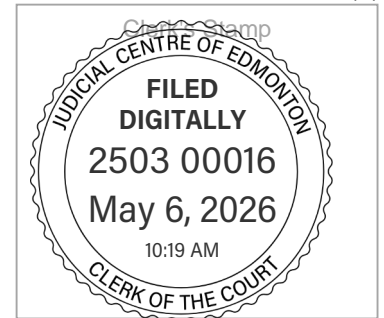


COURT FILE NO. 2503 00016
COURT Court of King's Bench of Alberta
JUDICIAL CENTRE Edmonton



IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, RSC
1985, c C-36, AS AMENDED

AND IN THE MATTER OF **KMC MINING CORPORATION**

DOCUMENT **APPLICATION – Enhance Monitor’s Powers and Extend Stay of Proceedings**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	DARREN R. BIEGANEK, KC/ ZACHARY SOPROVICH Barrister & Solicitor Phone: 780.441.4386 Fax: 780.428.9683 Email: dbieganeke@dcllp.com	File # 204-219113 DUNCAN CRAIG LLP LAWYERS MEDIATORS 2800 Rice Howard Place 10060 Jasper Avenue Edmonton, Alberta T5J 3V9
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NOTICE TO THE 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 Court.

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

Date	May 15, 2026
Time	11:00 a.m.
Where	https://albertacourts.webex.com/meet/virtual.courtroom86
Before Whom	Justice G.S. Dunlop

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

Remedy claimed or sought:

1. KMC Mining Corporation (“**KMC**” or the “**Applicant**”) seeks an Order, largely in the form attached within **Schedule “A”**:
 - (a) abridging time for service of notice of this Application or deeming service of the Application to be good and sufficient, as necessary;
 - (b) enhancing and expanding the powers of the Monitor as more particularly described within Schedule “A”, including to take any actions or steps the Monitor considers necessary or desirable to manage, operate, carry on and wind down the business of KMC, and taking appropriate steps to retain legal counsel to commence and continue the Suncor litigation (as described further below) (the “**Enhanced Monitor Power**”); and
 - (c) extending the stay of proceedings (“**Stay Period**”) as against KMC to and including June 30, 2027 in respect of all proceedings, rights and remedies against KMC including its respective businesses and property, or the Monitor.
2. KMC seeks the extension of two Sealings Orders with respect to two affidavits (or portions thereof) previously sworn in these proceedings until June 30, 2027, as well as a Sealing Order with respect to the Confidential Supplement to the Monitor’s Seventh Report, largely in the form attached within **Schedule “B”**.
3. Such further and other relief as the circumstances may require and the Court deems appropriate.

Grounds from making this application:Status of CCAA Proceedings

4. On January 10, 2025, the Honourable Justice M.J. Lema granted KMC’s requested relief, in all respects, to have its Notice of Intention of Proceedings under the provisions of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3 (“**BIA**”) taken up and continued under the provisions of the *Companies Creditors Arrangement Act*, RSC 1985, c C-36 as amended (“**CCAA**”) (the “**Initial Order**”). FTI Consulting Canada Inc. (“**FTI**”) is the Monitor within these CCAA proceedings (“**Monitor**”).
5. Concurrent with the granting of the Initial Order, the Court granted an Order approving a Sales and Investment Solicitation Process (the process is herein called the “**SISP**” and the Order the “**Sales Process Order**”) through which KMC proceeded to attempt to monetize its assets in an effort to pay down its indebtedness.
6. On January 20, 2025, the Honourable Justice J.T. Neilson granted KMC’s application for an Amended and Restated Initial Order (“**ARIO**”), which extended the Stay Period until and including June 16, 2025. The ARIO included approval of a Key Employee Retention Plan.
7. Concurrent with the granting of the ARIO, the Court granted an Order establishing a process for the sale or return of KMC’s leased equipment.
8. Pursuant to the SISP, the marketing period was launched by the sales agent, Ernst & Young Orenda Corporate Finance Inc and Ernst & Young Corporate Finance (Canada) Inc.

9. On April 17, 2025, the Court granted a Sale Approval and Vesting Order, which approved a transaction of the sale of the vast majority of KMC's property and assets (the "**Transaction**").
10. The Transaction closed on May 2, 2025, and sale proceeds more than \$100 Million were wired to the Monitor upon closing of the Transaction.
11. On May 23, 2025, the Honourable Justice L.K. Harris granted KMC's application which extended the Stay Period to and including July 31, 2025 (the "**First Extension Order**").
12. Concurrent with the granting of the First Extension Order, the Court granted an order approving the Monitor's proposed cost allocation among the secured creditors and authorized and directed the Monitor to make a further distribution of the funds held by it to the secured creditors whose collateral was sold as part of the Transaction.
13. On July 30, 2025, the Honourable Justice D.R. Mah granted KMC's application which extended the Stay Period to and including November 30, 2025 (the "**Second Extension Order**"), and concurrently granted relief related to return of prior landlord security deposits, assignment of certain insurance claims to secured creditors and settling certain grievance claims of Local Union No. 955 members.
14. On November 28, 2025, the Honourable Justice D.R. Mah granted KMC's application which extended the Stay Period to and including February 28, 2026 (the "**Third Extension Order**").
15. On February 24, 2026, the Honourable Justice C.D. Simard granted KMC's application which extended the Stay Period to and included June 30, 2026 (the "**Fourth Extension Order**").

Employees and Current Operations

16. Prior to the Transaction closing, KMC employed 92 full-time employees or subcontractors, of which 14 were located at its head office in Edmonton, Alberta, 40 on a labour supply project in British Columbia, and 38 field employees working in Fort McMurray or a field office location maintained there.
17. At present time KMC has approximately 5 employees full and part time.
18. Operations of KMC are effectively wound down. KMC does continue to work on the following miscellaneous matters as part of its wind down:
 - (a) KMC has taken steps and wound up its pension plan with Canada Life/London Life for non-union staff;
 - (b) working with the Workers' Compensation Board to reconcile accounts and working with its heavy equipment insurer with respect to refunds from certain insurance policies;
 - (c) KMC is both a Plaintiff and Defendant in actions related to a new Komatsu 830E that KMC rented from SMS Equipment. KMC suffered a loss of approximately \$600,000 related to loss of KMC property (tires) as well as cost of removing burned materials from the site where the fire occurred, and has taken steps to preserve limitation periods in respect of either the civil claim or an insurance claim;

- (d) finalizing remaining WEPPA claims and outstanding financial obligations relating to Service Canada's processing of WEPPA claims for KMC non-union staff personnel;
- (e) managing and effecting wind-up activities including 2026 ROE and T4 filings, systems, website, CRA and payroll accounts; and
- (f) generally complying with statutory and record-keeping obligations and preserving critical information required to continue evaluation and advancement of potential claims for the benefit of the Company's stakeholders.

Suncor Claims and Enhanced Monitor's Powers

19. The circumstances necessitating these CCAA proceedings arose due to several factors, though chief among those factors being the sudden and unexpected cancellation of substantial scopes of work under contracts between KMC and Suncor Energy Inc. ("**Suncor**") or affiliates.
20. Prior to these CCAA proceedings, Suncor was KMC's most significant, if not only, customer. KMC had been providing contracting mining services to Suncor for several decades.
21. The vast majority of KMC's debt obligations were incurred to support and facilitate work KMC contracted to perform for Suncor under various agreements. Suncor abruptly cancelled various work with KMC, without known cause.
22. KMC believes it has substantial claims against Suncor which can be broadly characterized as follows:
 - (a) a claim for the impacts of adverse site conditions and extended hauling distances on the 2024 Fort Hills Overburden scope of work;
 - (b) a claim for demobilization costs as permitted under the MUA and applicable purchase order for the 2024 Fort Hills Overburden scope of work;
 - (c) a claim for damages arising from the cancellation of the 2024 Fort Hills Overburden scope of work for convenience;
 - (d) a claim for damages arising from the cancellation of the waste stream and rejects scope of work; and
 - (e) a claim for damages for the breach of the Settlement and Release Agreement arising from the cancellation of the 2019 Overburden Removal Contract.
23. KMC's legal counsel conducted a high-level overview of the potential claims against Suncor for, *inter alia*, the circumstances described above. That evaluation has concluded and been reviewed. The combined damage estimate at this time is in the tens of millions of dollars, with the damage evaluation continuing.
24. KMC has been engaged with litigation funders and is assessing its options for pursuit of the claims against Suncor. As part of that process, KMC engaged separate legal counsel to provide a second opinion on the potential claims against Suncor and that evaluation has now concluded and been reviewed.

25. KMC has been in active discussion with its primary secured lender, the Syndicate, and litigation funders with respect to the potential litigation and reviewed various proposals.
26. Ultimately, in order to maximize value in the most cost-efficient manner, KMC has determined that it is in its best interest to seek the Enhanced Monitor Power, part of which will permit the Monitor to retain MLT Aikins LLP for the purposes of pursuing the Suncor litigation (the "**Litigation Services Retainer**").
27. The Enhanced Monitor Power is supported by KMC, the Monitor and the Syndicate, and is appropriate in the circumstances.
28. If successful, even in part, the claims against Suncor, and recovery therefrom, would have a material, positive outcome for KMC's stakeholders.

Sealing Order and Continuation of Older Sealing Orders

29. There are two Affidavits, or portions thereof, where the respective Sealing Orders expire on June 30, 2026, wherein an extension of the Sealing Orders to June 30, 2027 is appropriate:
 - (a) Exhibit "I" of the Confidential Affidavit of Daniel Klemke sworn December 6, 2024 (in the NOI proceedings, Court File No. 24-3162620, which were taken up and continued in these CCAA proceedings by the Initial Order); and
 - (b) the Confidential Affidavit of Bryn Jones sworn April 7, 2025.
30. Both those affidavits contain certain commercially sensitive information related to, among other things, KMC's contracts with Suncor, which remains a live issue.
31. Separately, KMC seeks to seal the Litigation Services Retainer between KMC and MLT Aikins LLP, which contains confidential information of a solicitor and client nature, for litigation purposes.

Summary

32. KMC continues to, as it has throughout these entire proceedings, act in good faith and with due diligence.
33. The maintenance of the Stay Period is important to enable KMC to continue to effectively wind down its operations and develop a plan for initiating and prosecuting the Suncor litigation without regard to having to advance defences and collection efforts respecting claims of creditors.
34. The only material manner in which creditors will see further recovery is through the Suncor litigation described above. KMC has worked with diligence and good faith to find a process that will allow that litigation to be commenced and continued.
35. KMC is supportive of the Enhanced Monitor Power and in the circumstances, said enhanced powers are appropriate.
36. The Sealing Order, and extension of prior Sealings Orders, is appropriate in the circumstances.
37. KMC's primary secured creditor, the Syndicate, supports the relief sought.

38. All relief sought is appropriate in the circumstances and ought to be approved.
39. KMC is not aware of any creditor that would be materially prejudiced if the relief herein is granted.
40. Such further and other grounds as counsel for KMC may advise and this Honourable Court may permit.

Material or evidence to be relied on:

41. This Application and the draft Orders.
42. Affidavit of Daniel Klemke sworn May 4, 2026.
43. The previously filed Affidavits of Bryn Jones and Daniel Klemke sworn in these proceedings, as necessary.
44. The Orders granted in these proceedings, including the Initial Order granted January 10, 2025, the Amended and Restated Initial Order granted January 20, 2025, the First Extension Order granted May 23, 2025, the Second Extension Order granted July 30, 2025, the Third Extension Order granted November 28, 2025 and the Fourth Extension Order granted February 24, 2026.
45. Seventh Report of the Monitor dated May 2026, to be filed, and all prior Monitor's Reports filed in these proceedings, as necessary.
46. Bench Brief of KMC.
47. Such further and other evidence as counsel may advise and this Honourable Court may permit.

Applicable Rules:

48. Rules 6.11(1)(f), Part 6, Division 4, 11.27 and 13.5 of the Alberta *Rules of Court*.
49. Such further and other Rules as counsel may advise and this Honourable Court may permit.

Applicable Acts and regulations:

50. *Companies' Creditors Arrangement Act*, RSC 1985, c C-36, as amended, and in particular sections 11, 11.02(2) and (3) and 23.
51. Such further and other Acts and regulations as counsel may advise and this Honourable Court may permit.

Any irregularity complained of or objection relied on:

52. N/A.

How the application is proposed to be heard or considered:

53. By way of Webex hearing before the Honourable Justice G.S. Dunlop.

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 give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the Applicant(s) a reasonable time before the application is to be heard or considered.

Schedule "A"

Draft Order – Stay Extension and Enhance Monitor Powers

COURT FILE NO. 2503 00016

Clerk's Stamp

COURT Court of King's Bench of Alberta

JUDICIAL CENTRE Edmonton

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C. 1985, c. C-36, AS AMENDED

AND IN THE MATTER OF **KMC MINING CORPORATION**

DOCUMENT **ORDER – Enhance Monitor’s Powers and Extending the Stay Period**

ADDRESS FOR
SERVICE AND
CONTACT
INFORMATION OF
PARTY FILING THIS
DOCUMENT

DARREN R. BIEGANEK, KC/
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File # 204-219113
DUNCAN CRAIG LLP
LAWYERS MEDIATORS
2800 Rice Howard Place
10060 Jasper Avenue
Edmonton, Alberta T5J 3V9

DATE ON WHICH ORDER WAS PRONOUNCED	MAY 15, 2026
NAME OF JUSTICE WHO MADE THIS ORDER:	G.S. DUNLOP
LOCATION OF HEARING:	EDMONTON, ALBERTA

UPON the Application of KMC Mining Corporation (the “**Applicant**”);

AND UPON noting the Initial Order granted in these proceedings (the “**CCAA Proceedings**”) on January 10, 2025 (“**Initial Order**”), the Amended and Restated Initial Order granted in these proceedings on January 20, 2025 (the “**ARIO**”);

AND UPON having read the Application, the Affidavit of Daniel Klemke sworn May 4, 2026, and the Seventh Report of FTI Consulting Canada Inc., in its capacity as monitor (the “**Monitor**”) dated May ___, 2026; AND UPON having read the Confidential Appendix to the Seventh Report, which includes a litigation fee retainer between the Monitor and MLT Aikins LLP for initiating and prosecuting litigation on behalf of the Applicant against Suncor Energy Inc. or affiliates (the “**Litigation Fee Retainer**”);

AND UPON noting the stay of proceedings as against the Applicant as referred to and defined in paragraph 15 of the ARIO (“**Stay Period**”); AND UPON noting the extension of the Stay Period via Order of Justice L.K. Harris granted on May 23, 2025, the Order of Justice D.R. Mah granted on July 30, 2025, the Order of Justice D.R. Mah granted on November 28, 2025 and the Order of Justice C.D. Simard granted on February 24, 2026;

AND UPON hearing the submissions of counsel for the Applicant, Counsel for the Monitor, counsel for ATB Financial in its capacity as Administrative Agent for the Lenders (collectively the “**Syndicate**”) and others appearing;

IT IS HEREBY ORDERED THAT:

Service of Application

1. Service of notice of this application and supporting materials is hereby declared to be good and sufficient and no other persons other than those listed on the service list maintained in these CCAA Proceedings (the “**Service List**”) are entitled to service of the Application.

Extension of Stay

2. The Stay Period is hereby extended to June 30, 2027.

Enhanced Monitor’s Powers

3. Without in any way limiting the powers and duties of the Monitor as set out within the Initial Order , the ARIO or CCAA, and without altering in any way the limitations and obligations of the Applicant in these proceedings, the Monitor is hereby empowered and authorized, but not obliged, to do any of the following in the name and on behalf of the Applicant, where the Monitor considers it necessary or desirable:
 - a. preserve, protect and maintain control of the Applicant’s remaining personal property, books, records, and documents (paper and electronic) (collectively “**Property**”), and any and all proceeds, receipts and disbursements arising out of or from the Property or any parts thereof;
 - b. manage, operate and carry on the business of the Applicant (“**Business**”);
 - c. take all steps and actions the Monitor, on behalf of the Applicant, considers necessary or desirable in these proceedings including, without limitation:
 - i. entering into any agreements, including, but not limited to, the Litigation Fee Retainer;
 - ii. incurring obligations in the ordinary course of business;
 - iii. retaining or terminating employees;
 - iv. ceasing to carry on all or any part of the Business;
 - v. marketing any or all of the Property, including advertising and soliciting offers in respect of the Property or any part or parts thereof and negotiating such terms and conditions of sale as the Monitor, in its discretion, may deem appropriate;
 - vi. selling, conveying, transferring, leasing or assigning the Property or any part or parts thereof out of the ordinary course of business of the Applicant, including running a sales solicitation process without the approval of this Court, in respect of any one transaction not exceeding \$500,000 or \$1,000,000 in the

aggregate and with the approval of this Court in respect of any other transaction;

- vii. applying for any Vesting Order or other Orders necessary to convey the Property or any part of parts thereof to a purchaser or purchasers thereof, free and clear of any liens or encumbrances affecting such Property;
 - viii. engage and instruct employees, consultants, appraisers, agents, experts, auditors, accountants, managers, counsel and such other persons ("**Assistants**") from time to time and on whatever basis, including on a temporary basis, to assist with the exercise of the powers and duties conferred by this Order;
 - ix. oversee and direct the preparation of cash flow statements and to assist in the dissemination of financial and other information in these proceedings;
 - x. receive, collect and take possession of all monies and accounts now owed or hereafter owing to the Applicant, including proceeds payable pursuant to sales of Property;
 - xi. execute, assign, issue and endorse documents of whatever nature in respect of any of the Property or Business of the Applicant, whether in the Monitor's name or in the name and on behalf the Applicant;
 - xii. initiate, prosecute, defend and continue the prosecution of any and all proceedings now pending or hereafter instituted on behalf of the Applicant and to settle or compromise any such proceedings or claims. For greater certainty, such authority shall include the ability to represent the Applicant in any negotiations or mediation with respect to such claims of the Applicant, and the ability to retain counsel. The authority hereby conveyed shall extend to such appeals or applications for judicial review in respect of any order or judgment pronounced in any such proceedings;
 - xiii. exercise any rights which the Applicant may have at law or in equity;
 - xiv. provide instruction and direction to the Assistants;
 - xv. engage, deal, communicate, negotiate and settle with any creditor or other stakeholder of the Applicant (including any governmental authority);
 - xvi. make any distribution or payments required under any Order in these proceedings; and
 - xvii. exercise any other incidental rights or powers which the Applicant may have, including rights or powers available to the Applicant under the terms of the Initial Order, the ARIO and the CCAA as applicable, all as deemed reasonable and appropriate by the Monitor.
4. No provision in this Order is intended to appoint the Monitor as an officer, director or employee of any of the Applicant. Additionally, nothing in this Order shall constitute or be deemed to constitute the Monitor as a receiver, assignee, liquidator, or receiver and manager of any of the Applicant and that any distribution made to creditors of the Applicant will be deemed to have been made by the Applicant.

5. The provisions of this Order precludes this Court from awarding legal costs as against the Monitor, associated with any proceeding continued or commenced by the Monitor on behalf of the Applicant, and in the event that such costs are awarded against the Monitor, the Monitor shall have a claim for indemnity against the Property to satisfy any such costs award and such indemnity claim shall be secured by the Administration Charge (as set out within the ARIO), and as amended by this Order.
6. The Applicant and its respective advisors and its current and former officers, directors, employees, agents and representatives shall co-operate with the Monitor in the exercise of its powers pursuant to this Order or any other Order of this Court in this CCAA Proceeding, and shall provide the Monitor and the Applicant with such assistance as the Monitor or the Applicant may request from time to time to enable the Monitor to carry out and discharge its powers as set out in this Order or any other Order of this Court in this CCAA Proceeding.
7. The Monitor is not and shall not, for any purposes, be deemed to be a director, officer, employee, receiver, receiver-manager, or liquidator of the Applicant.
8. The Monitor is not and shall not for the purposes of the *Income Tax Act* (Canada) be deemed to be a legal representative or person to whom s. 150(3) of that Act applies.
9. The Monitor shall not take possession of the Property and shall not, by fulfilling its obligations hereunder, or by inadvertence in relation to the due exercise of powers or performance of duties under this Order, be deemed to have taken or maintain possession or control of the Business or Property, or any part thereof.
10. Pursuant to section 23(1)(d)(ii) of the CCAA, the period for the Monitor to file ongoing reports on the Applicant's business and financial affairs shall be extended to annually with the next report to be filed with the Court no later than June 30, 2027.
11. In addition to the rights and protections afforded the Monitor under the CCAA or as an officer of this Court, the Monitor shall incur no liability or obligation as a result of its appointment or the carrying out of the provisions of this Order, save and except for any gross negligence or willful misconduct on its part. Nothing in this Order shall derogate from the protections afforded the Monitor by the CCAA or any applicable legislation.
12. The Litigation Fee Retainer is hereby approved and the Monitor may proceed to have the same executed by the Applicant, subject to any non-material amendments that the Monitor determines appropriate.
13. Pursuant to the terms of the Litigation Fee Retainer, counsel acting pursuant to the Litigation Fee Retainer ("**Litigation Counsel**") shall be paid their reasonable fees and disbursements pursuant to the terms of the Litigation Fee Retainer. The Applicant is hereby authorized and directed to pay the accounts of Litigation Counsel on a monthly basis unless otherwise agreed by the parties, or unless otherwise set out in the Litigation Fee Retainer.

Service and Effective Time

14. Service of this Order shall be deemed good and sufficient by:
- a. serving the same on:
 - i. the persons listed on the Service List created in these proceedings;
 - ii. any other person served with notice of the application for this Order;
 - iii. any other parties attending or represented at the application for this Order;
 - iv. the Purchaser or the Purchaser's solicitors; and
 - b. posting a copy of this Order on the Monitor's website at:
<https://cfcanada.fticonsulting.com/KMCMining/>.

and service on any other person is hereby dispensed with.

15. Service of this Order may be effected by facsimile, electronic mail, personal delivery or courier. Service is deemed to be effected the next business day following transmission or delivery of this Order.
16. This Order and all of its provisions are effective as of 12:01 a.m. Edmonton time on the date this Order is signed by a Justice of the Court of King's Bench of Alberta.

General

17. The Applicant and the Monitor are each authorized and empowered to apply to any court, tribunal or regulatory or administrative body, wherever located, for recognition of this Order and for assistance in carrying out the terms of this Order.
18. This Court hereby requests the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or in the United States to give effect to this Order and to assist the Applicant, the Monitor and their respective agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Monitor, as an officer of this Court, as may be necessary or desirable to give effect to this Order, to grant representative status to the Monitor in any foreign proceeding or to assist the Applicant and the Monitor and their respective agents in carrying out the terms of this Order.

Justice of the Court of King's Bench of Alberta

Schedule "B"

Draft Order – Sealing Order

COURT FILE NO. 2503 00016
COURT COURT OF KING'S BENCH OF ALBERTA
JUDICIAL EDMONTON
CENTRE

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 **KMC MINING CORPORATION**

DOCUMENT **SEALING ORDER and EXTENSION OF PRIOR SEALING ORDERS**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	DARREN R. BIEGANEK, KC/ ZACHARY SOPROVICH Barrister & Solicitor Phone: 780.441.4386 Fax: 780.428.9683 Email: dbieganeke@dcllp.com	File # 204-219113 DUNCAN CRAIG LLP LAWYERS MEDIATORS 2800 Rice Howard Place 10060 Jasper Avenue Edmonton, Alberta T5J 3V9
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DATE ON WHICH ORDER PRONOUNCED: MAY 15, 2026

NAME OF JUSTICE WHO MADE THIS ORDER: G.S. DUNLOP

LOCATION OF HEARING: EDMONTON, ALBERTA

UPON THE APPLICATION of KMC Mining Corporation ("**KMC**") for an Order sealing (i) **Exhibit "I"** of the Affidavit of Daniel Klemke sworn December 6, 2024 ("**Dec 6 Affidavit**") in Court Action #24-3162620 ("**NOI Proceedings**", which were taken up and continued in these CCAA proceedings), and (ii) the Confidential Supplementary Affidavit of Bryn Jones sworn April 7, 2025 (the "**Confidential Affidavit**"); **AND UPON** noting the Sealing Orders granted in these proceedings on January 10, 2025 and April 17, 2025 (and the extension of the same granted November 28, 2025); **AND UPON** noting the Confidential Supplement to the Monitor's Seventh report dated May 2026 ("**Confidential Monitor's Supplement – May 2026**"); **AND UPON** HAVING READ the aforementioned materials, and the Affidavit of Service; **AND UPON** HEARING the submissions of counsel for KMC and any other affected parties that may be present; **IT IS HEREBY ORDERED THAT AND DECLARED THAT:**

1. Service of the notice of application for this Order is hereby deemed good and sufficient and this application is properly returnable as of the date of this Order.
2. The Confidential Monitor's Supplement – May 2026 shall be sealed on the Court file until **June 30, 2027** (unless extended by further Order of this Court), notwithstanding Division 4 of Part 6 of the Alberta *Rules of Court*.

3. The following shall remain sealed on the Court files until **June 30, 2027** (unless extended by further Order of this Court), notwithstanding Division 4 of Part 6 of the Alberta *Rules of Court*:
 - (a) Exhibit "I" of the Dec 6 Affidavit (in the NOI Proceedings); and
 - (b) the Confidential Affidavit.
4. The Clerk of the Court shall keep the materials in a sealed envelope that sets out the style of cause of these proceedings and states that:

THIS ENVELOPE CONTAINS CONFIDENTIAL MATERIALS FILED BY KMC MINING CORPORATION AND THE CONFIDENTIAL MATERIALS ARE SEALED PURSUANT TO AN ORDER ISSUED JUSTICE DUNLOP ON MAY 15, 2026 IN COURT FILE 2503 00016 UNTIL JUNE 30, 2027 (OR AS MAY BE FURTHER EXTENDED BY ORDER OF THIS COURT).
5. This Order may also be filed within the NOI Proceedings.

Justice of the Court of King's Bench of Alberta