

COURT FILE NO. 2301-16371
COURT COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE CALGARY
PLAINTIFF CANADIAN WESTERN BANK
DEFENDANTS WOLVERINE ENERGY AND INFRASTRUCTURE
INC., WOLVERINE EQUIPMENT INC.,
WOLVERINE CONSTRUCTION INC.,
WOLVERINE MANAGEMENT SERVICES INC.,
HD NORTHERN EQUIPMENT SALES AND
RENTALS INC., HD ENERGY RENTALS LTD.,
BHW EMPLOYMENT SERVICES INC., FLO-BACK
EQUIPMENT INC., LIBERTY ENERGY SERVICES
LTD., WESTERN CANADIAN MULCHING LTD.
and WOLVERINE GROUP INC.
APPLICANT FTI CONSULTING CANADA INC. in its capacity as
Court-appointed Receiver and Manager of the Named
Debtors
DOCUMENT **APPLICATION**
(Advice and Directions)
ADDRESS FOR SERVICE AND CONTACT
INFORMATION OF PARTY FILING THIS DOCUMENT
Torys LLP
4600 Eighth Avenue Place East
525 - Eighth Ave SW
Calgary, AB T2P 1G1
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File No.: 39586-2007



C121703

Dec 22, 2023
JS

NOTICE TO RESPONDENT(S):

This Application is made against you. You are a Respondent.

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

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

Date: Friday, December 22, 2023

Time:	9:00 a.m.
Where:	Edmonton Courts Centre, via Webex videoconference
Before Whom:	Mr. Justice J.T. Neilson

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. Abridging, if necessary, the time for service of this Application and deeming service to be good and sufficient.
2. An Order in substantially the same form as that attached as Schedule “A” to this Application, providing certain advice and directions from this Honourable Court respecting a Consent Receivership Order that was granted in this action on December 8, 2023 by the Honourable Mr. Justice J.T. Neilson (the “**Consent Receivership Order**”).
3. Such further and other relief, advice and directions as counsel may advise and this Honourable Court may deem just and appropriate.

Grounds for making this Application:

4. On December 8, 2023, at an Application before Justice J.T. Neilson, a Consent Receivership Order was sought by Canadian Western Bank (“**CWB**”) in respect of Wolverine Energy and Infrastructure Inc., Wolverine Equipment Inc., Wolverine Construction Inc., Wolverine Management Services Inc., HD Northern Equipment Sales and Rentals Inc., HD Energy Rentals Ltd., BHW Employment Services Inc., Flo-Back Equipment Inc., Liberty Energy Services Ltd. and Western Canadian Mulching Ltd. (collectively, the “**Named Debtors**”).
5. The Consent Receivership Order was on its face consented to by counsel to the Named Debtors, and was granted on December 8, 2023, appointing FTI Consulting Inc. as the receiver and manager (the “**Receiver**”) of the assets, properties and undertakings of the Named Debtors.
6. On December 16, 2023, counsel for HD Northern Equipment Sales and Rentals Inc. (“**HD Northern**”) wrote to counsel to the Named Debtors, and also wrote to counsel to CWB,

advising that HD Northern did not have proper notice of the Application for the Consent Receivership Order and did not consent to being included in the Consent Receivership Order that was granted.

7. Subsequent to this, Jesse Douglas, a director of Wolverine Management Services Inc., advised counsel to the Named Debtors that the noted entity did not consent to being included in the Consent Receivership Order that was granted.
8. Since being informed of these apparent issues, the Receiver and its counsel have been in constant communication with counsel to the Named Debtors, counsel to CWB, counsel to Fiera Private Debt Fund V LP and Fiera Private Debt Fund VI LP, and counsel to HD Northern. It was determined that the proper process and forum to have these matters addressed would be to bring this matter before Mr. Justice J.T. Neilson by way of an Application for advice and directions from this Honourable Court on an emergency basis.
9. Such further and other grounds as counsel may advise and this Honourable Court may permit.

Material or evidence to be relied on:

10. All pleadings, proceedings, orders, affidavits, reports and other materials filed in the within Action.
11. The proposed form of Order attached as Schedule "A" to this Application.
12. The inherent jurisdiction of this Honourable Court to control its own process.
13. Such further and other material and evidence as counsel may advise and this Honourable Court may permit.

Applicable Rules:

14. Such Rules as counsel may advise and that this Honourable Court may permit.

Applicable Acts and Regulations:

15. *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, as amended, the *Judicature Act*, RSA 2000, c J-2, as amended, and such further and other Acts and Regulations as counsel may advise and that this Honourable Court may permit.

Any irregularity complained of or objection relied on:

16. To be advised of by counsel.

How the Application is proposed to be heard or considered:

17. Oral submissions by counsel at an Application in Commercial List Chambers scheduled to be heard on Friday, December 22, 2023 at 9:00 a.m. before the Honourable Mr. Justice J.T. Neilson, of the Commercial List.

AFFIDAVIT EVIDENCE IS REQUIRED IF YOU WISH TO OBJECT.**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 material to the Applicant.

SCHEDULE "A"
Form of proposed Order