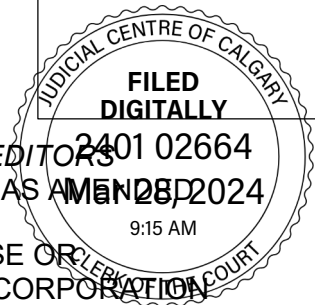


COURT FILE NUMBER 2401-02664
COURT COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE CALGARY

Clerk's Stamp



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 LYNX AIR HOLDINGS CORPORATION
and 1263343 ALBERTA INC. dba LYNX AIR

DOCUMENT **APPLICATION**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT
McCarthy Tétrault LLP
4000, 421 – 7th Avenue SW
Calgary, AB T2P 4K9
Attention: Sean Collins / Walker W. MacLeod / Pantelis Kyriakakis / Nathan Stewart
Tel: 403-260-3531 / 3710 / 3536 / 3534
Fax: 403-260-3501
Email: scollins@mccarthy.ca / wmacleod@mccarthy.ca / pkyriakakis@mccarthy.ca / nstewart@mccarthy.ca

NOTICE TO THE RESPONDENTS

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

You have the right to state your side of this matter before the Justice.

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

Date: April 2, 2024
Time: 2:00 p.m.
Where: Calgary Courts Centre (Via Webex. Virtual Courtroom Link:
<https://albertacourts.webex.com/meet/virtual.courtroom60>)
Before Whom: The Honourable Justice E.J. Sidnell

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

Remedy claimed or sought: FTI Consulting Canada Inc. (the “**Monitor**”), in its capacity as the court-appointed monitor of Lynx Air Holdings Corporation and 1263343 Alberta Inc. dba Lynx Air (collectively, the “**Applicants**”), pursuant to the amended and restated initial order (the “**Initial Order**”), granted under the *Companies’ Creditors Arrangement Act* (the “**CCAA**”) on March 1, 2024, in the within proceedings (the “**Proceedings**”), applies for an order (the “**Restricted Court Access Order**”) substantially in the form attached as Schedule “**A**” hereto:

Clerk's Stamp

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COURT COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE CALGARY

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ARRANGEMENT ACT, R.S.C. 1985, c. C-36, AS AMENDED

AND IN THE MATTER OF THE COMPROMISE OR
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1. If necessary, declaring that this application (the “**Application**”), is abridged, that the Application is properly returnable on April 2, 2024, that service of this Application on the service list is good and sufficient, and that no persons other than those on the service list are entitled to service of the Application or any order arising therefrom. Capitalized terms used herein have the same meaning ascribed to them in the Second Monitor’s Report, dated March 27, 2024 (the “**Second Monitor’s Report**”).
2. Sealing the confidential supplement to the Second Monitor’s Report (the “**Confidential Supplement**”), on the Court file, on the terms of the Restricted Court Access Order.
3. Ordering and declaring that service of any order, arising from the Application, by email, facsimile, registered mail, courier, regular mail, or personal delivery, to the persons listed on the service list shall constitute good and sufficient service of such orders and that no persons other than those on the service list are entitled to be served with a copy of such order.
4. Such further and other relief as counsel for the Monitor may advise and this Honourable Court may considers to be just and appropriate.

Grounds for making this application: The grounds for the Application are as follows:

5. The Confidential Supplement contains confidential, commercially sensitive information which could materially harm the interests of the Applicants and the Boeing Company if disclosed. Such information is comprised of confidential business information which could harm the Applicants’ and the Boeing Company’s commercial interests if it were made public. A Restricted Court Access Order is necessary to prevent the information in the Confidential Supplement from forming part of the public record or otherwise being published and disclosed.
6. For these reasons, the usual openness of the Court process would pose a serious risk to an important public interest, namely, the ability to negotiate and honour private commercial agreements. The granting of the Restricted Court Access Order is necessary to prevent this serious risk to this important interest because there are no reasonable alternatives that will prevent such risk. Finally, as a matter of proportionality, the benefits of the Restricted Court Access Order, which contemplate the ability of an interested party to seek an order directing disclosure of the Confidential Supplement, outweigh any deleterious effects on the rights and interests of the public.
7. Such further and grounds as counsel for the Monitor may advise.

Material evidence to be relied on:

8. The Second Monitor's Report.
9. The Confidential Supplement, unfiled.
10. Such further and other materials as counsel for the Monitor may advise and this Honourable Court may permit.

Applicable rules:

11. Rule 6.28 of the *Alberta Rules of Court*.
12. Such further and other rules as counsel for the Monitor may advise and this Honourable Court may permit.

Any irregularity complained of or objected relied on:

13. There are no irregularities complained of or objects relied on.

How the application is proposed to be heard or considered:

14. The Monitor proposes that the Application be heard in person with one, some, or all of the parties present.

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 rely on an affidavit or other evidence when the application is heard or considered, you must reply by giving reasonable notice of the materials to the applicant.

**SCHEDULE "A"
SEALING ORDER**

Clerk's Stamp

COURT FILE NUMBER 2401-02664
COURT COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE CALGARY

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 LYNX AIR HOLDINGS CORPORATION
and 1263343 ALBERTA INC. dba LYNX AIR

DOCUMENT **ORDER (RESTRICTED COURT ACCESS ORDER)**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT
McCarthy Tétrault LLP
4000, 421 – 7th Avenue SW
Calgary, AB T2P 4K9
Attention: Sean Collins / Walker W. MacLeod / Pantelis Kyriakakis / Nathan Stewart
Tel: 403-260-3531 / 3710 / 3536 / 3534
Fax: 403-260-3501
Email: scollins@mccarthy.ca / wmacleod@mccarthy.ca / pkyriakakis@mccarthy.ca / nstewart@mccarthy.ca

DATE ON WHICH ORDER WAS PRONOUNCED: April 2, 2024
NAME OF JUDGE WHO MADE THIS ORDER: Justice E.J. Sidnell
LOCATION OF HEARING: Calgary, Alberta

UPON the application (the "**Application**") of FTI Consulting Canada Inc. (the "**Monitor**"), in its capacity as the court-appointed monitor of Lynx Air Holdings Corporation and 1263343 Alberta Inc. dba Lynx Air (collectively, the "**Applicants**") pursuant to the amended and restated initial order (the "**Initial Order**"), granted under the *Companies' Creditors Arrangement Act* (the "**CCAA**") on March 1, 2024, in the within proceedings (the "**Proceedings**"); **AND UPON** reading the Second Report of the Monitor, dated March 27, 2024 (the "**Second Monitor's Report**"), filed; **AND UPON** having read the Confidential Supplement to the Second Monitor's Report (the "**Confidential Supplement**"), unfiled; **AND UPON** having read the Affidavit of Service of Katie

Hynne, sworn on April 1, 2024 (the “**Service Affidavit**”), filed; **AND UPON** hearing counsel for the Monitor and any other parties who may be present;

IT IS HEREBY ORDERED AND DECLARED THAT:

1. The time for service of the Application in the manner described in the Service Affidavit is abridged, the Application is properly returnable today, service of the Application on the service list, in the manner described in the Service Affidavit, is good and sufficient, and no other persons, other than those listed on the service list (the “**Service List**”), are entitled to service of the Application.

2. Subject to further Order of this Honourable Court, the Confidential Supplement 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*, subject to further Order of this Court made on notice to the Applicants.

3. The Clerk of this Honourable Court shall file the Confidential Supplement in a sealed envelope, and the Confidential Supplement and envelope shall each have attached to them a notice that sets out the style of cause of these proceedings and states that:

THIS ENVELOPE CONTAINS THE CONFIDENTIAL SUPPLEMENT TO THE SECOND MONITOR’S REPORT, DATED MARCH 27, 2024. THE CONFIDENTIAL SUPPLEMENT TO THE SECOND MONITOR’S REPORT IS SEALED PURSUANT TO AN ORDER ISSUED BY THE HONOURABLE JUSTICE E.J. SIDNELL, DATED APRIL 2, 2024, AND IS NOT TO BE PLACED ON THE PUBLIC RECORD OR MADE PUBLICALLY ACCESSIBLE.

4. Any persons may apply, on reasonable notice to the Monitor and any other persons likely to be affected, to vary or amend the terms of paragraph 2 of this Order.

5. Service of this Order on the Service List, by email, facsimile, registered mail, courier, or personal delivery, shall constitute good and sufficient service of this Order, and no persons other than the persons listed on the Service List are entitled to be served with a copy of this Order.

Service is deemed to be effected the next business day following the transmission or delivery of such documents.

Justice of the Court of King's Bench of Alberta