COURT FILE NUMBER

1701-11639

**COURT** 

COURT OF QUEEN'S BENCH OF

ALBERTA

JUDICIAL CENTRE

**CALGARY** 

**PLAINTIFF** 

NATIONAL BANK OF CANADA

**DEFENDANT** 

SCOLLARD ENERGY LTD.

**DOCUMENT** 

RESTRICTED COURT ACCESS ORDER

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF

PARTY FILING THIS

**DOCUMENT** 

OSLER, HOSKIN & HARCOURT LLP

2500, 450 – 1<sup>st</sup> Street SW Calgary, AB T2P 5H1

Attn: Randal Van de Mosselaer

Telephone: 403-260-7060 Facsimile: 403-260-7024

E-mail: rvandemosselaer@osler.com

DATE ON WHICH ORDER WAS PRONOUNCED:

February 5, 2018

LOCATION WHERE ORDER WAS PRONOUNCED: Calgary, Alberta

NAME OF JUSTICE WHO MADE THIS ORDER:

Mr. Justice A. D. Macleod

upon the application of FTI Consulting Canada Inc. in its capacity as the Courtappointed receiver (the "Receiver") of the assets, properties and undertakings of Scollard Energy
Ltd. for an order sealing the confidential supplement ("Confidential 2nd Supplemental Report")
to the Receiver's Second Report, dated January 24, 2018 ("Second Report"); AND UPON having
read the Confidential 2nd Supplemental Report, the Second Report and all other prior materials
filed in the within proceedings; AND UPON hearing from counsel for the Receiver, Westbrick
Energy Ltd. ("Westbrick") and Sandpoint Resources Inc. and Blue Moon Oil and Gas Inc.
(together, the "Sandpoint Purchasers"), and from any other interested persons who by the Court
record have appeared at the within Application; AND UPON it appearing that all interested and
affected parties have been served with notice of this Application;

IT IS HEREBY ORDERED AND DECLARED THAT:



hereby certify this to be a true copy of

- 1. Service of notice of this Application and supporting materials is hereby declared to be good and sufficient, no other person is required to have been served with notice of this Application, and time for service of this Application is abridged to that actually given, and specifically, the service, notice and formal requirements of Part 6, Division 4 of the Alberta Rules of Court, Alta Reg. 124/2010 shall not apply to this Order and are hereby dispensed with.
- 2. The Confidential 2<sup>nd</sup> Supplemental Report shall, subject to further Order of this Court, be marked "SEALED PURSUANT TO COURT ORDER NOT TO BE OPENED WITHOUT PRIOR ORDER OF THE COURT", and shall be maintained in accordance with the terms of this Order and shall be treated as confidential, sealed and not form part of the public record.
- 3. Every person on whom the Confidential 2<sup>nd</sup> Supplemental Report is served shall keep the information contained therein confidential and such information:
  - (a) shall be used only for the purposes of this proceeding and not for any business or other purpose whatsoever;
  - (b) shall not be given, shown, made available, or communicated in any way to anyone other than for the purpose of retaining and instructing counsel with respect to these proceedings only, who shall be bound by the terms of this Order; and
  - shall not be copied or reproduced, except by counsel for the purpose of responding to the Receiver's application or preparing materials for use in these proceedings.
- 4. The Receiver is at liberty to reapply for further advice, assistance and direction as may be necessary to give full force and effect to the terms of this Order.
- 5. This Order will remain in effect subject to further Order of the Court granted on notice to the Receiver, Westbrick and the Sandpoint Purchasers, an Application which may be brought by any interested party only following the filing by the Receiver's Certificates confirming the closing (if any) of the transactions contemplated by the sales agreements between the Receiver and Westbrick (the "Westbrick PSA") and between the Receiver and the Sandpoint Purchasers (the "Sandpoint PSA"), as applicable.

- 6. The Confidential 2<sup>nd</sup> Supplemental Report shall be filed with the Court within 90 days following the closing of the later of the Transactions contemplated by the Westbrick PSA and by the Sandpoint PSA.
- 7. This Order must be served only upon those interested parties attending or represented at the within application and service may be effected by facsimile, electronic mail, personal delivery or courier. Service is deemed to be effected the next business day following the transmission or delivery of such documents.
- 8. Service of this Order on any party not attending this Application is hereby dispensed with.

J.C. C.Q.B.A.