

COURT OF APPEAL OF ALBERTA

Form AP-1
[Rules 14.8 and 14.12]



COURT OF APPEAL FILE NUMBER	2301-0216AC
TRIAL COURT FILE NUMBERS	2301-10358 / 25-2965622
REGISTRY OFFICE	CALGARY
APPLICANT	MANTLE MATERIALS GROUP, LTD.
STATUS ON APPEAL	RESPONDENT
RESPONDENT	TRAVELERS CAPITAL CORP.
STATUS ON APPEAL	APPELLANT
DOCUMENT	CIVIL NOTICE OF APPEAL
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	Lawson Lundell LLP 1100, 225 – 6 th Avenue S.W. Calgary, AB T2P 1N2 Lawyer: Alexis Teasdale / Joel Schachter Phone Number: (403) 218-7564 / (604) 631-9238 Email Address: ateasdale@lawsonlundell.com / jschachter@lawsonlundell.com File No. 36583.159753

WARNING

To the Respondent: If you do not respond to this appeal as provided for in the Alberta Rules of Court, the appeal will be decided in your absence and without your input.

1. Particulars of Judgment, Order or Decision Appealed From:

Date pronounced: August 28, 2023

Date entered: N/A

Date served: N/A

Official neutral citation of reasons for decision, if any:

Mantle Materials Group, Ltd, 2023 ABKB 488

2. Indicate where the matter originated:**Alberta Court of King's Bench**

Judicial Centre: Calgary

Justice: C.C.J. Feasby

On appeal from a King's Bench Master or Provincial Court Judge?

Yes **X No**

Official neutral citation of reasons for decision, if any, of the Applications Judge or Alberta Court of Justice Judge:

Board, Tribunal or Professional Discipline Body

Specify Body:

3. Details of Permission to Appeal, if required (Rules 14.5 and 14.12(3)(a)).**X Permission not required**, or Granted:

Date:

Justice:

(Attach a copy of order, but not reasons for decision.)

4. Portion being appealed (Rule 14.12(2)(c)):**X Whole**, or

Only specific parts (if specific part, indicate which part):

(Where parts only of a family law order are appealed, describe the issues being appealed, e.g. property, child support, parenting, etc.)

5. Provide a brief description of the issues:

The Chambers Judge erred in law in finding:

- (a) that there was no *ratio decidendi* in *Redwater* regarding the issue before him, namely whether assets unrelated to the environmental condition or damage giving rise to environmental remediation obligations must be used to satisfy such obligations before any creditor is entitled to payment;

- (b) that *Trident* is consistent with *Redwater* and *Manitok*; and
- (c) ultimately, that he was not bound to follow *Redwater* on the issue before him, and instead was bound to follow *Trident*.

6. Provide a brief description of the relief claimed:

An Order:

- 1. setting aside the Chamber Judge's Order; and
- 2. Declaring that paragraph 10 of the Order dated August 15, 2023 shall be amended to provide that the Restructuring Charges are subordinate in priority to the security interest of Travelers in the equipment identified in Travelers' security registration.

7. Is this appeal required to be dealt with as a fast track appeal? (Rule 14.14)

Yes X No

8. Does this appeal involve the custody, access, parenting or support of a child? (Rule 14.14(2)(b))

Yes X No

9. Will an application be made to expedite this appeal?

X Yes No

10. Is Judicial Dispute Resolution with a view to settlement or crystallization of issues appropriate? (Rule 14.60)

Yes X No

11. Could this matter be decided without oral argument? (Rule 14.32(2))

Yes X No

12. Are there any restricted access orders or statutory provisions that affect the privacy of this file? (Rules 6.29, 14.12(2)(e), 14.83)

Yes X No

If yes, provide details:

13. List respondent or counsel for the respondent with contact information:

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Counsel for FTI Consulting Canada Inc., in its capacity as Proposal Trustee of Mantle Materials Group, Ltd.

If specified constitutional issues are raised, service on the Attorney General is required under s. 24 of the Judicature Act: Rule 14.18(1)(c)(viii).

14. Attachments

Order or judgment under appeal if available (not reasons for decision) (Rule 14.12(3))

X Not Yet Available

Earlier order of Master, etc. (Rule 14.18(1)(c))

Order granting permission to appeal (Rule 14.12(3)(a))

Copy of any restricted access order (Rule 14.12(2)(e))

If any document is not available, it should be appended to the factum, or included elsewhere in the appeal record.