



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 **ORDER (DELIVERY OF DIAMONDS)**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

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File: 00180245/000013

**DATE ON WHICH ORDER WAS PRONOUNCED:** May 8, 2020

**LOCATION OF HEARING:** Calgary

**NAME OF JUDGE WHO MADE THIS ORDER:** The Hon. Madam Justice K. Eidsvik

**UPON** the application ("**Application**") 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. (collectively, the "**Applicants**"); **AND UPON** having read the Affidavit of Thomas Croese sworn on April 30, 2020, filed; **AND UPON** having read the Affidavit of Kristal Kaye, sworn on May 6, 2020 (the "**Kaye Affidavit**"), filed; **AND UPON** having read Confidential Exhibits "1" through "5" to the Kaye Affidavit (the "**Confidential Exhibits**"), unfiled; **AND UPON** having read the Affidavit of Service of Renee Dubeau, sworn on May 8, 2020 (the "**Service Affidavit**"), filed; **AND UPON** hearing counsel for the Applicants and any other counsel present;

**IT IS HEREBY ORDERED AND DECLARED THAT:**

1. The time for service of the Application and the Kaye Affidavit is abridged, the Application is properly returnable today, service of the Application and the Kaye Affidavit 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 or the Kaye Affidavit.
2. Diavik Diamond Mines (2012) Inc. ("**DDMI**") shall forthwith make available for delivery to Dominion Diamond Mines ULC ("**Dominion Diamond**"), those diamonds referenced in Confidential Exhibit #5 to the Kaye Affidavit for the period with the Production Start of April 1, 2020 and the Cut-Off of April 15, 2020.
3. Other than as set out in paragraph 2 above, Dominion Diamond shall not call for delivery of any diamonds at the DDMI Product Splitting Facility ("**PSF**") and DDMI shall maintain possession of all diamonds located at the PSF until the Court has rendered its decision in respect of DDMI's response to the proposed amended and restated initial order.



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Justice of the Court of Queen's Bench of Alberta