	<i>Walter Energy Canada Holdings Inc. (Re)</i> , (16 August 2016), Vancouver (S-1510120) (BCSC) [Approval and Vesting Order]	August 16, 2016
6	1st Affidavit of Dale R. Stover, sworn November 22, 2016 (Excluding Exhibits)	November 22, 2016
7	<i>Walter Energy Canada Holdings Inc. (Re)</i> , (7 December 2016), Vancouver (S-1510120) [New Walter Group Procedure Order]	December 7, 2016
8	Written Submissions of the Steelworkers on Summary Trial Application, filed December 19, 2016	December 19, 2016
9	7th Affidavit of Miriam Dominguez, sworn December 20, 2016	December 20, 2016
10	Submissions of the United Mine Workers of America 1974 Plan and Trust (the 1974 Plan”), dated December 30, 2016 (Excluding Appendices)	December 30, 2016
11	Eighth Report of the Monitor, KPMG Inc., dated January 12, 2017	January 12, 2017
12	Ninth Report of the Monitor, KPMG Inc., dated March 10, 2017	March 10, 2017
13	Second Monitor’s Certificate, dated March 17, 2017	March 17, 2017
14	10th Affidavit of William E. Aziz, sworn May 18, 2017	May 18, 2017
15	Memorandum of Argument	May 25, 2017
16	Appendices to Memorandum of Argument (Relevant Statutory Provisions)	May 25, 2017
	A. <i>Business Corporations Act</i> , S.B.C. 2002, c. 57, ss. 51.11 and 51.3(1)	
	B. <i>Companies’ Creditors Arrangement Act</i> , R.S.C. 1985, c. C-36, s. 13.	
	C. <i>Partnership Act</i> , R.S.B.C. 1996, c. 348, s. 57	