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November 10, 2020

**Via Email (calgary.registry@albertacourts.ca)**

Court of Appeal of Alberta  
Registrar's Office  
26th Floor, 450 - 1st Street SW  
Calgary AB T2P 5H1

Dear Sir/Madam:

**Re: 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.  
QB Court File No. 2001-05630  
Intended Application by Diavik Diamond Mines (2012) Inc. ("DDMI") for Leave to Appeal and Stay of Certain Provisions of an Order pronounced by the Honourable Madam Justice K.M. Eidsvik on November 4, 2020  
Request for Expedited Emergency Application**

We are counsel to DDMI. Further to our letter of November 6, 2020, we confirm we have filed our application and memorandum of argument for leave to appeal and accompanying stay of certain provisions of the order made by the learned CCAA supervising judge.

Counsel for the Dominion group delivered correspondence dated November 9, 2020 indicating Dominion's view that the matter was not urgent due to certain terms of the Court of Queen's Bench order under appeal. DDMI disagrees with this position.

DDMI acknowledges that the order includes a requirement that released diamonds be segregated, secured and held by Dominion. However, Dominion's proposed form of order also states that such obligation is subject to an ability to sell the diamonds in question; which, beyond the fact of the requirement by DDMI to deliver diamonds to Dominion, is another reason why DDMI requires that, at the at the very least, the stay or interim stay application be heard on or prior to November 16, 2020 (being the next scheduled date for the valuation of the diamonds whereupon DDMI may become obligated to release diamonds following such valuation).

To this end, to the extent the matter is not able to be heard on November 16, 2020, then we would request that the matter be returned to what we had understood to have been a provisional booking on November 13, 2020 and for which we were advised was cancelled in light of our request for a later application date.

Yours truly,

McCarthy Tétrault LLP

A handwritten signature in blue ink, appearing to read 'SFC', with a large, stylized flourish extending to the right.

Sean F. Collins

SFC

cc: Service List