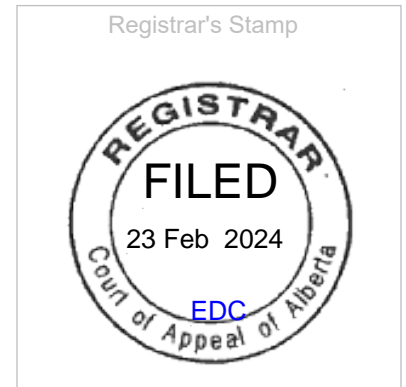


COURT OF APPEAL OF ALBERTA

Form AP-1
[Rule 14.8 and 14.12]

COURT OF APPEAL FILE NUMBER: 2401-0040AC
TRIAL COURT FILE NUMBER: B301-037330/B301-037334/
B301-037338/ B301-037340
REGISTRY OFFICE: Calgary
PLAINTIFF/APPLICANT: RAZOR ENERGY CORP.
STATUS ON APPEAL: Respondent
DEFENDANT/RESPONDENT: CONIFER ENERGY INC.
STATUS ON APPEAL: Appellant



DOCUMENT: **CIVIL NOTICE OF APPEAL**

APPELLANT'S ADDRESS FOR SERVICE AND CONTACT INFORMATION: BENNETT JONES LLP
Barristers & Solicitors
4500 Bankers Hall East, 855 - 2nd Street SW
Calgary, AB T2P 4K7

Attn: Keely Cameron & Sarah Aaron

Phone: (403) 298- 3324/ 298-3177

Fax: (403) 265-7219

Email: cameronk@bennettjones.com / aarons@bennettjones.com

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: February 19, 2024

Date Entered: February 21, 2024

Date Served: February 21, 2024

Official neutral citation of reasons for decision, if any: (do not attach copy)

N/A

(Attach a copy of order or judgment: Rule 14.12(3). If a copy is not attached, indicate under item 14 and file a copy as soon as possible: Rule 14.18(2).)

2. Indicate where the matter originated:

Court of King's Bench

Judicial Centre:

Calgary

Justice:

Honourable Justice Michael J. Lema

On appeal from a King's Bench Applications Judge or a Justice of the Court of Justice? Yes No

Official neutral citation of reasons for decision, if any, of the Applications Judge or the Justice of the Court of Justice: (do not attach copy)

Blade Energy Services Corp (Re), 2024 ABKB 100

(If originating from an order of a King's Bench Applications Judge or a Justice of the Court of Justice, a copy of that order is also required: Rule 14.18(1)(c).)

Board, Tribunal or Professional Discipline Body

Specify Body:

3. Details of Permission to Appeal, if required (Rules 14.5 and 14.12(3)(a)):

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)):

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:

This Civil Notice of Appeal relates to Conifer Energy Inc.'s ("Conifer") right to appeal arising under sections 193(a) and (c) of the Bankruptcy and Insolvency Act, RSC 1985, c B-3 (the "BIA"). A brief description of the issues is set out below.

1. The Court erred in law in interpretation and application of section 69(1)(a) of the BIA, in particular in holding that Conifer's disconnection of Razor Energy Corp. ("Razor") from the Judy Creek Gas Conservation Plant (the "Plant"):
 - a. finding that the disconnection was a collection step;
 - b. finding that the disconnection was an ongoing remedy;
 - c. constituted a remedy or other proceeding; and
 - d. was captured by the stay provided for under section 69 of the BIA.
2. The Court erred in determining that subsection 69(2) of the BIA did not apply.

6. Provide a brief description of the relief claimed:

The Appellants respectfully request the following relief:

1. That this appeal be granted;
2. This Honourable Court declare that the disconnection did not breach section 69 of the BIA and Conifer is not obligated to restore access in the absence of compliance with the Agreement;
3. Costs of this appeal; and
4. Such further and other relief as this Honourable Court may deem just.

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

Yes No

8. Does this appeal involve custody, access, guardianship, parenting time, decision-making responsibility, contact or support in respect of a child? (Rule 14.14(2)(b))

Yes No

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

Yes No

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

Yes No

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

Yes 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 No

If yes, provide details

(Attach a copy of any order.)

13. List respondent(s) or counsel for the respondent(s), with contact information:

McCARTHY TETRAULT LLP, Counsel for Razor Energy Corp.
Suite 4000, 421 - 7th Avenue SW
Calgary, Alberta T2P 4K9

Attn: Sean Collins/Pantelis Kyriakakis

Phone: (403) 260-3531 / (403) 260-3536

Fax: (403) 260-3501

Email: scollins@mccarthy.ca / pkyriakakis@mccarthy.ca

BLAKE, CASSEL AND GRAYDON LLP, Counsel for FTI Consulting Canada Inc. (the Proposal Trustee)
Suite 3500, Bankers Hall East, 855 - 2nd Street SW
Calgary, AB T2P 4K7

Attn: Kelly Bourassa

Phone: (403) 260-9697

Fax: (403) 260-9700

Email: kelly.bourassa@blakes.com

FASKEN MARTINEAU DUMOULIN LLP, Counsel for Arena Investors LP
Suite 3400, 350 7 Avenue SW
Calgary, Alberta T2P 3N9

Attn: Jessica Cameron

Phone: (403) 261-0468

Fax: (403) 261 5351

Email: jcameron@fasken.com

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 (check as applicable)

- Order or judgment under appeal if available (not reasons for decision) (Rule 14.12(3))
- Earlier order of Applications Judge, 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.