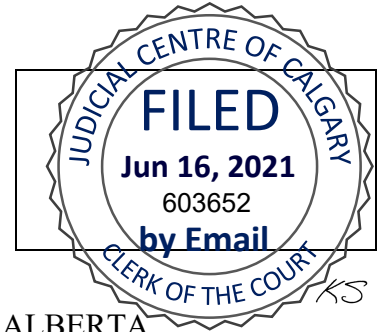


Clerk's Stamp:



COURT FILE NUMBER

2101-05019

COURT

COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE

CALGARY

APPLICANTS:

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

AND IN THE MATTER OF THE COMPROMISE OR ARRANGEMENT OF COALSPUR MINES (OPERATIONS) LTD.

DOCUMENT

**RESTRICTED COURT ACCESS ORDER**

CONTACT INFORMATION

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OF PARTY FILING THIS

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File Number: 1217428

**DATE ON WHICH ORDER WAS PRONOUNCED:** June 16, 2021

**NAME OF JUSTICE WHO MADE THIS ORDER:** The Honourable Madam Justice Romaine

**LOCATION OF HEARING:**

Calgary Courts Centre  
601 – 5<sup>th</sup> Street SW  
Calgary, AB


UPON the application of **COALSPUR MINES (OPERATIONS) LTD.** (the “**Applicant**”); AND UPON having read the Third Affidavit of Michael Beyer, sworn June 10, 2021 and the Confidential Affidavit of Donald S. Swartz II, sworn June 8, 2021 (the “**Confidential Swartz Affidavit**”); AND UPON having read the Second Report of FTI Consulting Canada Inc. in its role as Court-appointed Monitor of the Applicant (the “**Monitor**”), dated June 11, 2021 (the

“**Second Report**”); **AND UPON** reviewing the Amended and Restated Initial Order granted by the Honourable Madam Justice Shelley on May 6, 2021 (the “**Amended Initial Order**”); **AND UPON** hearing from counsel for the Applicant, counsel for the Monitor, and any other counsel present; **AND UPON** reviewing the Affidavit of Service of Elena Pratt, sworn June 15, 2021; **IT IS HEREBY ORDERED AND DECLARED THAT:**

1. Subject to further Order of this Honourable Court, the Confidential Swartz Affidavit and the transcript of any cross-examination thereon together with any exhibits thereto and any answer given or document produced in response to a cross-examination question or undertaking where such information or documentation is subject to third party confidentiality obligations or which is, or contains confidential financial, business strategy or other commercially sensitive information or proprietary information not otherwise known or available to the public (collectively, the “**Confidential Evidence**”), shall be sealed on the Court file and shall not form part of the public record, notwithstanding Division 4, Part 6 of the *Alberta Rules of Court*.
2. The Clerk of this Honourable Court shall file the Confidential Evidence in a sealed envelope attached to a notice that sets out the style of cause of these proceedings and states that:

THIS ENVELOPE CONTAINS CONFIDENTIAL MATERIALS FILED  
BY COALSPUR MINES (OPERATIONS) LTD. THE CONFIDENTIAL  
MATERIALS ARE SEALED PURSUANT TO THE RESTRICTED  
COURT ACCESS ORDER ISSUED BY MADAM JUSTICE ROMAINE  
ON JUNE 16, 2021.
3. The Applicant is empowered and authorized, but not required, to provide the Confidential Evidence (or any portion thereof, or any information contained therein) to any interested party, entity or person that the Applicant considers reasonable in the circumstances subject to confidentiality arrangements agreeable to the Applicant, Westshore Terminals Limited Partnership, and Canadian National Railway Company.
4. Every person who is provided with or who has access to a copy of the Confidential Evidence 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;
  - (c) Shall not be copied or reproduced, including in materials to be submitted to this Court, except by counsel for the purposes of prosecuting or responding to the application filed in these proceedings by Ridley Terminals Inc. on May 21, 2021, and the application filed in these proceedings by the Applicant on May 25, 2021, and subject to the party intending to use the information for such purposes ensuring that the materials are sealed in the manner required by paragraph 2 of this Order (with necessary changes in the notice therein referred to), whereupon such material will be subject to this Order in the same manner as Confidential Evidence.
5. 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 notice to Coalspur, Westshore Terminals Limited Partnership, and Canadian National Railway Company.

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J.C.Q.B.A.