

COURT FILE NUMBER 2001-05482  
 COURT COURT OF QUEEN'S BENCH OF ALBERTA  
 JUDICIAL CENTRE CALGARY



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

AND IN THE MATTER OF THE COMPROMISE OR ARRANGEMENT OF JMB CRUSHING SYSTEMS INC. and 2161889 ALBERTA LTD.

AND IN THE MATTER OF A PLAN OF ARRANGEMENT OF JMB CRUSHING SYSTEMS INC. and MANTLE MATERIALS GROUP, LTD. UNDER THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, RSC 1985, c C-36, as amended, and the *BUSINESS CORPORATIONS ACT*, SBC 2002, c 57, as amended

APPLICANTS JMB CRUSHING SYSTEMS INC. and 2161889 ALBERTA LTD.

DOCUMENT **ORDER (Sealing Order)**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

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 File No.: A163514

**DATE ON WHICH ORDER WAS PRONOUNCED:** March 31, 2021

**LOCATION OF HEARING OR TRIAL:** Calgary Court House

**NAME OF JUDGE WHO MADE THIS ORDER:** Honourable Justice K.M. Eidsvik

**UPON THE APPLICATION** (the “**Application**”) of JMB Crushing Systems Inc. and 2161889 Alberta Ltd. (collectively, the “**Applicants**”); **AND UPON** reading the Affidavits of Byron Levkulich sworn March 4 and March 23, 2021, the Affidavit of Blake M. Elyea sworn

March 24, 2021, the Confidential Affidavit of Blake M. Elyea sworn March 24, 2021 (the “**Elyea Confidential Affidavit**”), the Affidavit of Aaron Patsch sworn March 30, 2021 and the Confidential Affidavit of Aaron Patsch sworn March 30, 2021 (the “**Patsch Confidential Affidavit**”); **AND UPON** reading the Fourteenth Report of FTI Consulting Canada Inc., in its capacity as Court-appointed monitor of the Applicants (the “**Monitor**”) dated March 4, 2021, the Fifteenth Report of the Monitor dated March 26, 2021 and the Sixteenth Report of the Monitor dated March 30, 2021, all filed; **AND UPON** reading the Affidavit of Service, filed; **AND UPON** hearing from counsel for the Applicants and for any other parties who may be present; **IT IS HEREBY ORDERED AND DECLARED THAT:**

1. Part 6, Division 4 of the *Alberta Rules of Court* does not apply to the Application and the Clerk of the Court is hereby directed to seal the Elyea Confidential Affidavit, on the Court file, until the termination of the within proceedings. The Elyea Confidential Affidavit shall be sealed and filed in an envelope containing the following endorsement thereon:

**THIS ENVELOPE CONTAINS CONFIDENTIAL MATERIALS FILED IN COURT FILE NO. 2001-05482. THE CONFIDENTIAL MATERIALS ARE SEALED PURSUANT TO THE SEALING ORDER ISSUED BY THE HONOURABLE MADAM JUSTICE K.M. EIDSVIK ON MARCH 31, 2021.**

2. Part 6, Division 4 of the *Alberta Rules of Court* does not apply to the Application and the Clerk of the Court is hereby directed to seal the Patsch Confidential Affidavit, on the Court file, until the termination of the within proceedings. The Patsch Confidential Affidavit shall be sealed and filed in an envelope containing the following endorsement thereon:

**THIS ENVELOPE CONTAINS CONFIDENTIAL MATERIALS FILED IN COURT FILE NO. 2001-05482. THE CONFIDENTIAL MATERIALS ARE SEALED PURSUANT TO THE SEALING ORDER ISSUED BY THE HONOURABLE MADAM JUSTICE K.M. EIDSVIK ON MARCH 31, 2021.**

3. Any person may apply, on reasonable notice to the Monitor, the Applicants, and any other persons likely to be affected, to vary or amend the terms of paragraphs 1 or 2 of this Order.
4. The Elyea Confidential Affidavit and the Patsch Confidential Affidavit shall also be uploaded to the online filesite established by the Monitor (the “**CaseLines Filesite**”), in

connection with the within proceedings, in a case file that may only be accessed by the presiding Justices of the Court of Queen's Bench, the Monitor, the Applicants and any parties who are subsequently authorized to access materials under and pursuant to this sealing order.

5. Service of this Order shall be deemed good and sufficient by:

(a) Serving same on:

- (i) the persons listed on the Service List created in these proceedings;
- (ii) any other person served with notice of the Application for this Order; and
- (iii) any other parties attending or represented at the Application for this Order; and

(b) Posting a copy of this Order on the Monitor's Website at:  
<http://cfcanada.fticonsulting.com/jmb/default.htm>,

and service on any other person is hereby dispensed with.

6. Service of this Order shall be deemed good and sufficient by serving the same in accordance with the procedures in the CaseLines Service Order granted on May 29, 2020.



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J.C.C.Q.B.A