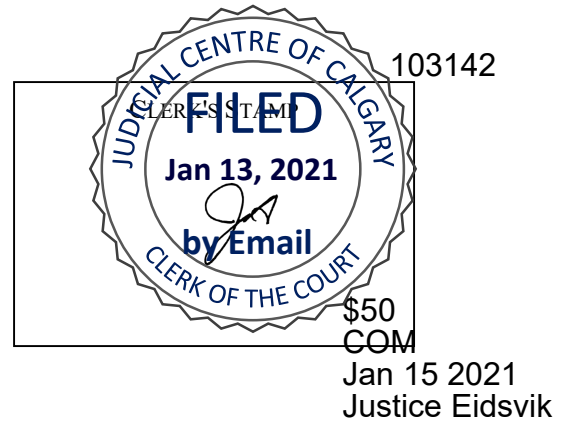


ENTERED

FORM 27
[RULES 6.3 AND 10.52(1)]



COURT FILE NUMBER

2001-05630

COURT

COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE

CALGARY

IN THE MATTER OF THE *COMPANIES'*
CREDITORS ARRANGEMENT ACT, R.S.C.
1985, 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, DOMINION
FINCO INC., AND DOMINION DIAMOND
MARKETING CORPORATION

DOCUMENT

APPLICATION (SEALING ORDER)

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS DOCUMENT

BENNETT JONES LLP
Barristers and Solicitors
4500 Bankers Hall East
855 – 2 Street SW
Calgary, AB T2P 4K7

Attention: Chris Simard / Kelsey Meyer
Telephone No.: 403-298-4485 / 403-298-3323
Fax No.: 403-265-7219
Client File No.: 76142.10

NOTICE TO RESPONDENTS: THE SERVICE LIST

This application is made against you. You are a respondent.

You have the right to state your side of this matter before the master/judge.

To do so, you must be in Court when the application is heard as shown below:

Date: Friday, January 15, 2021
Time: 2:00 p.m.
Where: Calgary Courts Centre (Virtual Courtroom Via Webex)
Before Whom: The Honourable Madam Justice K. M. Eidsvik

Go to the end of this document to see what else you can do and when you must do it.

Remedy claimed or sought:

1. FTI Consulting Canada Inc., the Court-appointed monitor (the "**Monitor**") of Dominion Diamond Mines ULC, Dominion Diamond Delaware Company LLC, Dominion Diamond Canada ULC, Washington Diamond Investments, LLC, Dominion Diamond Holdings, LLC, Dominion Finco Inc. and Dominion Diamond Marketing Corporation (collectively, "**Dominion**"), seeks an Order substantially in the form attached hereto as **Schedule "A"**:
 - (a) declaring service of this Application good and sufficient, and abridging the time for notice of this Application to the time actually given, if necessary;
 - (b) sealing the Twelfth Report of the Monitor dated January 11, 2021 (the "**Twelfth Report**") on the Court's file;
 - (c) such further and other relief as counsel may advise and this Honourable Court permits.

Grounds for making this application:

2. The Twelfth Report contains confidential and commercially sensitive information, the disclosure of which would cause serious risk of harm to Dominion and to its stakeholders, including but not limited to Diavik Diamond Mines (2012) Inc. ("**DDMI**").
3. A sealing order is necessary to prevent the confidential and commercially sensitive information contained in the Twelfth Report from being disclosed. The sealing order sought is the least restrictive means possible to prevent disclosure of the confidential and commercially sensitive information in the Twelfth Report.
4. The salutary effects of the proposed sealing order outweigh its deleterious effects.

5. Such further and other grounds as counsel may advise and this Honourable Court permits.

Material or evidence to be relied on:

6. The Twelfth Report.

Applicable Rules:

7. *Alberta Rules of Court*, AR 124/2010, and in particular Rules 1.3, 6.3, 11.27 and 13.5.

8. Such further and other rules as counsel may advise and this Honourable Court permits.

Applicable Acts and Regulations:

9. *Companies' Creditors Arrangement Act*, RSC 1985, c C-36, as amended.

Any irregularity complained of or objection relied on:

10. None.

How the application is proposed to be heard or considered:

11. By videoconference via WebEx before the Honourable Madam Justice K. M. Eidsvik on the Commercial List.

WARNING

If you do not come to Court either in person or by your lawyer, the Court may give the applicant(s) what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the applicant(s) a reasonable time before the application is to be heard or considered.

SCHEDULE "A"



COURT FILE NUMBER

2001-05630

COURT

COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE

CALGARY

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C. 1985, 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, DOMINION FINCO INC., AND DOMINION DIAMOND MARKETING CORPORATION

DOCUMENT

ORDER (SEALING)

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

BENNETT JONES LLP

Barristers and Solicitors
4500 Bankers Hall East
855 – 2 Street SW
Calgary, AB T2P 4K7

Attention: Chris Simard / Kelsey Meyer
Telephone No.: 403-298-4485 / 403-298-3323
Fax No.: 403-265-7219
Client File No.: 76142.10

DATE ON WHICH ORDER WAS PRONOUNCED:

Friday, January 15, 2021

LOCATION OF HEARING OR TRIAL: **Calgary Courts Centre**

NAME OF MASTER/JUDGE **The Honourable Madam Justice K. M. Eidsvik**
WHO MADE THIS ORDER:

UPON THE APPLICATION by FTI Consulting Canada Inc., the Court-appointed monitor (the "**Monitor**") of Dominion Diamond Mines ULC, Dominion Diamond Delaware Company LLC, Dominion Diamond Canada ULC, Washington Diamond Investments, LLC, Dominion Diamond Holdings, LLC, Dominion Finco Inc. and Dominion Diamond Marketing Corporation (collectively, "**Dominion**"); **AND UPON HAVING READ** the Application of the Monitor dated January 11, 2021 and the Twelfth Report of the Monitor dated January 11, 2021 (the "**Twelfth Report**"); **AND UPON HEARING** the submissions of counsel for the Monitor and of other interested parties;

IT IS HEREBY ORDERED AND DECLARED THAT:

SERVICE AND NOTICE OF APPLICATION

1. Service of notice of this application 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.

SEALING OF TWELFTH REPORT OF MONITOR

2. The Twelfth Report shall be sealed on the Court file and shall not form part of the public record.
3. The Clerk of this Honourable Court shall file the Twelfth Report 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 FTI CONSULTING CANADA INC., THE COURT-APPOINTED MONITOR OF DOMINION DIAMOND MINES ULC, DOMINION DIAMOND DELAWARE COMPANY LLC, DOMINION DIAMOND CANADA ULC, WASHINGTON DIAMOND INVESTMENTS, LLC, DOMINION DIAMOND HOLDINGS, LLC, DOMINION FINCO INC. AND DOMINION DIAMOND MARKETING CORPORATION; AND

THE CONFIDENTIAL MATERIALS ARE SEALED PURSUANT TO THE SEALING ORDER ISSUED BY THE HONOURABLE MADAM JUSTICE K. M. EIDSVIK ON OR ABOUT JANUARY 15, 2021.

SERVICE OF ORDER

4. 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, courier, or regular mail. Service is deemed to be effected the next business day following the transmission or delivery of such documents.
5. Service of this Order on any party not attending this application is hereby dispensed with.

Justice of the Court of Queen's Bench of Alberta