

COURT FILE NUMBER 2001-05630

COURT COURT OF QUEEN'S BENCH OF ALBERTA IN  
BANKRUPTCY AND INSOLVENCY

JS  
June 19, 2020  
Justice Eidsvik

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 A PLAN OF COMPROMISE OR  
ARRANGEMENT OF DOMINION DIAMOND MINES ULC,  
DOMINION DIAMOND DELAWARE COMPANY LLC,  
DOMINION DIAMOND CANADA ULC, WASHINGTON  
DIAMOND INVESTMENTS, LLC, DOMINION DIAMOND  
HOLDINGS, LLC AND DOMINION FINCO INC.**

DOCUMENT

**AFFIDAVIT**

ADDRESS FOR SERVICE  
AND CONTACT  
INFORMATION OF PARTY  
FILING THIS DOCUMENT

**BLAKE, CASSELS & GRAYDON LLP**  
Barristers and Solicitors  
3500 Bankers Hall East  
855 – 2<sup>nd</sup> Street SW  
Calgary, Alberta T2P 4J8  
Attention: Peter L. Rubin / Peter Bychawski /  
Claire Hildebrand / Morgan Crilly  
Telephone No.: 604.631.3315 / 604.631.4218 /  
604.631.3331 / 403.260.9657  
Email: [peter.rubin@blakes.com](mailto:peter.rubin@blakes.com) /  
[peter.bychawski@blakes.com](mailto:peter.bychawski@blakes.com) /  
[claire.hildebrand@blakes.com](mailto:claire.hildebrand@blakes.com) /  
[morgan.crilly@blakes.com](mailto:morgan.crilly@blakes.com)

Fax No.: 604.631.3309

**AFFIDAVIT OF DEBRA WALLACE**  
Sworn on June 18, 2020

I, **DEBRA WALLACE** of the City of Calgary, in the Province of Alberta, MAKE OATH AND SAY  
THAT:



This is Exhibit "A" referred to in the Affidavit  
of **DEBRA WALLACE** sworn before me this  
\_\_\_\_\_ day of June, 2020.

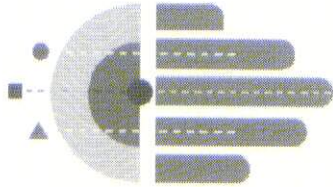
\_\_\_\_\_  
A Commissioner for Oaths in and for Alberta

*dw*



**WILMINGTON  
TRUST**

MEMBER OF THE M&T FAMILY



With roots dating back to the founding of Wilmington Trust Company by T. Coleman duPont in 1803, Wilmington Trust has been serving successful individual and institutional clients for more than a century. Offering a high caliber of service, Wilmington Trust is globally recognized and has a team of professionals that bring a unique blend of knowledge, experience, and resources to every client relationship that we serve.

\* "Wilmington Trust" is a registered service mark, used for investment and other financial services offered to trust, individual, and institutional clients by certain subsidiaries and affiliates of M&T Bank Corporation, including, but not limited to, Manufacturers & Traders Trust Company (M&T Bank), Wilmington Trust Company (WTC), Wilmington Trust, N.A. (WTNA), Wilmington Trust Investment Advisors, Inc. (WTIA), Wilmington Funds Management Corporation (WFMC), and Wilmington Trust Investment Management, LLC (WTIM). Assets under management data are calculated in the aggregate, and include assets managed by various Wilmington Trust entities, including M&T Bank, WTC, WTNA, WTIA, WFMC, and WTIM. Wilmington Trust Company, operating in Delaware only, Wilmington Trust, N.A., M&T Bank, and certain other affiliates, provide various fiduciary and non-fiduciary services, including trustee, custodial, agency, investment management, and other services. International corporate and institutional services are offered through M&T Bank Corporation's international affiliates. Loans, credit cards, retail and business deposits, and other business and personal banking services and products are offered by M&T Bank, member FDIC.

Investing involves risks and you may incur a profit or a loss. There is no assurance that any strategy will be successful.

CORPORATE FACT SHEET

## The Wilmington Trust Advantage

### A powerful combination of strength and experience

We are proud to be part of the M&T corporate family, one of the most financially sound and successful companies in the U.S. financial services industry.

M&T Bank Corporation data (as of 3/31/2020)

- One of the 20 largest independent commercial bank holding companies in the U.S.<sup>1</sup>
- \$124.6 billion in assets
- \$103 billion in assets under management\*
- \$15.8 billion in shareholders' equity
- \$94.1 billion in loans and leases
- \$100.2 billion in deposits
- Tier 1 capital ratio: 10.35%
- Consistent profitability for the past 175 consecutive quarters
- From January 1, 1980 through March 31, 2020, M&T's stock has been one of the top performers in the U.S., with an annualized total return to shareholders of 16.4%

### The markets we serve

#### Global Capital Markets

- International client base with clients in more than 90 countries
- Specialized trust services for capital markets financing structures
- Domestic and global institutional custody services
- Customized institutional investment capabilities

#### Wealth Management

- Clients in all 50 states and numerous other countries
- Wealth planning, investment management, trust and estate services, financial solutions, and private banking (the marketing name for an offering of M&T Bank deposit and loan products and services)
- Industry-recognized leaders in trusts, planning, and investments
- Expertise in finding innovative solutions to complex situations

#### Institutional Retirement Services

- Directed trustee and custody services for institutional retirement and benefit programs
- 401(k) advisory services providing plan design, benchmarking, and governance
- Expansive collective investment trust platform

<sup>1</sup> Based on analysis of Federal Reserve Board website data regarding U.S.-based commercial bank holding companies, as of December 31, 2019.

CLERK'S STAMP

COURT FILE NUMBER 2001-05630

COURT COURT OF QUEEN'S BENCH OF ALBERTA IN  
BANKRUPTCY AND INSOLVENCY

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 A PLAN OF COMPROMISE OR  
ARRANGEMENT OF DOMINION DIAMOND MINES ULC,  
DOMINION DIAMOND DELAWARE COMPANY LLC,  
DOMINION DIAMOND CANADA ULC, WASHINGTON  
DIAMOND INVESTMENTS, LLC, DOMINION DIAMOND  
HOLDINGS, LLC AND DOMINION FINCO INC.**

DOCUMENT **AFFIDAVIT**

ADDRESS FOR SERVICE  
AND CONTACT  
INFORMATION OF PARTY  
FILING THIS DOCUMENT

**BLAKE, CASSELS & GRAYDON LLP**

Barristers and Solicitors  
3500 Bankers Hall East  
855 – 2<sup>nd</sup> Street SW  
Calgary, Alberta T2P 4J8  
Attention: Peter L. Rubin / Peter Bychawski /  
Claire Hildebrand / Morgan Crilly  
Telephone No.: 604.631.3315 / 604.631.4218 /  
604.631.3331 / 403.260.9657  
Email: [peter.rubin@blakes.com](mailto:peter.rubin@blakes.com) /  
[peter.bychawski@blakes.com](mailto:peter.bychawski@blakes.com) /  
[claire.hildebrand@blakes.com](mailto:claire.hildebrand@blakes.com) /  
[morgan.crilly@blakes.com](mailto:morgan.crilly@blakes.com)

Fax No.: 604.631.3309

**AFFIDAVIT OF DEBRA WALLACE**  
**Sworn on June 18, 2020**

I, **DEBRA WALLACE** of the City of Calgary, in the Province of Alberta, MAKE OATH AND SAY  
THAT:

MC

1. I am employed by Blake, Cassels & Graydon LLP as a legal assistant, and as such have personal knowledge of the matters herein deposed to except where otherwise stated to be based upon information and belief in which case I verily believe the same to be true.

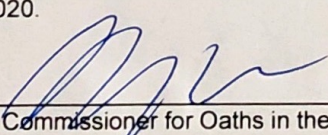
2. Attached hereto and marked as **Exhibit "A"** is a true copy of a Wilmington Trust Corporate Fact Sheet accessible at the following website address:

[https://www.wilmingtontrust.com/repositories/wtc\\_sitecontent/PDF/Wilmington\\_Trust\\_Corporate\\_Fact\\_Sheet.pdf](https://www.wilmingtontrust.com/repositories/wtc_sitecontent/PDF/Wilmington_Trust_Corporate_Fact_Sheet.pdf).

3. I am not physically present before the Commissioner for Oaths (the "**Commissioner**") taking this Affidavit, but I am linked with the Commissioner by video technology. The following steps have been or will be taken by me and the Commissioner:

- (a) I have shown the Commissioner the front and back of my current government-issued photo identification ("**ID**") and the Commissioner has compared my video image to the information on my ID;
- (b) the Commissioner has taken a screenshot of the front and back of my ID to retain it;
- (c) the Commissioner and I have a paper copy of this Affidavit, including all Exhibits, before us;
- (d) the Commissioner and I have reviewed each page of this Affidavit and Exhibits to verify that the pages are identical and have initialed each page in the lower right corner;
- (e) at the conclusion of our review of the Affidavit and Exhibits, the Commissioner administered the oath to me and the Commissioner watched me sign my name to this Affidavit; and
- (f) I will send this signed Affidavit, including Exhibits, electronically to the Commissioner.

SWORN BEFORE ME at the City of Calgary,  
in the Province of Alberta this 18<sup>th</sup> day of June,  
2020.

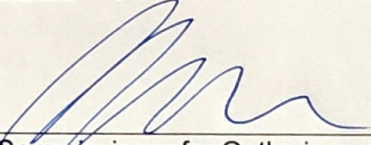
  
\_\_\_\_\_  
A Commissioner for Oaths in the Province of  
Alberta

Morgan Crilly  
Barrister & Solicitor

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
\_\_\_\_\_  
**DEBRA WALLACE**

Mc

This is Exhibit "A" referred to in the Affidavit  
of **DEBRA WALLACE** sworn before me this  
18 day of June, 2020.

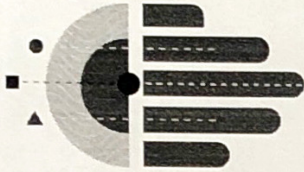


A Commissioner for Oaths in and for Alberta  
Morgan Crilly  
Barrister & Solicitor

MC

CORPORATE FACT SHEET

## The Wilmington Trust Advantage



With roots dating back to the founding of Wilmington Trust Company by T. Coleman duPont in 1903, Wilmington Trust has been serving successful individual and institutional clients for more than a century. Offering a high caliber of service, Wilmington Trust is globally recognized and has a team of professionals that bring a unique blend of knowledge, experience, and resources to every client relationship that we serve.

\* "Wilmington Trust" is a registered service mark, used for investment and other financial services offered to trust, individual, and institutional clients by certain subsidiaries and affiliates of M&T Bank Corporation, including, but not limited to, Manufacturers & Traders Trust Company (M&T Bank), Wilmington Trust Company (WTC), Wilmington Trust, N.A. (WTNA), Wilmington Trust Investment Advisors, Inc. (WTIA), Wilmington Funds Management Corporation (WFMC), and Wilmington Trust Investment Management, LLC (WTIM). Assets under management data are calculated in the aggregate, and include assets managed by various Wilmington Trust entities, including M&T Bank, WTC, WTNA, WTIA, WFMC, and WTIM. Wilmington Trust Company, operating in Delaware only, Wilmington Trust, N.A., M&T Bank, and certain other affiliates, provide various fiduciary and non-fiduciary services, including trustee, custodial, agency, investment management, and other services. International corporate and institutional services are offered through M&T Bank Corporation's international affiliates. Loans, credit cards, retail and business deposits, and other business and personal banking services and products are offered by M&T Bank, member FDIC.

Investing involves risks and you may incur a profit or a loss. There is no assurance that any strategy will be successful.

### A powerful combination of strength and experience

We are proud to be part of the M&T corporate family, one of the most financially sound and successful companies in the U.S. financial services industry.

#### M&T Bank Corporation data (as of 3/31/2020)

- One of the 20 largest independent commercial bank holding companies in the U.S.<sup>1</sup>
- \$124.6 billion in assets
- \$103 billion in assets under management\*
- \$15.8 billion in shareholders' equity
- \$94.1 billion in loans and leases
- \$100.2 billion in deposits
- Tier 1 capital ratio: 10.35%
- Consistent profitability for the past 175 consecutive quarters
- From January 1, 1980 through March 31, 2020, M&T's stock has been one of the top performers in the U.S., with an annualized total return to shareholders of 16.4%

### The markets we serve

#### Global Capital Markets

- International client base with clients in more than 90 countries
- Specialized trust services for capital markets financing structures
- Domestic and global institutional custody services
- Customized institutional investment capabilities

#### Wealth Management

- Clients in all 50 states and numerous other countries
- Wealth planning, investment management, trust and estate services, financial solutions, and private banking (the marketing name for an offering of M&T Bank deposit and loan products and services)
- Industry-recognized leaders in trusts, planning, and investments
- Expertise in finding innovative solutions to complex situations

#### Institutional Retirement Services

- Directed trustee and custody services for institutional retirement and benefit programs
- 401(k) advisory services providing plan design, benchmarking, and governance
- Expansive collective investment trust platform

<sup>1</sup> Based on analysis of Federal Reserve Board website data regarding U.S.-based commercial bank holding companies, as of December 31, 2019.



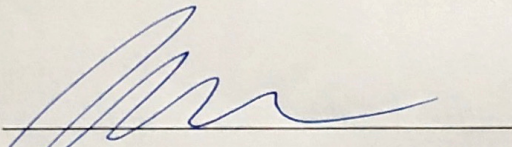
**APPENDIX A**

**Certificate of Commissioning by Videoconference**

I, Morgan Crilly, Commissioner of Oaths in and for Alberta, took the Affidavit of **DEBRA WALLACE** via videoconference on June 18, 2020 (the "Affidavit").

The affiant and I followed the process outlined by the Alberta Court of Queen's Bench in Notice to the Profession and Public #2020-02 dated March 25, 2020. In addition to the steps described in the Affidavit, I compared each page of the copy I received from the affiant with the initialed copy that was before me while I was linked by videoconference with the affiant. Upon being satisfied that the two copies were identical, I affixed my name to the jurat.

On March 17, 2020, the Government of Alberta declared a state of public health emergency pursuant to the Alberta *Public Health Act* in response to the COVID-19 pandemic. The Government of Alberta also strongly recommends that all individuals stay home and avoid contact with others whenever possible. Therefore, I am satisfied that this process was necessary because it was unsafe for the deponent and I to be physically present together.



Commissioner of Oaths in and for Alberta

Morgan Crilly  
Barrister & Solicitor