

COURT FILE NUMBER 24-2878531
COURT COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE EDMONTON



IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL UNDER SECTION 50.4(1) OF THE *BANKRUPTCY AND INSOLVENCY ACT*, RSC 1985, c B-3, AS AMENDED

APPLICANTS NILEX INC. and NILEX USA INC.

DOCUMENT **ORDER (sealing confidential appendices)**

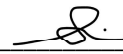
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

BLAKE, CASSELS & GRAYDON LLP
Barristers and Solicitors
3500 Bankers Hall East
855 – 2nd Street SW
Calgary, Alberta T2P 4J8

I hereby certify this to be a true copy of the original Sealing Confidential Appendices Order

Dated this 30th day of November 2022

Attention: Kelly Bourassa / Alexia Parente
Telephone: 403-260-9697 / 416-863-2417
Email: kelly.bourassa@blakes.com / alexia.parente@blakes.com


for Clerk of the Court

Fax No.: 403-260-9700
File Ref.: 99580/8

DATE ON WHICH ORDER WAS PRONOUNCED November 28, 2022
LOCATION OF HEARING: Calgary, Alberta (via Webex)
NAME OF JUDGE WHO MADE THIS ORDER: The Honourable Justice M.H. Hollins

UPON THE APPLICATION by Nilex Inc. and Nilex USA Inc. (the “**Companies**”), for an order, among other things, sealing the confidential appendices (collectively, the “**Confidential Appendices**”) to the second report of KSV Restructuring Inc. in its capacity as proposal trustee of Nilex Inc. (the “**Proposal Trustee**”) dated November 21, 2022 (the “**Second Report**”);

AND UPON HAVING READ the Application, the Affidavit of Jeff Allen sworn November 21, 2022, the Second Report, the Confidential Appendices thereto, the Affidavit of Service of Lindsay Farr sworn November 24, 2022, and such other material in the pleadings and proceedings as deemed necessary;

AND UPON HAVING BEEN ADVISED by counsel to the Companies that the applicable notice pursuant to Rule 6.32 of the *Alberta Rules of Court*, Alta Reg 124/2010 was given;

AND UPON HEARING the submissions of counsel for the Companies, the Proposal Trustee, CIBC and such other counsel in attendance;

IT IS HEREBY ORDERED AND DECLARED THAT:

DEFINITION

1. Capitalized terms not defined in this Order shall have the meanings attributed to them in the Second Allen Affidavit.

SEALING ORDER

2. Notwithstanding Division 4 of Part 6 of the *Alberta Rules of Court*, Alta Reg 124/2010, the Confidential Appendices shall, until the earlier of the termination of the TSA, or further Order of this Honourable Court, be sealed on the Court file and kept confidential to be shown only to a Justice of the Court of King's Bench of Alberta, and accordingly, shall be filed with the Clerk of the Court who shall keep the Confidential Appendices in a sealed envelope attached to a notice that sets out the style of cause of these proceedings and states:

THIS ENVELOPE CONTAINS CONFIDENTIAL MATERIALS FILED IN COURT FILE NO. 24-2878531. THE CONFIDENTIAL MATERIALS ARE SEALED PURSUANT TO THE SEALING ORDER ISSUED BY THE HONOURABLE JUSTICE M.H. HOLLINS ON NOVEMBER 28, 2022.

3. The Companies and the Proposal Trustee are empowered and authorized, but not directed, to provide the Confidential Appendices (or any portion thereof, or information contained therein) to any interested party, entity or person that the Companies or Proposal Trustee considers reasonable in the circumstances, subject to confidentiality arrangements satisfactory to the Companies or the Proposal Trustee.
4. Leave is hereby granted to any person, entity or party affected by this Order to apply to this Court for a further Order vacating, substituting, modifying or varying the terms of this Order, with such application to be brought on five (5) days' notice to the Proposal Trustee

and the Companies and any other affected party in accordance with the *Alberta Rules of Court*, Alta Reg 124/2010 and this Order.

5. This Order must be served only upon those interested parties attending or represented at the within application and service may be affected by facsimile, electronic mail, personal delivery, or courier. Service is deemed to be affected the next business day following the transmission or delivery of such documents.
6. Service of this Order on any party not attending this application is hereby dispensed with.

A handwritten signature in blue ink, consisting of stylized, overlapping letters, positioned above a horizontal line.

Justice of the Court of King's Bench of Alberta